

THE ROLE OF THE UNIVERSITY OF TEXAS IN THE  
IMPEACHMENT OF JAMES FERGUSON, 1915-1917

THESIS

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## PREFACE

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## CHAPTER I

### FERGUSON'S IMPEACHMENT

The storm that broke over Texas politics in the summer of 1917 has not received a full and unbiased presentation in the general histories of the state. The textbook histories, with justification, treat the removal of Governor James E. Ferguson as a curious anomaly in state government. Prior to Ferguson's impeachment, six American governors had been officially removed from office by impeachment, and, of these, five were Southern Reconstruction governors.<sup>1</sup> Since 1917, only two state governors, J. C. Walton of Oklahoma (1923) and Henry S. Johnston of Oklahoma (1929), were successfully prosecuted. To the present, Ferguson's impeachment and conviction remains the only such case against a high state official in the history of Texas.<sup>2</sup> Yet, concerning this singular and impressive

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<sup>1</sup>Cortez A. M. Ewing, "The Impeachment of James E. Ferguson," Political Science Quarterly, XLVIII (June, 1933), 184. In 1913, Governor Sulzer was impeached and convicted by the New York Legislature. The method and procedure of that impeachment seems to have had no effect upon the participants in the Ferguson case.

<sup>2</sup>Wilbourn E. Benton, Texas, Its Government and Politics (2nd.; Englewood Cliffs, New Jersey: Prentice-Hall, 1966), p. 221.

event, the histories of the state are amazingly vague. They indicate Ferguson's impeachment was the result of a spontaneous reaction by the people of Texas to the once popular governor. The turbulent battles between the Governor and the University of Texas are acknowledged by Texas historians Rupert Richardson and Ralph Steen, both products of the University, but they characterize the fight between Ferguson and the University as being "eclipsed" or "overshadowed" by the movement to impeach the Governor.<sup>3</sup> A detailed look at the events between 1915 and 1917 reveals that the Ferguson-University imbroglio was not replaced by a movement to impeach the governor, but that the Ferguson-University confrontation was the impeachment movement, and that this movement, far from spontaneous, was the result of well-planned activities designed by supporters of the University to undo the chief executive. This view is more clearly expressed in numerous articles covering the Ferguson affair; furthermore, articles which were published closer to the impeachment in 1917 are stronger in their emphasis of the University's role.

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<sup>3</sup>Rupert Richardson, Texas: The Lone Star State (2nd ed.; Englewood Cliffs, New Jersey: Prentice-Hall, 1958), p. 293; Ralph W. Steen, History of Texas (Austin, Texas: The Steck Company, 1939), p. 388.

In the mid-1950's, Ralph Steen produced the most scholarly article on the Ferguson-University controversy. With far greater space allowed for the subject than in his previous volume, History of Texas, Steen comes close to the truth by giving credit to the University Ex-Students' Association's efforts to build up opposition to the Governor but implies that the actions of Ferguson, alone, aroused the unfavorable public response that led to his removal.<sup>4</sup> In 1942, the most candid personal account of the Ferguson affair appeared. John Lomax's "Governor Ferguson and the University of Texas" catalogues the efforts of Will C. Hogg, Chester Terrell, George W. Brackenridge, E. E. Bewley, R. L. Batts, and other outstanding Texans to combat the menace to the University.<sup>5</sup> Over ten years earlier, Cortez Ewing, in an article published by the Political Science Quarterly, states bluntly:

The final collapse of Ferguson resulted from his policy toward the state university. Being a self-made man, who had not experienced the benefits or damages of higher education, he naturally entertained some doubts as to its ultimate importance.<sup>6</sup>

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<sup>4</sup>Ralph W. Steen, "The Ferguson War on the University of Texas," Southwestern Social Science Quarterly, XXV (March, 1955), 361.

<sup>5</sup>John A. Lomax, "Governor Ferguson and The University of Texas," Southwest Review, XXVIII (Autumn, 1942), 11-29.

<sup>6</sup>Ewing, "The Impeachment of James E. Ferguson," 185.

Finally, in an article contemporary to the event, H. G. James, Professor of Government at the University, points out that

. . . the whole fight from start to finish was recognized throughout the state as being fundamentally based on the attempt of the governor to ruin the University by bringing it under his personal and political domination. The friends of the University so recognized it and took up the challenge in a firm, courageous, and effective way.<sup>7</sup>

The purpose of this thesis is to outline the actions of the "friends" of the University in their effort to protect the University of Texas. While Ferguson called for the removal of faculty members, gagged University regents, and threatened to close down the University, the institution's forces, its faculty, students, alumni, and interested citizens, set out to defend and secure the reputation of the University. Several fundamental questions arise out of this study. For instance, how did the clash between the chief executive and the major state supported school begin and why did it continue after the results proved so detrimental to both sides? Was Ferguson justified in any of his complaints against the University? And, how could a relatively small body of concerned citizens effect the politics of state government? At another, more general

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<sup>7</sup>H. G. James, "The Removal of Governor Ferguson of Texas by Impeachment," National Municipal Review, VI (November, 1917), 726.

level: What are the limitations of the state in directing policies for public education? What restrictions, if any, are necessary for university professors employed by the state if they wish to take an active role in politics? And, finally, there is the question of motive. The reason for the actions of the University is clear enough; the University's life seemed to be at stake. But what persuaded Ferguson to pursue his course even to the point of risking removal from office?

Nevertheless, the anti-Ferguson campaign carried on by the Ex-Students' Association, and other related groups, was singly the most important force in securing Ferguson's removal. A cursory look at Ferguson's career and the impeachment proceedings will clarify the importance of the University's role.

Few Texans had heard of Jim Ferguson before he ran for governor in 1914. His father, a Methodist minister who settled in Bell County, died when Jim was only five years of age. Although the family had little money, Jim earned enough by the age of fourteen to enter Salado College. His formal education consisted of a peculiar mixture of Ray's arithmetic, McGuffey's readers, Cicero, and Virgil. He might have completed his studies at the college had it not been for his obstinate character. After two years of work at the college, he was expelled for

refusing to chop firewood as his teacher requested. Not only was he unwilling to do the job, but he refused to apologize to the teacher for his behavior.<sup>8</sup> With his college career cut short, Jim began to travel, working at any odd job to come along. He worked on ranches and railroads, in hotels and lumber fields and traveled through California, Nevada, Colorado, and the Washington Territory. He returned to Texas and, after studying law in his spare time, was admitted to the bar in 1897.<sup>9</sup> In 1899, he married Miriam A. Wallace. When a fire destroyed his law library in 1904, he took the \$2,000 insurance money and part of his wife's inheritance and founded the Belton Loan and Trust Company. Two years later he and Miriam moved to a large Victorian home in Temple, where Ferguson set up the Temple State Bank.<sup>10</sup>

In 1914, at the age of forty-two, with no previous experience in public office, Ferguson declared himself a candidate for the Democratic nomination to the governor's

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<sup>8</sup>James T. DeShields, The Fergusons, "Jim and Ma": The Stormy Petrels in Texas Politics (Dallas, Texas: Clyde C. Cockrell Company, 1942), pp. 6-9; Ouida Ferguson Nalle, The Fergusons of Texas or "Two Governors for the Price of One." A Biography of James Edward Ferguson and His Wife, Miriam Amanda Ferguson, Ex-Governors of the State of Texas (San Antonio, Texas: The Naylor Company, 1946), pp. 12-13. (Hereinafter referred as: DeShields, The Fergusons and Nalle, The Fergusons of Texas.)

<sup>9</sup>DeShields, The Fergusons, pp. 9-10.

<sup>10</sup>Nalle, The Fergusons of Texas, pp. 46-50.

chair. According to his biographer, Ferguson felt a ". . . deep under-tone of the restlessness and dissatisfaction on the part of the masses. . . ." <sup>11</sup> This restlessness and dissatisfaction, argued Ferguson throughout his campaign, was the result of a pernicious landlord system that had arisen in the state. By emphasizing the plight of the tenant-farmer, Ferguson appealed to the common folk of the rural areas and ignored the question of prohibition which had dominated Texas politics down to the 1914 election. <sup>12</sup> The state Democratic platform in 1914, written by Ferguson, stated that if he were elected he would veto any legislation, "pro" or "anti," concerning the regulation of the liquor traffic. This "neutral" attitude, however, made Ferguson the champion of anti-prohibitionists, who feared losing further ground to the prohibitionists. Indeed, Ferguson's campaign seemed to attract dissident and dissatisfied elements; conversely, members of the upper class scoffed at Ferguson's candidacy. <sup>13</sup>

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<sup>11</sup> DeShields, The Fergusons, p. 12.

<sup>12</sup> Charles W. Holman, "'Governor Jim' of Texas," Harper's Weekly, September 18, 1915, pp. 279-80.

<sup>13</sup> Norman G. Kittrell, Governors Who Have Been, and Other Public Men of Texas (Houston, Texas: Dealy-Adey-Elgin Company, 1921), pp. 128-29.

In all, Ferguson's campaign platform was a progressive document. In it, he outlined his plans to fix a maximum rent to be collected on all rented agricultural lands in the state. He called for laws to establish an easy credit system for prospective home owners, laws to prohibit "pools, combines, and trusts," laws to grant equal salaries to women employed in state or public positions. Nor did the platform ignore public education: "We recommend that liberal appropriations for education purposes be made by the legislature until the educational institutions of Texas rank with those of any other State in the Union."<sup>14</sup> In keeping with the general tone of the document, rural, agrarian interests were emphasized with regard to education:

To the end that the boys and girls in the country may have advantages equal to those enjoyed by the children in the cities and towns, we demand the immediate improvement of the country schools, including efficient professional, nonpolitical supervision, and the establishment of properly equipped rural high schools giving agriculture and other courses of study adapted to the needs of farming communities.<sup>15</sup>

Although Ferguson labeled himself a progressive and supported President Wilson, he was not a representative of

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<sup>14</sup>Ernest W. Winkler, ed., Platforms of Political Parties in Texas (Austin, Texas: Bulletin of the University of Texas, No. 53, University of Texas Press, 1916), p. 609.

<sup>15</sup>Ibid., pp. 609-10.

middle-class progressivism that previous Texas governors such as James S. Hogg and Charles Culberson were.<sup>16</sup>

Ferguson's progressivism was of a populist brand, tempered with Southern demagoguery, conservative economics, and doggerel poetry. While he successfully pushed through the Thirty-Fourth Legislature his bill to reduce tenant rent,<sup>17</sup> he opposed reduction of railroad rates.<sup>18</sup> He favored reform of the state penitentiary system but never mentioned civil service reform, adoption of the merit system, in any of his (or later his wife's) messages to the legislature.<sup>19</sup> He opposed with equal vigor Darwinian evolutionists, Jews, and the Ku Klux Klan.<sup>20</sup>

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<sup>16</sup> Arthur S. Link, "The Progressive Movement in the South, 1870-1914," North Carolina Historical Review, XXIII (April, 1946), 180.

<sup>17</sup> DeShields, The Fergusons, p. 18.

<sup>18</sup> Nalle, The Fergusons of Texas, p. 67.

<sup>19</sup> Frank M. Stewart, "The Civil Service Problem in Texas," Good Government, XLVI (October, 1929).

<sup>20</sup> James E. Ferguson, Campaign Speech, given at Sulphur Springs, Texas, May 22, 1926, University of Texas, Archives, Eugene C. Barker Texas History Center (The Barker Texas History Center will hereinafter be referred to as BTHC); Fergusonism Down to Date: A Record of Political Pillage That Is a Challenge to Every Honest Texan (n.p., n.d.), p. 32. One critic has pointed out, however, that Ferguson triumphed over the Klan because he "out-kukluxed Ku Kluxism." Ferguson constantly announced to his campaign audiences that "Grand Gizzard," Hiram Evans, traveled about the state with "a big buck nigger" who slept in the same Pullman car with Evans. He then asked Klan members if they still wanted to follow their "nigger-loving boss." See: Charles W. Ferguson, "James E. Ferguson," Southwest Review, X (October, 1924), 30-31.

Despite, or perhaps because of, Ferguson's outspokenness, he was popular at the polls and won easily over his opponents in November, 1914. He received 176,599 votes; a Socialist candidate received 24,977 while the Republican aspirant totaled only 11,411.<sup>21</sup> Ferguson's victory in 1916, when he ran for reelection, was even greater; he defeated three other candidates combined by a near 5 to 1 majority.<sup>22</sup> Yet, Ferguson had met stiff opposition in the Democratic primary in 1916. The other candidate, Charles H. Morris, an East Texas banker, launched an active campaign directed at what he called the weaknesses of Ferguson's first term. Morris hinted at fiscal irresponsibility, charging that Ferguson had mishandled or misappropriated state funds. Furthermore, Morris claimed the Governor had charged the state for groceries delivered to the executive mansion and had accepted \$30,000 from a Houston brewery to cover the cost of his first campaign.<sup>23</sup>

Throughout Ferguson's second term of office rumors of embezzlement circulated through Austin. On

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<sup>21</sup>Texas Almanac, 1970-71, p. 533.

<sup>22</sup>Ibid.

<sup>23</sup>Jack E. Keever, "Jim Ferguson and the Press, 1913-1917" (unpublished M.A. thesis, University of Texas, 1965), pp. 67-69.

July 21, 1917, Ferguson was indicted by the Travis County grand jury on nine charges, primarily dealing with the misapplication of state funds.<sup>24</sup> Within two days, O. F. Fuller, Speaker of the Texas House of Representatives, called, with questionable legality, a special session of the Legislature to initiate impeachment proceedings against the Governor.<sup>25</sup> The House passed twenty-one articles of impeachment against the Governor.<sup>26</sup> The Senate, acting as a court of impeachment, sustained ten of the charges and by late September voted twenty-five to three to remove Ferguson from the governor's chair.<sup>27</sup> The articles sustained by the Senate Court can be summarized best in the following list:

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<sup>24</sup>Richard H. Luthin, American Demagogues: Twentieth Century (Gloucester, Massachusetts: Peter Smith, 1959), p. 162.

<sup>25</sup>Letter, O. F. Fuller to the Members of the House of Representatives, July 23, 1917, University of Texas, BTHC, Will C. Hogg Papers.

<sup>26</sup>For the official list of the impeachment articles reviewed by the Senate see: Senate Court of Impeachment, Record of Proceedings of the High Court of Impeachment on the Trial of Hon. James E. Ferguson, Governor. Before the Senate of the State of Texas, pursuant to the State Constitution and Rules provided by the Senate during the Second and Third called sessions of the 35th Legislature (Austin, Texas: A. C. Baldwin and Sons for the Texas Legislature, 1917), pp. 11-26. (Hereinafter referred to as Record of Proceedings.)

<sup>27</sup>Austin American, September 23, 1917, and September 26, 1917.

1. That a personal note of the Governor had been paid from funds belonging to the Canyon City Normal School.
2. That Ferguson had used state funds for his own benefit by placing the money of the Canyon City Normal School on deposit without interest in banks in which he had a personal interest.
3. That the Governor had deposited \$60,000 in state funds in the Temple State Bank without interest, and that he was a large stockholder in the bank.
4. That there was deposited in the American National Bank of Austin \$250,000 in state funds at interest to the credit of the Temple State Bank.
5. That the Governor had received from a secret source currency in the amount of about \$156,500 and that he had refused to account for this money.
6. That the Governor diverted funds of the Adjutant General's department to the fund of the Canyon City Normal School.
7. That the Governor induced the officers of the Temple State Bank to lend him money far in excess of the amount authorized by law.
8. That the Governor had sought to have removed certain members of the University faculty solely because he desired their removal.
9. That the Governor had sought to remove members of the University Board of Regents solely because they did not cast their votes in accordance with his dictation.
10. That the Governor remitted a bond of \$5,000 to a member of the University Board of Regents for the purpose of influencing his action.<sup>28</sup>

Ferguson stated that his trial before the Senate was unfair, that the senators were a biased jury, and that, as governor, he had not received the same rights that were guaranteed to a common "negro boot-legger."<sup>29</sup>

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<sup>28</sup>Paraphrased slightly from: Ralph W. Steen, ed., The Texas News: A Miscellany of Texas History in Newspaper Style (Austin, Texas: The Steck Company, 1955), p. 153.

<sup>29</sup>Senate Court of Impeachment, Record of Proceedings, pp. 733-34.

The lawyers of the Senate, according to Ferguson, had not presented an accurate description of the crimes he had allegedly committed. He argued that the office of the governor, as recognized by the courts, was nothing more than private property, and that because of the vague nature of the Texas Constitution in the matter of impeachment,<sup>30</sup> he was being deprived of his property without due process of law.<sup>31</sup> At a more practical level, Ferguson tried to show that the records of his bank accounts did not tell the whole story, that his deposits of state funds were made out of expediency, or that he had done nothing irregular--nothing that any past governor had not also done.<sup>32</sup>

At first glance, Ferguson appears to have been impeached mainly for his mishandling or mismanaging state money. Seven of the ten charges dealt with economic irregularities. Oddly, the Senate court of impeachment in September, 1917, sustained those charges of economic misconduct after a House of Representatives' investigating committee in March, 1917, found the same charges did not

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<sup>30</sup>For special legal aspects of the impeachment case see Frank M. Stewart, "Impeachment in Texas," American Political Science Review, XXIV (August, 1930), 653-58.

<sup>31</sup>Senate Court of Impeachment, Record of Proceedings, p. 734.

<sup>32</sup>Ibid., pp. 17-24, 360-70, and 736-43.

constitute sufficient grounds for impeachment proceedings.<sup>33</sup> The committee had found the charges accurate but not grave. Furthermore, Ferguson never faced trial for the similar charges made by the Travis County grand jury. The November trial was never held because the grand jury dismissed all charges against him. The district attorney, who asked for the dismissal, indicated that the indictments were not sufficient to warrant conviction. The major problems of the case were said to include:

. . . lack of venue in the Austin courts, a variance in the facts sworn to in the indictments and those held by the district attorney, the ambiguous position of the governor's rights regarding the deposit of state monies, and the fact that Ferguson had not personally committed one of the alleged illegalities.<sup>34</sup>

These facts demonstrate the greater importance of the final three impeachment charges sustained by the Senate. Ferguson's relationship with the University was the key to the impeachment drama. Furthermore, article

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<sup>33</sup>Proceedings of Investigation Committee, House of Representatives, Thirty-Fifth Legislature. Charges Against Governor James E. Ferguson (Austin, Texas: A. C. Baldwin, n.d.), pp. iii-v; James, "The Removal of Governor Ferguson of Texas by Impeachment," 725; [Eugene C. Barker], Ferguson's War on the University of Texas, A Chronological Outline, January 12, 1915 to July 31, 1917, Inclusive (Austin, Texas: Ex-Students' Association, n.d.), p. 20. (Hereinafter referred to as [Barker], Ferguson's War on the University.)

<sup>34</sup>Jack L. Calbert, "James Edward and Miriam Amanda Ferguson," (unpublished Ph.D. dissertation, University of Indiana at Bloomington, 1968), p. 49.

fifteen of the House's original twenty-one charges condemned the Governor for his veto of the appropriations for the University. Although the state constitution required the state government to provide for the maintenance and support of the University,<sup>35</sup> in June, 1917, Ferguson had vetoed all major appropriations for the University because it did not have "a proper president."<sup>36</sup> The Senate did not sustain article fifteen, and, alone, the Governor's veto would not have brought the impeachment proceedings. But if Ferguson had approved the University's appropriations and had not meddled in the affairs of its Board of Regents, his other offenses would never have become known or, at least, would never have brought his prosecution.<sup>37</sup> Ferguson, more than anyone, realized that fact.

In his final plea before the Senate court, after summarizing his defense of his administration's economic policies, Ferguson announced that the University question was the only question in the entire controversy.<sup>38</sup> His explanation deserves a full hearing:

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<sup>35</sup>Texas Const. art. 7, sec. 10 (1876).

<sup>36</sup>Austin American, June 3, 1917.

<sup>37</sup>Steen, "The Ferguson War on the University of Texas," 361; Richardson, Texas: The Lone Star State, p. 292.

<sup>38</sup>Senate Court of Impeachment, Record of Proceedings, p. 740.

Your vote to impeach me as Governor of this State, and when you go home you have got to be honest enough to tell the people that the big issue involved was the University, and the Governor said he wanted to give three dollars to the country schools and to the high schools of the country, to one dollar to the University, because I disagreed with him, I voted to impeach him, . . . Oh, but you say that that was not the trouble! I will prove it, I will prove that that was the only issue, and that that is where the trouble started, . . .

. . . when I came to Austin, elected on that platform for liberal appropriations for the University, and when I had approved that appropriation for \$711,000 a year, nearly twice as much as any Governor had ever approved for the University, the people of Austin thought I was the biggest man that ever sat in the Governor's chair, . . . but when in the exercise of my duty as Governor I said I wanted to know "What are you doing with this money, what are you going to do with it, and what have you got to say? Why are you giving \$300 to the University student, and only fifteen dollars--seven and a half dollars for the boy in the country?" Then they begin to revolt, . . . And that is why I stand before you today, like Daniel in the lion's den, with those people clamoring for my destruction, because I have raised my voice in behalf of a million and a quarter school children in Texas!<sup>39</sup>

The University question had reached a crisis in June, 1917, but the problems between Ferguson and the University had begun as early as the winter of 1915, at the beginning of Ferguson's first term in office.

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<sup>39</sup>Ibid., pp. 742-43.

## CHAPTER II

### "THE BEAR FIGHT"

By the second decade of the twentieth century, the University of Texas had grown considerably since the school's opening in 1883. The University had evolved from an original eight man faculty to a staff of 465 in 1917. Enrollment had increased from 211 in 1883 to 2,619 students.<sup>1</sup> In its earliest years, the University's annual income totaled about \$25,000; the 1916-1917 sum reached nearly \$884,000.<sup>2</sup> While touring the campus, Charles W. Eliot, president of Harvard, ranked the University among the leading state universities.<sup>3</sup> The University, however, was not without its problems.

These problems were outlined by the University's President, S. E. Mezes, in December, 1914, just prior to his departure from the campus to assume the presidency of

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<sup>1</sup>Walter P. Webb, et al., eds., The Handbook of Texas, II (Austin: The Texas State Historical Association, 1952), 822; Reports of Subcommittees of the Central Investigating Committees of the House and Senate, Third Called Session of the Thirty-Fifth Legislature of Texas, Including Audits, Ed Westbrook, Chairman of Senate Central Committee and W. M. Fly, Chairman of House Central Executive Legislature (Austin: Von Boeckmann-Jones Company, n.d.), p. 708.

<sup>2</sup>Ibid., p. 705.

<sup>3</sup>Stark Young, "A Texas Pogrom," The New Republic, XII (August 11, 1917), 45.

New York City College.<sup>4</sup> Mezes stressed the difficulty in maintaining a superior faculty and furnishing faculty members with an environment conducive to productivity: "A university cannot get the best service from its professors and other officers by regimenting them. It cannot get the best service by treating them as mere employees, subject to orders, . . ."<sup>5</sup> Mezes also pleaded with the Legislature to appropriate \$1,700,000 for new instructional and dormitory buildings.<sup>6</sup> Finally, Mezes pointed out a serious legal problem: the University of Texas and the Agricultural and Mechanical College were, for all practical purposes, independent and autonomous institutions, but the state constitution declared that Texas A. and M. constituted a branch of the University of Texas.<sup>7</sup> This situation produced a duplication of services and petty bickering between the two institutions over their respective shares of state money. Mezes maintained that the University of Texas Board of Regents should also be the ruling body of the Agricultural

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<sup>4</sup>S. E. Mezes, "The Future of the University of Texas: Its Duties, Opportunities, and Prospects. A Final Message to the Board of Regents" (Austin: Rein and Sons, December, 1914). (Hereinafter referred to as Mezes, "The Future of the University of Texas.")

<sup>5</sup>Ibid., p. 5.

<sup>6</sup>Ibid., p. 9.

<sup>7</sup>Texas Const. art. 7, sec. 13 (1876).

and Mechanical College.<sup>8</sup> Ironically, the major problem faced by the University in 1915, the problem that initiated the first official confrontation between the University and Ferguson, was precipitated by Mezes' decision to resign from the presidency.

With Mezes' sudden resignation in the spring of 1915, Dr. W. J. Battle became temporary president. Battle, formerly Professor of Greek, had no time to prepare an itemized budget for the institution so he submitted to the Legislature the budget for the previous biennium with the stipulation that the University could make changes in its budget as the needs arose. The Governor expressed some misgivings, but signed the appropriation bill. The changes that Battle later made became the basis of a bitter dispute between him and the Governor. Ferguson informed the University's Board of Regents that Battle was not qualified to be the school's president. He asked that an auditor make an investigation of the University's books, but the investigation produced only minor irregularities. Battle, who had been assured by the regents that he would be elected president, asked that he not be considered for the permanent position.<sup>9</sup> At this same time, Ferguson encountered

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<sup>8</sup>Mezes, "The Future of the University of Texas, p. 20.

<sup>9</sup>Steen, "The Ferguson War on the University of Texas," 356-57.

opposition from another University professor. This episode foreshadowed the tone and manner of Ferguson's later relations with the University faculty.

Ferguson, early in his first term, tried to manipulate the appointment of a new State Librarian. He informed University Professor Eugene C. Barker, then Chairman of the State Library and Historical Commission, that he wanted a meeting of the board to be called immediately.<sup>10</sup> Through W. F. Doughty, State Superintendent of Education and friend of the Governor, Barker learned that the Governor wished the board to make A. F. Cunningham the new State Librarian. Cunningham, a Presbyterian minister from Temple, Texas, had aided Ferguson in his last campaign. Barker became concerned over Cunningham's qualifications. Fearing that the minister's appointment might be strictly for political reasons, the University professor took action to avoid the selection of an inferior man to the post.<sup>11</sup>

On February 19, Barker sent a four page letter to Cunningham; a copy of the letter was sent also to Ferguson. Barker began by stating that he was "frankly, in the hope

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<sup>10</sup>Letter, J. E. Ferguson to E. C. Barker, February 15, 1915, University of Texas Archives, BTHC, E. C. Barker Papers.

<sup>11</sup>The following account largely is taken from the Eugene C. Barker Papers, January to July, 1915. See also William C. Pool, Eugene C. Barker, Historian (Austin, Texas: State Historical Association, 1971), pp. 70-73.

of dissuading you [Cunningham] from accepting the position, . . ."<sup>12</sup> He pointed out that the Texas State Librarian must have specialized training in history, he must be able to read the Spanish language, he must have knowledge of bibliography of current social and political problems, and finally, he must have a good general knowledge of existing libraries in the United States and Mexico. Barker noted that the present State Librarian, E. W. Winkler, not only met the criteria above but had also served in that position for over six years. Barker plainly stated that the Governor was bringing undue pressure to bear upon the Commission. He concluded:

You can see, of course, very readily that your election by the present Commission cannot by any means be considered a free election. The fact that four members of the Commission remain the same as for the past four years can only mean if you are elected that two of those members are voting against their better judgment in deference to the Governor's wishes.

I have discussed this matter freely with Governor Ferguson, and I understand and appreciate his feeling of obligation to you. Any man must honor him for his loyalty to his friends. As the game of politics is played, no blame attaches to Governor Ferguson for rewarding his friends with political position; but Governor Ferguson knows, as does every intelligent citizen, that as a matter of fact public service frequently suffers from this practice of paying debts of gratitude by political patronage.

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<sup>12</sup>Letter, E. C. Barker to A. F. Cunningham, February 19, 1915, University of Texas Archives, BTHC, E. C. Barker Papers.

If you refuse to accept this position, I am not sure that Governor Ferguson would be willing for Mr. Winkler to continue holding the place, but I am sure that it would be the act of a patriotic, high-minded citizen for you to exert what influence you have to induce him to allow Mr. Winkler to continue.<sup>13</sup>

Cunningham ignored Barker's letter, but the Governor answered with this terse reply:

. . . Just to keep the record straight, I want to say that I only consented for you to write Mr. Cunningham the legal qualifications for Librarian. I regard your letter to him an insult to him and me both. As you have entered into a long discussion of politics in the letter, I hope you will not hereafter complain if your wishes are not carried out.<sup>14</sup>

On February 20, the Library and Historical Commission met. Commission woman J. G. McKay<sup>15</sup> nominated Cunningham for the position of State Librarian. Mrs. McKay stated that Cunningham had "supported the governor during the recent campaign by writing a letter in defense of the governor against the attacks of the ministers in the state, and that 'we all' feel very grateful to him,

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<sup>13</sup>Ibid.

<sup>14</sup>Letter, J. E. Ferguson to E. C. Barker, February 20, 1915, University of Texas Archives, BTHC, E. C. Barker Papers.

<sup>15</sup>Mrs. J. G. McKay had recently been appointed to the Commission by Ferguson. Her husband served as Ferguson's Secretary of State. Mrs. McKay fully supported the Governor until he announced that he would give a prize to the first woman in the state to have triplets after his inauguration. Mrs. McKay was an important figure in the Birth Control League of Texas; see Nalle, The Fergusons of Texas, pp. 86-87.

and want him to have this place."<sup>16</sup> Dr. Barker nominated Winkler and pointed out to the commission, and later to the Governor,<sup>17</sup> that the law required the State Librarian to be an experienced man. Mrs. McKay said she was willing to violate that law in order to appoint Cunningham.<sup>18</sup>

The Commission decided to postpone the vote concerning the Librarian's office until the next meeting in order to review Cunningham's qualifications. At the March meeting, a letter was read from Cunningham. He stated that he was a Presbyterian minister, thirty-eight years of age, and held a B.D. from a theological seminary in Kentucky. He answered Barker's criticisms in the following manner:

I studied Latin, Greek, and Hebrew--dead languages it is true--but of much importance: I could even learn Spanish I suppose, if it were necessary. A Spanish paper comes to my desk, which I find I can get the sense of because of the similarity of Spanish to Latin. It is true that I have never been a professor of history, but I remember that I served as a substitute to the teacher of history during my college course. It is true also that I have had no training in library work, but I have in my own library a thousand volumes which are catalogued,

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<sup>16</sup>E. C. Barker, personal notes taken from February 20, 1915, Meeting of the Texas Library and Historical Commission, University of Texas Archives, BTHC, E. C. Barker Papers. (Since Winkler served as the Commission's secretary, he was asked to leave the meeting while the matter was discussed. Thus, no official record of the discussion exists.)

<sup>17</sup>Letter, E. C. Barker to J. E. Ferguson, February 22, 1915, University of Texas Archives, BTHC, E. C. Barker Papers.

<sup>18</sup>E. C. Barker, Notes, February 20, 1915, University of Texas Archives, BTHC, E. C. Barker Papers.

and I have made it a practice to use the larger libraries of the north during my visits there.<sup>19</sup>

In spite of Cunningham's questionable qualifications, he was elected State Librarian. Dr. Barker resigned as Chairman, and Superintendent Doughty ascended to his position.<sup>20</sup> Ferguson did not, however, enjoy a complete victory, for Cunningham shortly informed the Commission that because his nomination had not been unanimous, he would decline the position. This did not save Winkler;<sup>21</sup> Ferguson began pushing through another friend for the post. Miriam Ferguson spread the rumor to various Austin women that several University men had gone to Temple to intimidate the Presbyterian minister and that he had become too frightened to accept the office.<sup>22</sup>

In the meantime, Ferguson's relations with University officials worsened. In April, 1916, the Board of Regents, without consulting Ferguson, unanimously elected

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<sup>19</sup>Letter, A. F. Cunningham to J. E. Ferguson, February 22, 1915, read to the Commission March 3, 1915, University of Texas Archives, BTHC, E. C. Barker Papers. The quote is a paraphrasing of the letter written by Barker and "not far from a direct quotation."

<sup>20</sup>Texas Library and Historical Commission, Minutes of the Meeting of March 3, 1915, Austin, Texas, State Library Archives.

<sup>21</sup>Winkler immediately became reference librarian and curator of Texas books at the University of Texas; see Llerena Friend, "Ernest William Winkler: A Tribute," Texas Library Journal, XXXVI (March, 1960), 6.

<sup>22</sup>Letter, E. C. Barker to A. Dienst, March 11, 1915, University of Texas Archives, BTHC, E. C. Barker Papers.

Dr. R. E. Vinson President of the University. Vinson, with a B.D. from Union Theological Seminary, Virginia, had served the previous eight years as president of the Austin Presbyterian Theological Seminary.<sup>23</sup> Shortly after his election, Vinson and Regent George W. Littlefield visited the Governor's office. Ferguson, irritated that his advice had not been sought by the Board concerning the appointment of the new president, demanded that six members of the faculty be discharged. He called for the removal of W. J. Battle, G. S. Potts, John A. Lomax, W. T. Mather, A. Caswell Ellis, and R. E. Coffey but refused to make any charges against them.<sup>24</sup> When the meeting ended, Ferguson was asked why the integrity of these men was being questioned; Ferguson answered: "I am Governor of Texas; I don't have to give reasons."<sup>25</sup>

President Vinson began a course of action that would force the Governor to "give reasons." Vinson asked the Board of Regents to initiate a full investigation of the

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<sup>23</sup>Webb, Handbook of Texas, II, 845.

<sup>24</sup>J. Evetts Haley, George Littlefield, Texan (Norman: University of Oklahoma, 1943), p. 228; [Barker], Ferguson's War on the University, p. 7; and Steen, "The Ferguson War on the University of Texas," 357.

<sup>25</sup>The incident was retold in an anti-Ferguson advertisement which appeared in the Austin American, July 27, 1917.

faculty members in question. This move infuriated Ferguson; he wrote Vinson:

In the first place, I emphatically deny that I ever indicated or intimated that I wanted to make any charges against anybody; and I told you then and there the names of the members of the faculty whom I thought objectionable, and I have not changed my mind.

I think for the future it will be better for us to remain in our respective jurisdictions, and no good purpose can be subserved [sic] by any further relations between us.<sup>26</sup>

Despite his advice to Vinson, Ferguson did not remain within his jurisdiction as governor. Two days after writing Vinson he wrote Rabbi M. Faber, one of his own appointees to the Board, to question him as to how he would vote on the removal of the faculty members:

Unless I may be assured of your full and complete cooperation, I will much appreciate your sending to me at once your resignation as a member of the Board of Regents under my appointment. . . . the time has come when I must know who is for me and who is against me.<sup>27</sup>

When Faber answered that he would vote without regard to political consequences and would not submit his resignation, the Governor replied: "I do not care to bandy words

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<sup>26</sup>Letter, J. E. Ferguson to Rabbi M. Faber, September 9, 1916, quoted in Will C. Hogg, ed., In His Own Words to Discover His Motives, The Ferguson Idea of University Control (n.p., 1917), pp. 3-4.

<sup>27</sup>Letter, J. E. Ferguson to Rabbi M. Faber, September 11, 1916, quoted in [Barker], Ferguson's War on the University, pp. 7-8.

with you further, . . . If you want to force me to remove you, . . . I shall not skirk the task."<sup>28</sup>

On October 20, the University Board of Regents began a two-day session at which the Governor and members of the faculty testified. Ferguson accused the faculty, John Lomax in particular, of maintaining fictitious traveling expense accounts,<sup>29</sup> he accused Dr. Battle of obtaining appropriations for non-existent positions,<sup>30</sup> and he complained that the Department of Journalism was "a waste of money" and pointed out that its publications often criticized his office.<sup>31</sup> Ferguson's main point was that the actions of the University since he had taken office represented ". . . the sentiment of revolt against constituted authority."<sup>32</sup> He noted critical articles which had appeared in the student newspaper, the Daily Texan. In one editorial, the newspaper commented that "Too long has

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<sup>28</sup>Senate Court of Impeachment, Record of Impeachment, p. 152.

<sup>29</sup>Investigation by the Board of Regents of the University of Texas Concerning the Conduct of Certain Members of the Faculty (Austin: University of Texas Bulletin, No. 59, 1916), 19. (Hereinafter referred to as Investigation.)

<sup>30</sup>Ibid., pp. 21-22; Texas Monthly Review, IX (July, 1917), 1.

<sup>31</sup>Investigation, 23.

<sup>32</sup>Ibid., 18.

the University of Texas been compelled to patronize Governors and Legislatures that it might do its mighty work of the good of the State and humanity."<sup>33</sup> Ferguson labeled this the product of anarchist sentiment.<sup>34</sup> This sentiment had developed, according to Ferguson, because he, as Governor, had questioned the financial practices of the University.

Ferguson then unveiled his accusations against individual employees before the investigating board. He referred to Battle, acting president while the 1915-16 appropriation bill was in question, as a Dr. Jekyll-Mr. Hyde character who, on the one hand, openly admitted to Ferguson that money was being appropriated for professors that did not exist, while he made public statements calling for the Legislature to remove all subdivisions to the University's budget so the Board of Regents would not be hampered in making necessary expenditures for the good of the University.<sup>35</sup> Ferguson complained that W. T. Mather, Professor of Physics, hired the Steck Publishing Company to print notes for his courses and required his students to buy the booklet at the University Co-operative Society.

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<sup>33</sup>Ibid., 19.

<sup>34</sup>Ibid.

<sup>35</sup>Ibid., 21 and 25-26.

According to Ferguson, Mather pocketed the profits from the venture.<sup>36</sup> Ferguson condemned Lomax, Secretary of the University and Assistant to the President (actually, Lomax's position was that of public relations man, an unheard classification at that time), for misappropriating funds for travel expenses. Ferguson cited items from the auditor's accounts showing Lomax had charged the state for trips out of the city to visit ex-students, regents, and the like. For instance, Lomax received \$30.60 in University funds for a trip to Dallas, Sherman, Bonham, and Denison to encourage ex-students to "celebrate [Texas] Independence Day." Ferguson exclaimed: "It is corruption on its face!" In another case, Lomax had charged \$85.70 for a trip to Cleveland, Ohio, to deliver a paper to the Modern Language Association. Ferguson pointed out that this was charged to "Faculty Expense" when it was well known that Lomax made trips to collect material for his book of "Cowboy Songs." Furthermore, the accounts of the auditor listed twenty to thirty such items.<sup>37</sup> Ferguson continued with similar attacks on the other faculty members in question. Ellis had encouraged extravagance in the Extension Service, Cofer had taken part in political

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<sup>36</sup>Ibid., 32-33.

<sup>37</sup>Ibid., 35.

activities against the Governor,<sup>38</sup> and Potts had worked closely with Battle on the budget program.<sup>39</sup>

The faculty members successfully defended themselves before the Board. None of the six were removed. The closest and most controversial contest, that over Battle, showed the Board in favor of retaining Battle by a five to three vote.<sup>40</sup> Regent Faber voted with the majority on each of the decisions, later stating that he regretted that Ferguson would think him disloyal, but he chose to vote according to the dictates of his conscience. Faber resigned from the Board of Regents six weeks later.<sup>41</sup>

In January, 1917, the terms of regents Will C. Hogg, Alexander Sanger, and David Harrell, all opposed to the Governor, ended.<sup>42</sup> These vacancies, plus Faber's resignation, enabled the Governor to make four new appointments and gain substantial control of the nine man board. Ferguson, however, fearing a Legislative investigation, did not resume his attack on the institution until the Legislative session ended in the spring. His fear of the Legislature was not a false one.

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<sup>38</sup>Pool, Eugene C. Barker, Historian, p. 77.

<sup>39</sup>Investigation, 21.

<sup>40</sup>Ibid., 140.

<sup>41</sup>[Barker], Ferguson's War on the University, p. 8.

<sup>42</sup>Steen, "The Ferguson War on the University of Texas," 358.

On February 8, while the Senate was considering Ferguson's new appointees to the Board of Regents, Senator O. S. Lattimore of Fort Worth proposed a resolution to investigate the University of Texas in order to "remove from the University any suspicion or distrust that may have been aroused by the recent controversy."<sup>43</sup> The wording of the resolution would indicate that the University was not to be investigated for wrong doing but that its name was simply to be vindicated. Furthermore, Lattimore charged that if Ferguson's appointees were allowed to take their seats on the Board of Regents, "heads [of University faculty] are to begin to fall thick and fast. . . ."<sup>44</sup> The Lattimore resolution was prompted by a petition the Senator had received from the Ex-Students' Association of the University of Texas. The Ex-Students' memorial to the Senate concluded:

The confidence of the people has been shaken, suspicion has been fostered where formerly there was abiding faith. In this atmosphere a university worthy of the name cannot exist--certainly it cannot exist. In the name of enlightened education in all of its branches we call upon you to ascertain, through means at your command, the truth--the whole truth--so that, when your labors ended no man may feel just doubt of the integrity and high purpose of our university in its march toward the goal set for it by the fathers.<sup>45</sup>

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<sup>43</sup>[Barker], Ferguson's War on the University, p. 11.

<sup>44</sup>Austin American, February 9, 1917.

<sup>45</sup>Ibid.

This resolution set up a three man investigating committee. The committee was not to investigate the University, but it was to consider the problems at hand and decide if an investigation of the University was merited. The committee, a week later, reported that the question whether or not an investigation should be held was so important that it could not assume the responsibility of making such a decision.<sup>46</sup> The Lattimore resolution seems to be much ado about nothing, but it is important for several reasons. First, it reveals the growing activities of the Ex-Students' Association. Second, the resolution, widely covered by the Texas press, brought the Ferguson-University imbroglio into public view. Up to February, 1917, the controversy had been largely hidden from the Texas public.<sup>47</sup> Finally, the Lattimore resolution precipitated a flurry of legislative activity, both in the House and Senate, dealing with investigations of the Governor.

Only five days after the introduction of the Lattimore resolution, Senator W. A. Johnson of Hall County called for an investigation of the Governor. Johnson charged that Ferguson had made illegal expenditures of public funds and that he had sought to dominate the governing boards of state eleemosynary and educational

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<sup>46</sup>[Barker], Ferguson's War on the University, p. 15.

<sup>47</sup>Keever, "Jim Ferguson and the Press, 1913-1917," p. 79.

institutions. Johnson declared, after some critical comments from his colleagues, that the University was in no way connected with his resolution. The Johnson resolution was tabled on the grounds that it was equivalent to the beginning of impeachment proceedings, which must begin in the House. On February 17, Representative M. M. O'Banion introduced a House resolution that incorporated the bulk of the Johnson resolution. The Governor was invited to speak before the House to defend his financial and regulatory policies. At the end of his presentation, the House tabled the O'Banion resolution, indicating that the charges embodied in the resolution looked toward impeachment proceedings and that the House could not take the time from their legislative activities to investigate the truth.<sup>48</sup>

In the meantime, the Senate considered a new resolution. Senator G. W. Dayton called for the Senate to place its stamp of approval on the actions of the Board of Regents during the October investigation of the six faculty members. This could easily be done since a record of the investigation had been published and was available to the members of the Senate. Furthermore, Dayton called for an investigation of Ferguson's three new appointees to the

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<sup>48</sup>[Barker], Ferguson's War on the University, pp. 12-17.

Board of Regents. The Senate debate over Dayton's proposals was dwarfed by a new effort in the House to investigate the Governor. Representative H. P. Davis of Van Zandt proposed numerous specific charges against the Governor, all dealing with his fiscal policies. The Davis accusations ignored the University question. The Davis resolution was passed, and a seven man committee investigated the charges. The Committee found that the facts sustained a majority of Davis' charges but stated that Ferguson's conduct deserved the severest condemnation, though it did not merit the punishment of impeachment. With this question settled in the House, the Senate passed the Dayton resolution, giving their approval to the earlier actions of the Board of Regents and approved Ferguson's list of new Board members. The Senate's action could be read as a warning to the new appointees not to overrule the previous decisions of the Board to retain the faculty members whom Ferguson had questioned.<sup>49</sup>

With the close of the special session, the Ferguson-University battle quietened, and Texans had about a week and a half to read their newspapers without further news of the subject.<sup>50</sup> But with the closing of the special

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<sup>49</sup>Ibid., pp. 17-21.

<sup>50</sup>Keever, "Jim Ferguson and the Press, 1913-1917," p. 85.

session, Ferguson had been given a powerful weapon by the Legislature to use against the University. The Thirty-Fifth Legislature passed a \$1,640,636 appropriation bill for the University, a 70 per cent increase over the previous biennium.<sup>51</sup> On May 27, the press announced that the Governor would veto the appropriations if the Board of Regents did not dismiss President Vinson, John Lomax, and three other members of the faculty.<sup>52</sup> The following day Ferguson asked the Board of Regents to meet secretly in his office. As Ferguson read a list of complaints and demands to the Board, 2,000 University students, singing "The Eyes of Texas . . .," marched around and through the capitol building carrying signs that read "Down with Kaiser Jim" and "We oppose one-man rule."<sup>53</sup> The Governor's immediate reaction to the demonstration has been obfuscated by conflicting reports; one source stated Ferguson did not say a word,<sup>54</sup> while another rumored that Ferguson told the leader of the demonstration, Student President, George

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<sup>51</sup>Austin American, April 17, 1917.

<sup>52</sup>Dallas News, May 27, 1917.

<sup>53</sup>Lomax, "Governor Ferguson and the University of Texas," 20; Austin American, May 29, 1917; Daily Texan, May 29, 1917.

<sup>54</sup>Ibid.

Peddy, that he could be shot for treason.<sup>55</sup> The Board, disturbed by the students' action, were ready to remove Lomax and the other faculty members, but reached a four-to-four deadlock over Vinson's dismissal. Five days after the student demonstration, the Governor submitted his veto of the University's funds. For all practical purposes, it appeared, Ferguson had closed the University of Texas.

Ferguson, fearing bad publicity in the press, immediately printed a pamphlet entitled "Veto Message" that included his veto message and the list of complaints against the University that had been read to the Board of Regents the day of the demonstration. Ferguson attached this "Veto Message" to all replies to letters received by the various departments of the executive branch. It made no difference what one had written the state government about, the reply came with the "Veto Message" included.<sup>56</sup> The pamphlet, though brief, is an excellent guide to Ferguson's criticisms of the University. By this time, June, 1917, Ferguson had expanded his list of complaints against the University.

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<sup>55</sup>Senate Court of Impeachment, Record of Proceedings, pp. 169-70.

<sup>56</sup>Letter, Earl Wharton to Will C. Hogg, June 30, 1917, University of Texas Archives, BTHC, Will C. Hogg Papers.

First, Ferguson noted that the Legislature approved roughly \$1,640,000 for the University for the next two years. With approximately 3,000 students, this came to \$545 per student. But Ferguson claimed the state only set aside \$15 per pupil in the public school system. To Ferguson this seemed undemocratic. Furthermore, he had serious doubts concerning how that money would be spent, reasoning that "Before we commit ourselves to the expenditures of the vast sum of money for the benefit of such a comparative few of our people, we ought to satisfy ourselves that the money is being wisely spent."<sup>57</sup>

Second, the Governor charged the University did not have a "proper president." He charged that Vinson did not have sufficient educational attainment to receive a \$6,000 a year salary and that Vinson was a sectarian minister who continued to preach while president of the University. Ferguson pointed out that the constitution states that no money can be used by the state "for the benefit of any sect, or religious society, theological or religious seminary; . . ." The Governor said he had no objection to Vinson's being a minister, but the University had no right to pay funds to a minister who continued to preach.<sup>58</sup>

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<sup>57</sup>James E. Ferguson, "Veto Message" (n.p., June 2, 1917), p. 2. Copy found in University of Texas Archives, BTHC, Will C. Hogg Papers.

<sup>58</sup>Ibid., pp. 2-3.

Third, Ferguson attacked the fraternity system on campus. Fraternal organizations, according to Ferguson, drew "a well-defined line between wealth and poverty" at the University.

The fraternity brothers live in stately mansions. . . . Their more unfortunate brothers [then called barbarians] live in crowded boarding-houses and eat at what they call the cafeteria, but which is in reality a soup house, furnishing 11¢ and 12¢ meals. . . . the University ought not to be an institution of mass and class.<sup>59</sup>

Fourth, Ferguson repeated his old argument of illegal misappropriation of public funds by certain members of the University faculty. He cited professors taking nine months leave while drawing one-half to full pay. He stated many professors drew \$3,000 a year but worked only fifteen hours a week. (For Ferguson, a professor was at work when he was teaching a class and at no other time was he working.) Moreover, Ferguson added that too often instructors with little educational attainment did most of the work.<sup>60</sup>

Yet, with all of these complaints, Ferguson had not made up his mind to actually carry through with his veto threat until the disruption of the Board meeting by the student demonstration. This act convinced the Governor that the University should be closed:

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<sup>59</sup>Ibid., p. 3.

<sup>60</sup>Ibid., p. 4.

If the young men who carried the banners did so of their own volition, the said sentiment and idea expressed on said banners were a result of the teaching and the influence which they have received at the State University; if they carried them under the instructions of the faculty, then I unhesitatingly declare that the State University should be abolished and never reopened with a faculty who would permit such acts.<sup>61</sup>

The editor of the Daily Texan, Dan Williams, one of the demonstration leaders, answered the various criticisms of the students' actions with the reply:

The parade was in every way orderly and dignified. The students remained in military formation throughout, and dispersed after leaving the Capitol. No one has questioned the dignity of the demonstration no one can question its legality or general propriety.<sup>62</sup>

The Daily Texan, however, admitted that while the majority of the planning for the parade was done by nine students of the University they were aided by Professor Battle, who had remained high on Ferguson's removal list.<sup>63</sup>

The appropriation veto marked the turning point in the Governor's war on the University. Opposition to the Governor grew. In newspapers across the state, articles appeared calling for a solution to the University crisis; eventually, they would call for Ferguson's impeachment.

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<sup>61</sup>Ibid., p. 5.

<sup>62</sup>Daily Texan, May 30, 1917.

<sup>63</sup>Ibid., May 29, 1917. Battle resigned his position at the University in April, 1917; see Austin American, April 6, 1917.

It is at this point the general histories of Texas speak of the Ferguson-University imbroglio as being overshadowed by the movement to impeach the Governor,<sup>64</sup> but the opposition to Ferguson did not result from a spontaneous reaction from the public. It resulted from the efforts of well-planned, well-financed organizations. The University of Texas Ex-Students' Association and the University Citizens' Committee, aided by the University faculty and students, led the efforts to impeach Ferguson. Furthermore, their activities had been growing since Ferguson first demanded the removal of the six faculty members. With Ferguson's veto of University funds, these organizations expanded to provide the essential planning to impeach the Governor; they produced the publicity, and in some cases the propaganda, that aroused public opposition to the Governor; and they exerted a deciding influence upon the Texas Legislature.

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<sup>64</sup>See above, pp. 1-2.

## CHAPTER III

### THE ANTI-FERGUSON CAMPAIGN

The anti-Ferguson movement began in the autumn of 1916 with the organization of two hundred active University Ex-Students' Association members headed by Richard O. Terrell, a San Antonio lawyer. Terrell had been informed by John Lomax of the grave situation arising from Ferguson's demand that six faculty members, including Lomax, be dismissed from the University.<sup>1</sup> A few days before the Board of Regents' investigation, Lomax consulted Edward Crane, an Austin lawyer. Lomax wanted to protect his position at the University and to force the Governor to retreat from his dominating policies. He presented his case to Crane and asked for advice. Lomax considered taking the matter up with the Legislature immediately but decided that the University forces should first build up some support. Crane agreed with Lomax: "I do not think we should start an open fight yet. We should organize quietly. Feel out the members of the State Senate."<sup>2</sup>

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<sup>1</sup>Letter, D. O. Terrell to W. C. Hogg, October 17, 1916, University of Texas Archives, BTHC, Will C. Hogg Papers.

<sup>2</sup>Letter, E. Crane to J. A. Lomax, October 4, 1916, University of Texas Archives, BTHC, John A. Lomax Papers.

Crane added that his father, M. M. Crane, head of the influential Austin law firm, would be willing to help the University.<sup>3</sup> Within a year, M. M. Crane would lead the battery of lawyers prosecuting Ferguson in the Senate impeachment trial.

Lomax urged the members of the Ex-Students' Association to prepare for a fight with the Governor. He wrote Ex-Students' official, H. D. Ardrey:

We are up against the most serious situation that I have ever known in the University. Reduced to its essentials, the proposition is simply whether the Governor of Texas shall control in every detail the internal affairs of the University of Texas.<sup>4</sup>

The Ex-Students' Association in 1916 was not in a position to successfully attack Ferguson, since they lacked the funds and the support for such an undertaking. On the other hand, the organization was potentially a great enemy to the Governor. By 1916, the Association had active branches in every major city in the state and one in New York City, as well.<sup>5</sup> Furthermore, its members included many leading professional men and citizens of the state. The organization, however, needed a respected leader to

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<sup>3</sup>Ibid.

<sup>4</sup>Letter, J. A. Lomax to H. D. Ardrey, October 12, 1916, University of Texas Archives, BTHC, John A. Lomax Papers.

<sup>5</sup>The Alcalde, IV (December, 1915), 200.

meet the Ferguson crisis. Lomax suggested that Ardrey enlist the aid of Will C. Hogg, an ex-student of the University and, at that time, a member of its Board of Regents.<sup>6</sup> When Hogg's term as Regent ended in January, 1917, he became Secretary of the Ex-Students' and devoted large amounts of his time and money supervising the publication of books, pamphlets, and newspaper articles opposing the Governor.<sup>7</sup> In the meantime, the Austin Ex-Students' Association appointed a committee, known as the General Welfare Committee, to ". . . meet and advise with the President of the University of Texas at such times and places as the latter may designate concerning the general welfare of the University of Texas."<sup>8</sup> Members of this committee, such as Dudley Woodward and John Brady, along with Battle, Mather, and Lomax, borrowed a thousand dollars from the Austin National Bank in order to begin their operations.<sup>9</sup> Therefore, by 1917, the Ex-Students'

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<sup>6</sup>Letter, J. A. Lomax to H. D. Ardrey, October 12, 1916, University of Texas Archives, BTHC, John A. Lomax Papers.

<sup>7</sup>Lomax, "Governor Ferguson and the University of Texas," 28.

<sup>8</sup>University of Texas Ex-Students' Association, Minutes of the Alumni Association of the University of Texas, Alumni House, Austin, Texas, n.d.

<sup>9</sup>Lomax, "Governor Ferguson and the University of Texas," 17.

Association had begun to organize and formulate plans to retaliate should Ferguson make further demands upon the University.

Early in 1917, Lomax embarked upon a tour of the major Texas newspapers to lay the groundwork for a possible attack on Ferguson in the daily papers in the state. Lomax was chosen by the Ex-Students' for the job because of his public relations work for the University. He met with editors in San Antonio, Houston, Dallas, and Fort Worth to give them the University point of view. In San Antonio, George W. Brackenridge, owner of the Express, and Joseph E. Smith, editor, quizzed Lomax for two hours. Then Brackenridge ordered Smith to "Hop on to the Governor. . . . He's wrong, and we'll fight him to the end."<sup>10</sup> Another staff member of the San Antonio Express gave advice to Lomax. Roy Bedichek, city desk editor, realized the University needed the support of rural Texans. He wrote Lomax:

Concerning publicity in the Ferguson-University matter, I hope the country papers are being reached. Instead of spending so much money in big city papers, a few stump speakers of good ability at country picnics and prepaid telegraph stories of the meetings to the big dailies would seem to be a better plan.<sup>11</sup>

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<sup>10</sup> Ibid., 19.

<sup>11</sup> Letter, R. Bedichek to J. A. Lomax, n.d., University of Texas Archives, BTHC, John A. Lomax Papers.

While Lomax worked to bring the newspapers in line, the Ex-Students' labored to bring Will C. Hogg into its fold. Although Lomax was helpful to the University cause, Hogg would prove to be the singular leading force within the movement.

In 1917, at forty-two years of age, Hogg, the son of Governor James S. Hogg, represented the crème de la crème of the Texas business community. He received his law degree from the University of Texas in 1897. In the following twenty years he had practiced law in his father's Austin firm, served as assistant to oilman Joseph S. Cullinan of the Texas Company, and assisted in the formation of the Great Southern Life Insurance Company.<sup>12</sup> But Hogg was a good deal more than just a successful businessman. His office in Houston was a haven for supporters of worthy causes. The Houston Gargoyle dubbed Hogg, the "Superintendent of Everybody's Business."<sup>13</sup> While his philanthropic efforts were varied, Hogg's cause célèbre was the University of Texas. He secured donations for the University and working through the Ex-Students' Association secured funds for Gregory Gymnasium and the

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<sup>12</sup>Webb, The Handbook of Texas, I, 824.

<sup>13</sup>John A. Lomax, "Will Hogg, Texan," The Atlantic Monthly, May, 1940, p. 664.

University Commons. He provided his own money for the initial publication of the Association's Alcalde.<sup>14</sup> In October, 1916, Hogg received a barrage of letters from prominent Ex-Students' Association members calling on him to lead the University forces against the Ferguson camp.<sup>15</sup> Eventually, after his term as Regent expired, Hogg accepted his assignment willingly. His relationship with Ferguson convinced him of the necessity for action.

Hogg first met Ferguson in September, 1914, when he talked to the future Governor about his plan for a Tax for Higher Education Bill. Hogg wanted a constitutional amendment that would provide tax money for state supported institutions of higher learning. If the bill passed, Hogg favored placing A. and M. University under the control of the University Board of Regents, with the state allocating 44 per cent of the tax money to the University of Texas and only 29 per cent to Texas A. and M. If the bill failed, Hogg felt it would be wiser to leave

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<sup>14</sup>Webb, The Handbook of Texas, I, 824 and letter, H. Y. Benedict to Mrs. C. K. Lee, October 7, 1930, University of Texas Archives, BTHC, H. Y. Benedict Papers.

<sup>15</sup>Letters, E. E. Bewley to W. C. Hogg, October 14, 1916; W. W. Woodson to W. C. Hogg, October 14, 1916; E. Crane to W. C. Hogg, October 16, 1916; and H. D. Ardrey to W. C. Hogg, October 13, 1916, University of Texas Archives, BTHC, Will C. Hogg Papers.

the two institutions separated, even though he lamented the "petty jealousy" between the two schools.<sup>16</sup> Ferguson, assured of victory at the polls, wrote Hogg: "I feel that you can be of much service to me in the consideration of educational legislation."<sup>17</sup> Unfortunately, this was not to be the case. Ferguson favored the one-board plan with or without a higher education tax. Hogg had given Ferguson to understand that he would press the one-board plan, but when Hogg appeared before a joint meeting of House and Senate committees on education, Hogg seemed to emphasize the importance of the tax bill and the continued separation of the University of Texas and Texas A. and M.<sup>18</sup> Later, Hogg apologized to Ferguson: ". . . it was the first public address I ever made . . . and I lost sight, I dare say, of my tacit obligation to you to feature the one-board plan in my address."<sup>19</sup> Hogg's failure

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<sup>16</sup>Letter, W. C. Hogg to J. E. Ferguson, September 30, 1914, University of Texas Archives, BTHC, Will C. Hogg Papers.

<sup>17</sup>Letter, J. E. Ferguson to W. C. Hogg, October 9, 1914, University of Texas Archives, BTHC, Will C. Hogg Papers.

<sup>18</sup>Will C. Hogg, Outline of Address to Joint Meeting of Senate and House Committees on Education and Committees on Constitutional Amendment, Evening of February 9th, 1915 (n.p., n.d.), pp. 1-5, passim.

<sup>19</sup>Letter, W. C. Hogg to J. E. Ferguson, February 12, 1915, University of Texas Archives, BTHC, Will C. Hogg Papers.

to meet his "obligation" to the Governor was enough to put Hogg on Ferguson's blacklist.

The differences between the two continued while Hogg was a member of the University Board of Regents. Hogg served as acting chairman of the Board during the October, 1916, investigation of faculty members and opposed the Governor at every turn. A brief exchange between Ferguson and Hogg illustrated the social and intellectual chasm separating Hogg and Ferguson. Ferguson defended his decision to dismiss the six faculty members without giving explicit reasons until the day of the investigation:

The Governor: No, I didn't want to make any charges but I told him [President Vinson] I would give him the information. You [Hogg] then talked about it--you talked about making charges and I says, "Do you want to put the Governor of this State--is it possible that you haven't any more respect for the Governor of this State than to want to put him in the attitude of a little country attorney that on information and belief--"

The Chairman: Governor, you mistake the proposition--my construction of the whole situation would be this--that you, if you had information which was for the welfare of this institution, coming to you either privately or officially, should have come to the members of the Board, if you had expected action. And you should not have done as you did do--to say that these men have got to be discharged, without giving any cause whatever. If you had come before this Board and rehearsed in detail as you have today I doubt not but what you would have had a thorough investigation made along this line before this and I am sure Dr. Vinson believes the same way.<sup>20</sup>

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<sup>20</sup>Investigation, 42.

Hogg further irritated Ferguson by supporting a motion of the Board to publish 3,000 copies of the Board's findings during the investigation.<sup>21</sup> A number of these copies would find their way to the Texas Senate while that body deliberated the Dayton resolution.<sup>22</sup>

By February, 1917, Hogg was freed from his duties as Regent and began to direct the efforts of the Ex-Students'. The Association, during the Legislature's numerous investigations of the University and the Governor in the winter of 1917, signed petitions to the House and Senate calling for the state government to clear the University's name.<sup>23</sup> Furthermore, in February, Hogg placed a half-page advertisement in the Austin American entitled, "The People and Their University vs. Alley-Cat Politics."<sup>24</sup> In the following weeks the crisis seemed to cool somewhat with the adjournment of the Legislature; the Ex-Students' momentarily ceased their operation. Planning for the future, however, continued. Fearing another attack from the Governor, the Association streamlined their strategy forces by setting up a Central Committee of the

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<sup>21</sup>Ibid., 142-43.

<sup>22</sup>Above, p. 34.

<sup>23</sup>Above, pp. 31-32.

<sup>24</sup>Austin American, February 9, 1917.

Association. Hogg outlined the purpose of the committee in a memorandum: "The Central Committee as a campaign committee will immediately undertake to compile a list of Ex-Students by [by] precincts, town, and counties . . . [and] in the State Senatorial districts to which members of the Welfare Committee . . . will be assigned."<sup>25</sup> The same memorandum set up an editorial committee whose purpose was to compile a campaign book under Lomax's direction. Therefore, by spring, the organization had a two-fold plan to use against the Governor should he continue to try to dominate the affairs of the University. First, they had arranged cooperation with a majority of the leading newspapers in the state in order to get information unfavorable to Ferguson to the Texas public. Second, if necessary, the organization would attempt to secure the leading citizens of the state to back the University movement. With a majority of Texans, average voters and the prominent and wealthy, alike, opposed to the Governor's University policy, the Association felt it could hold Ferguson in check and, if necessary, impeach him.

This explains the importance of Ferguson's veto of the University's funds. The act did not touch off a spontaneous public reaction; it triggered a response from

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<sup>25</sup>Memorandum, n.d., University of Texas Archives, BTEC, Will C. Hogg Papers.

the Ex-Students' Association, who by May, 1917, were ready to strike at the next provocation. With the appropriation veto, the Ex-Students' sprung into action.

The Ex-Students' launched their anti-Ferguson newspaper campaign: half-page advertisements became full-page advertisements. In the one month period prior to House Speaker Fuller's announcement that he would call the House of Representatives in session to impeach the Governor, five full-page notices appeared in the Austin American, all sponsored by the Ex-Students'.<sup>26</sup> In bold-faced print these articles examined the Governor's threatening actions against the University, and all ended with Ferguson's statement: "I am Governor of Texas; I don't have to give reasons."<sup>27</sup>

If Ferguson or the University were not in the news, then events had to be manipulated to create news. For instance, Ferguson's demand that Vinson be removed as University president was not released to the newspapers by the Governor but by Lomax who was able to give the story the most unfavorable slant to Ferguson.<sup>28</sup> In

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<sup>26</sup> Austin American, June 27 and 29, and July 1, 4, and 6, 1917.

<sup>27</sup> Above this paper, p. 25.

<sup>28</sup> Lomax, "Governor Ferguson and the University of Texas," 19-20.

addition to this, the story was followed with the sensational description of 2,000 marching University students.<sup>29</sup> The demonstration had been arranged by the editor of the school paper with the help of Professor Battle and Judge R. L. Batts, an influential Ex-Students' member. Batts was able to get a release for Student President George Peddy from officer training camp at Leon Springs.<sup>30</sup> The story of the young officer-to-be leading the University students in his khaki uniform made good print in Texas papers in May, 1917. Still another example, in June, Lomax sought an injunction in the Austin courts to enjoin the Regents from removing himself, Vinson, or any other member of the faculty.<sup>31</sup> This in itself created favorable publicity for the University. Lomax explained the importance of the case when he wrote one of his lawyers, Alex F. Wiseberg, to explain why he had filed the injunction:

That injunction suit . . . was only a link in the long chain of successful happenings that finally resulted in the downfall of J. E. F. The injunction suit brought publicity, publicity makes talk, talk such as finally penetrates the thick hide of politicians so that when the concrete questions were finally put up to them they didn't have the nerve

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<sup>29</sup>Austin American, May 27, 1917.

<sup>30</sup>Lomax, "Governor Ferguson and the University of Texas," 20.

<sup>31</sup>Steen, "The Ferguson War on the University of Texas," 359.

to reinstate into the Governor's chair, a consummate scoundrel.<sup>32</sup>

Finally, while these stories circulated through the city dailies, the Ex-Students', following Bedichek's advice, did not neglect the small town newspapers. Joseph P. Sayers, member of the University Citizens' Committee, which had been formed to include concerned Texans who were not University ex-students, sent over ninety letters to Texas newspapers offering a free plate of printed matter on the Ferguson controversy in exchange for space in their papers. Sayers maintained that the material was "without bias, a fair and candid statement of the facts."<sup>33</sup> The plates had been obtained from an Austin Statesman employee, W. C. Story, who had volunteered his services as a publicity manager. A majority of the ninety papers Sayers contacted gave a favorable response.<sup>34</sup> And Hogg, after the impeachment proceedings began, sent copies of the House investigation of the charges against Ferguson to

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<sup>32</sup>Letter, J. A. Lomax to A. F. Wiseberg, September 24, 1917, University of Texas Archives, University Writings Collection, Ferguson File.

<sup>33</sup>Letter, J. P. Sayers to "The Newspapers of Texas," University of Texas Archives, University Writings Collection, Ferguson File.

<sup>34</sup>Memorandum, n.d., University of Texas Archives, BTHC, Will C. Hogg Papers; Letter, J. A. Lomax to W. C. Hogg, June 25, 1917, University of Texas Archives, University Writings Collection, Ferguson File.

over 700 Texas newspapers. Hogg paid over \$1,250 to have the text of the investigation published.<sup>35</sup>

The most significant newspaper articles produced by the Ex-Students' were five full-page notices that appeared in several Texas daily papers in late June and early July, 1917. These articles were also condensed and published in pamphlet form by the Ex-Students' Association.<sup>36</sup> The articles, collectively entitled, "The People's University-- Shall It Be Destroyed?" outlined the University's position in the struggle with Ferguson. First, the Ex-Students' condemned Ferguson for his attempted manipulation of the members of the Board of Regents over a ten month period, beginning in October, 1916, and his decision to veto University appropriations, in June, 1917. The pamphlet stressed the possible consequences of Ferguson's veto.<sup>37</sup>

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<sup>35</sup>Letter, W. C. Hogg to T. J. Caldwell, September 18, 1917, University of Texas Archives, BTHC, Will C. Hogg Papers.

<sup>36</sup>"The People's University--Shall It Be Destroyed?" pamphlet, published by the Ex-Students' Association and the University Citizen's Committee, copy found in University of Texas Archives, BTHC, Will C. Hogg Papers.

<sup>37</sup>Actually, the University had little to fear from Ferguson's veto; within one week after Ferguson's announcement to cut University funds, State Attorney General B. F. Looney ruled that the veto was not valid because Ferguson had vetoed nearly all items in the University's budget without vetoing the total figure. Austin Statesman, June 10, 1917. For Looney's report on the issue see B. F. Looney and L. C. Sutton, comp., Biennial Report of the Attorney General of the State of Texas, United States of America, From September 1, 1916 to August 31, 1918 (Austin: A. C. Baldwin, and Sons, n.d.), pp. 122-31.

If the Governor forced the University to close, 3,000 University students would be deprived of an educational opportunity that had been provided for them by the fathers of Texas; an able faculty that had taken years to assemble would scatter to institutions across the country; and the University's valuable work in meeting the crisis of World War I, with its medical school, engineer department, and aviation school, all, would be terminated, according to the Ex-Students'. Second, the Ex-Students' Association sought to show that the University was innocent of Ferguson's charges. They explained that the University had nothing to hide from the public and that University forces had asked for a full investigation of the institution by the State Legislature. Furthermore, they pointed out that the University's Board of Regents had exonerated the faculty whom Ferguson charged with misconduct. Finally, the Ex-Students' pamphlet called attention to the Governor's stump-speaking tour of the State in June, 1917.<sup>38</sup>

The Governor toured West Texas ostensibly to inspect sites for the location of a proposed West Texas A. and M. Ferguson averaged giving three speeches a day, "in nearly all of which he villified the 'University crowd.'"<sup>39</sup> He

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<sup>38</sup>"The People's University--Shall It Be Destroyed?" pp. 1-4, passim.

<sup>39</sup>[Barker], Ferguson's War on the University, p. 34.

hurled epithets such as "day dreamers" and "two-bit thieves" at the University faculty.<sup>40</sup> His most vitriolic outburst came at Valley Mills. While condemning the aristocratic atmosphere of the institution, Ferguson exclaimed the parents of the University's students should not have to pay for

. . . tailor-made clothes, ten-dollar bouquets, automobiles, silk stockings, golf balls and highballs, poker chips, fraternity dues, frat pins and mandolins, and a hundred other foolish and extravagant things with the rich crowd says is necessary to carry on this Belshazzar revel down at the State University. [Ferguson added:] I say that not only are too many people going hog wild over higher education, but that some people have become plain fools over the idea that we have to have an army of educated fools to run the government.<sup>41</sup>

The Ex-Students' in "The People's University-- Shall It Be Destroyed?" stated that Ferguson's comments in West Texas revealed his plans to destroy the University of Texas. The publication closed with a rallying cry to the citizens of the State:

It is of commanding importance that prompt action be taken expressive of the will of the people.

. . . . .  
 . . . we appeal to all men and women who desire the University to be maintained in accordance with the Constitution and law, and entirely free from any attempt to inject into it any policy or power that would be calculated to turn it from its high course of usefulness, to take immediate action, either individually or in assemblage, and to make known their views in the

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<sup>40</sup>Ibid., p. 38.

<sup>41</sup>Steen, The Texas News, p. 154.

public press, and to transmit such views to their Senators and Representatives, and also to the Board of Regents, . . .<sup>42</sup>

Throughout the summer of 1917, the Ex-Students' Association continued to publish material, of varying quality, designed to inform Texans of the serious crisis between the Governor and the State University and to condemn Ferguson's actions. University Professor of History Eugene C. Barker, an old enemy of the Governor,<sup>43</sup> added to the organization's efforts by writing a short history of the University's relations with Ferguson. Barker's Ferguson's War on the University of Texas, published by the Ex-Students' Association, outlined the events that took place between Ferguson's inauguration and Speaker Fuller's announcement of a special session of the Legislature in late July, 1917, to impeach the Governor; it listed the Governor's complaints against the University and offered convincing rebuttals.<sup>44</sup> Barker gave his manuscript to Hogg, who had the A. C. Baldwin Company print 5,000 copies in one day so that Hogg could send a copy of Barker's work to each member of the Legislature to study

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<sup>42</sup>"The People's University--Shall It Be Destroyed?"  
p. 4.

<sup>43</sup>Above this paper, pp. 20-24.

<sup>44</sup>[Barker], Ferguson's War on the University, pp. 24-30.

while impeachment proceedings progressed.<sup>45</sup> Barker's Ferguson's War on the University of Texas was the scholarly effort of a great Texas historian; though naturally biased, Barker was primarily concerned with a factual, chronological presentation of the University problem. Not all Ex-Students' publications were the same high caliber as Barker's work.

Another Ex-Students' publication, "Governor Ferguson and the 'Chicken Salad' Case," was less informative and purposely misleading. The two-page pamphlet described Ferguson's attempt to influence state judges in a case before the Texas Supreme Court in 1917. According to the publication, the case involved the misapplication of state funds for "punch, 'chicken salad,' Saratoga flakes, almonds, . . ." and so forth, "bought by the Governor."<sup>46</sup> The pamphlet failed to state that, although the case was first filed in June, 1916, it was not against Governor Ferguson, but his predecessor, O. B. Colquitt.<sup>47</sup> The official report of the case did not mention Ferguson;<sup>48</sup> the pamphlet never

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<sup>45</sup>Pool, Eugene C. Barker, Historian, p. 70.

<sup>46</sup>"Governor Ferguson and the 'Chicken Salad' Case" (Austin: Ex-Students' Association, n.d.), p. 1.

<sup>47</sup>For information of Colquitt and the 'Chicken Salad' Case see George P. Huckaby, "Oscar Branch Colquitt: A Political Biography" (Austin: unpublished Ph.D. dissertation, University of Texas, 1946), pp. 416-19.

<sup>48</sup>Terrell v. Middleton, 187 Southwestern Reporter, 367. See also Dallas Morning News, June 11, 1917.

referred to Colquitt. Thus, the reader of the Ex-Students' publication was left with the false impression that Ferguson was the defendant in the case.

The newspaper, or publicity, campaign was only part of the Ex-Students' strategy; in order to assure their victory over the Governor, the University forces sought to gain the support of the higher ranking members of Texas society. While the publicity campaign was winning the populace to the University side, Hogg was busy turning out circulars to ex-students and important Texas personage. Hogg sent letters to ex-students throughout the State asking them to gather a list of leading citizens in their community so that the Association could mail them anti-Ferguson literature.<sup>49</sup> In a letter to 130 prominent Texans, Hogg requested expressions from community leaders "which may be quoted, giving their views on the importance of maintaining the University adequately; the results of closing its doors; or any other phase of the situation. . . ."<sup>50</sup>

The effort to attract leading citizens to the University cause also helped to solve the Ex-Students'

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<sup>49</sup>For a sample letter see Letter, Hogg's Secretary to Y. W. Holmes, June 29, 1917, University of Texas Archives, BTHC, Will C. Hogg Papers.

<sup>50</sup>Letter, W. C. Hogg to "130 Prominent Texans," June 25, 1917, University of Texas Archives, BTHC, Will C. Hogg Papers.

financial problems. The newspaper campaign, alone, was an expensive undertaking. By the close of 1917, the Association had spent \$8,713 in advertising expenses; the largest bills were owed to the Dallas News and San Antonio Express, \$2,400 and \$1,200, respectively.<sup>51</sup> Fortunately, as the list of prominent citizens committed to the University grew, contributions to the Association also grew. By August, 1917, the Association had collected \$9,650 from concerned Texans.<sup>52</sup> This figure did not include \$8,744 in donations collected from the Austin area.<sup>53</sup> Most of the donations were made in \$100 and \$500 sums that would indicate these were contributions from the more well-to-do elements of society. Nevertheless, the Ex-Students' effort to secure the backing of wealthy and prominent men in the State

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<sup>51</sup>[Financial] Statement of the Ex-Students' Association," dated November 30, 1917, University of Texas Archives, BTHC, Will C. Hogg Papers.

<sup>52</sup>"List of Ex-Students of Texas University, To Whom Letters Addressed Requesting Contributions," dated July 27, 1917, University of Texas Archives, BTHC, Will C. Hogg Papers.

<sup>53</sup>Letter, Office Secretary [of the Central Committee] to J. W. McClendon, October 8, 1917, University of Texas Archives, BTHC, Will C. Hogg Papers. The Association's financial problems were lessened in October, 1917, after Ferguson's impeachment, when President Vinson lifted his ban on University faculty contributions to the Ex-Students' Association, see Letter, J. W. McClendon to W. E. Long, October 11, 1917, University of Texas Archives, University of Texas Writings Collection, Ferguson File.

was not solely to create publicity or collect campaign funds; the Association sought the help of prominent citizens primarily to influence the actions of the State Legislature.

With the support of influential men from all parts of Texas, the Ex-Students' were able to exert indirect pressure upon members of the Texas Legislature. For example, J. W. McClendon, an official of the Citizens' Committee, wrote a leading San Angelo businessman:

One of the members of Mr. Hogg's committee has requested me to write you in regard to your representative, Mr. Metcalf.

My understanding is that Mr. Metcalf is alright, but every art is being used to draw him over to the other side, and it is thought advisable to have as much pressure from influential [sic] men in his home district brought to bear upon him as possible.<sup>54</sup>

In another case, Hogg wrote a Tyler citizen, Thomas Ramey:

You and others interested in this controversy should immediately begin to discuss with your representative the probability that there is no escape from a convention of the House of Representatives to file impeachment charges against the governor. . . .<sup>55</sup>

In July, Hogg wrote Speaker Fuller to urge him to protect the "remnant" of the University by convening the

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<sup>54</sup>Letter, J. W. McClendon to Sam Hill, August 14, 1917, University of Texas Archives, University Writings Collection, Ferguson File.

<sup>55</sup>Letter, W. C. Hogg to T. B. Ramey, June 26, 1917, University of Texas Archives, BTHC, Will C. Hogg Papers.

House and the Thirty-Fifth Legislature "to consider and file charges of impeachment of Governor James E. Ferguson and for trial by the State Senate."<sup>56</sup> Fuller replied that he would give the thought "serious consideration."<sup>57</sup>

Within two days, Fuller issued a call to House members to meet in special session to consider impeachment charges against Ferguson. One-third of Fuller's formal explanation for the impeachment session dealt with the Governor's actions against the University.<sup>58</sup>

After Fuller's announcement, the Ex-Students' Association faced two final problems: first, there was some question that a quorum of House members would arrive in Austin for the August 1 session, and second, Fuller's call to open a special session was illegal since only the governor can call the Legislature into special session. Neither problem proved great; Hogg sent a personal letter to House and Senate members urging them to meet with himself and other Ex-Students' officers in a secret conference

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<sup>56</sup>Letter, W. C. Hogg to O. F. Fuller, July 16, 1917, University of Texas Archives, BTHC, Will C. Hogg Papers.

<sup>57</sup>Letter, O. F. Fuller to W. C. Hogg, July 21, 1917, University of Texas Archives, BTHC, Will C. Hogg Papers.

<sup>58</sup>Letter, O. F. Fuller to the Members of the House of Representatives, July 23, 1917, University of Texas Archives, BTHC, Will C. Hogg Papers.

in Austin three days ahead of the August 1 meeting.<sup>59</sup> No doubt, the Ex-Students' were counting on the fact that thirty two of the 142 House members and six of the thirty one Senators had graduated from the University of Texas and would support their alma mater.<sup>60</sup> At any rate, when the Legislature responded, Ferguson saw that a quorum was in Austin three days early; he called a special session, also for August 1, to consider new appropriations for the University.<sup>61</sup> The House met, suspended its legislative duties, and began impeachment proceedings.

In a seven week session, the Legislature impeached and removed Ferguson from office. During this time a new University appropriation bill, practically identical to the one Ferguson vetoed, was passed by the Legislature and signed by acting Governor William Hobby. In addition, the Senate rejected certain Board of Regents appointees made by Ferguson, and Hobby pleased the friends of the University by appointing favorable men, such as George W. Brackenridge, to the Board.<sup>62</sup> In short, the University

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<sup>59</sup>Lomax, "Governor Ferguson and the University of Texas," 25.

<sup>60</sup>The Alcalde, Vol. V (December, 1916), 172.

<sup>61</sup>[Barker], Ferguson's War of the University, pp 46-47.

<sup>62</sup>The Alcalde, Vol. VI (November, 1917), 31.

forces were victorious. The publicity, and in some cases the propaganda, produced by the University's Ex-Students' Association aroused public opposition to the Governor, and the political pressure exerted by the Association upon the Legislature secured the University's position. Both played a major, if not overriding, role in Ferguson's defeat.

## CHAPTER IV

### AFTERMATH AND CONCLUSION

For several months after Ferguson's impeachment the University forces deliberated their proper course of action. The fact that the Thirty-Fifth Legislature declared Ferguson ineligible to hold any state office did not keep Ferguson out of Texas politics. In 1918, Ferguson sought the Democratic nomination for the governorship, arguing that he had resigned from office before the final Senate judgment and, therefore, had not been officially impeached and removed from office.<sup>1</sup> Hogg favored publishing an edited text of the Senate impeachment trial for use against Ferguson in the 1918 campaign to add, in Hogg's words, "one more clod on the coffin of that P & P crook."<sup>2</sup> Other Ex-Students' officials, however, disagreed with Hogg's plans. Dudley K. Woodward, James McClendon, and John Brady, whom Hogg had encharged with the project,

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<sup>1</sup>"The question was eventually carried into the courts and the judgment of the Court of Impeachment was sustained." Webb, The Handbook of Texas, I, 592.

<sup>2</sup>Letter, W. C. Hogg to D. K. Woodward, April 10, 1918, University of Texas Archives, BTHC, Will C. Hogg Papers.

decided that the Hobby campaign organization should handle anti-Ferguson publicity and that the University should quietly remove itself from the political scene. Woodward wrote Hogg:

It would be unwise for the University, or any of its representatives, or the Ex-Student Association, or any of its representatives, to issue such a pamphlet at this time, for the reason that the University is neither an actual nor a proper issue in the present campaign, and participation by the University or its representatives in the campaign would but lend color to Ferguson's charges against it.<sup>3</sup>

Hogg eventually agreed with Woodward,<sup>4</sup> but continued to work with the Hobby organization. In July, 1918, just before the Democratic primary, Hogg wrote Hobby's campaign headquarters that they could use the following quote in their fight against Ferguson:

Although I am confident that the vast majority of our people will confirm the sentence of impeachment by condemning Ferguson and his personal [sic] and official misdeeds at the polls next Sturday [sic], in the interest of truth and justice I now unreservedly charge that he got the mysterious one-hundred and fifty six thousand five hundred dollars from and through a certain brewer and I positively predict that later development will disclose such tainted source of that money, probably under the guise of unsecured loans.<sup>5</sup>

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<sup>3</sup>Letter, D. K. Woodward to W. C. Hogg, April 18, 1918, University of Texas Archives, BTHC, Will C. Hogg Papers.

<sup>4</sup>Letter, W. C. Hogg to D. K. Woodward, April 28, 1918, University of Texas Archives, BTHC, Will C. Hogg Papers.

<sup>5</sup>Telegram, W. C. Hogg to Hobby Headquarters, in Dallas, July 23, 1918, University of Texas Archives, BTHC, Will C. Hogg Papers.

The majority of Texans did confirm the Senate's verdict, for Ferguson did not receive the Democratic nomination. After the Democratic primary, the University forces, including Hogg, ceased their political activity in the matter.

The Ex-Students' Association, immediately after the impeachment victory, awarded honors to non-ex-students who had been helpful during the anti-Ferguson campaign. Chester H. Terrell, a San Antonio lawyer, was awarded a \$500 silver plate "in recognition of his splendid services in the interest of the University in the summer of 1917, during impeachment proceedings before the House of Representatives; . . ." <sup>6</sup> Terrell had locked himself in Ferguson's Temple Bank one evening and spent the night checking Ferguson's books. It was Terrell who discovered the \$156,000 loan among the Governor's accounts. <sup>7</sup> Furthermore, the Association expressed its thanks to George W. Littlefield, an Austin banker and businessman, for his "generosity and kindness in donating to the Association two offices, rent free, . . ." during the final five months

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<sup>6</sup>University of Texas Ex-Students' Association, Minutes of the Alumni Association of the University of Texas, Austin, meeting of November 29, 1917.

<sup>7</sup>Lomax, "Governor Ferguson and the University of Texas," 23-24.

of the University crisis.<sup>8</sup> Littlefield, along with George Brackenridge, had offered to donate their own fortunes to the University if Ferguson succeeded in closing the institution for the 1917-1919 period. A few years later the Association made M. M. Crane, the chief prosecuting lawyer during the impeachment trial, an honorary member of the Association, reasoning that the organization's constitution provided such memberships for those who "rendered distinctive services either to the Nation, to the State, or to the University of Texas."<sup>9</sup>

The political activities of the Association and others connected with the University raise a number of questions. W. S. Sutton, Dean of the Education School at the University, wrote that the Ex-Students' Association were inspired only by an "unselfish desire to serve the state."<sup>10</sup> Sutton, in an article for the Educational Review, concluded that: "The whole system of public education from the bottom to the top, . . . should be completely and irrevocably divorced from what is known as practical politics."<sup>11</sup> Yet, it is clear that the

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<sup>8</sup>University of Texas Ex-Students' Association, Minutes of the Alumni Association of the University of Texas, Austin, meeting of November 29, 1977.

<sup>9</sup>Letter, J. A. Lomax to M. M. Crane, June 10, 1920, University of Texas Archives, BTHC, John A. Lomax Papers.

<sup>10</sup>W. S. Sutton, "The Assault on the University of Texas," Educational Review, Vol. LIV (November, 1917), 408.

<sup>11</sup>Ibid., 409.

University was actively involved in "practical politics" in its own defense. Furthermore, can any institution of higher education demand that its professors remove themselves from the political affairs of their time? The University Board of Regents were never able to solve the problem adequately. Before March, 1917, the Board ruled that, in Hogg's words, "political activity of University faculty will be wholly discouraged under all circumstances."<sup>12</sup> Hogg disagreed with the Board resolution and favored a compromise position:

It is the right of members of the Faculty of the University, as citizens, to express their views and opinions upon social and political questions freely and publicly, but the Board of Regents of the University will not approve active participation by members of the Faculty in personal campaigns of State, County, or City offices.<sup>13</sup>

Ironically, during the summer of 1917, numerous University officials and faculty and Ex-Students' officials representing the University participated in just such a political campaign concerning the chief executive's office. It seems apparent that, in spite of high ideals and good intentions, Board of Regents can have little direction

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<sup>12</sup>Letter, W. C. Hogg to A. W. Hartman, March 12, 1917, University of Texas Archives, BTHC, Will C. Hogg Papers.

<sup>13</sup>Letter, W. C. Hogg to G. C. Butts, March 16, 1917, University of Texas Archives, BTHC, Will C. Hogg Papers.

over the political concerns of faculty within their jurisdiction without questioning the entire political structure in which state supported institutions operate. There is a ring of idealism to phrases that call for public education to be separate from, and in some cases above, political control. Such statements assume that employees and professors in state supported educational centers are apolitical and, therefore, "ahuman." The Ferguson-University imbroglio demonstrates that this is not the case. The University was attacked by the Governor; its only effective retaliation was through political action. The University forces reacted simply as any special interest group under fire would react.

The modern historian refrains from value judgments and moral positions, but the question of justice and honesty enters into the Ferguson-University fight. Were the University forces just in defending the institution against Ferguson's accusations? No black-and-white answer exists. Privately, Hogg admitted that there were "guilty mileage discrepancies" in the accounts of faculty and personnel but that these were not "seriously blamable."<sup>14</sup> Furthermore, in 1920, Kathleen Molesworth, a

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<sup>14</sup>Letter, W. C. Hogg to R. L. Batts, October 14, 1916, University of Texas Archives, BTHC, Will C. Hogg Papers.

graduate student at the University, concluded in her thesis the following on the financial structure of the institution:

On campus there are a number of minor systems of books for taking charge of funds in various departments, such as the Department of Extension, Committee on Teachers, etc. All funds taken in by these departments are turned in to the Auditor, and an account of them is kept in total in the general books of the University. However, much is left to the honesty and care of men and women who are not always protected by a complete method of check on their handling of money. In a general audit of the University books, some time is given to the examination of the reports, or receipts from these sources, but no general audit of the individual systems is made.<sup>15</sup>

In all probability, the University, on a much smaller scale, was guilty in the same way Ferguson was guilty in handling state funds. The Governor argued that he had done nothing that other preceding governors had not also done. In the same manner, the University carried on questionable policies that had precedence in the institution's history.

Ferguson's other protests against the University were based on his own populist radicalism. His charge that the State should pay little more per pupil for students in the State University than for students enrolled in rural high schools evidences Ferguson's basic distrust

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<sup>15</sup>Kathleen Molesworth, "A Study of the Accounting System of the University of Texas" (unpublished M.A. thesis, University of Texas, 1920), p. 49.

of higher education. His charge that the University spent too much money for inconsequential things is unfounded when the University's expenses are compared to similar institutions of the period in other states. Actually, the University's budget was 26 per cent lower than forty-one other comparable institutions in the United States in 1917.<sup>16</sup> Beyond this, Ferguson's attack on the fraternity system on campus, and its sometimes frivolous activities, is another example of Ferguson's dislike of aristocratic institutions. While such attitudes can be described as "anti-intellectual," Ferguson's philosophy was not far removed from the mainstream of American thought. Richard Hofstadter in his Anti-Intellectualism in American Life points out:

Anyone who speaks of anti-intellectualism as a quality in American life must reckon with one of the signal facts of our national experience--our persistent, intense, and sometimes touching faith in the efficacy of popular education. Few observers, past or present, have doubted the pervasiveness or sincerity of this faith. Henry Steele Commager, assessing the primary characteristics of the nineteenth-century American, remarks that "education was his religion"--though he is quick to add that Americans expected of education what they expected

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<sup>16</sup>U.S. Bureau of Education, Statistics of State Universities and State Colleges, Bulletin No. 55 (Washington, D. C.: Government Printing Office, 1918), 17.

of religion, that it "be practical and pay dividends."<sup>17</sup>

One final question remains: Why did Ferguson continue to threaten the University when he saw that his actions were provoking a statewide movement against him? In the beginning, his attack on the University was a political device designed to appeal to rural Texans who had supported him in his first campaign.<sup>18</sup> Possibly too, Ferguson had a personal grudge against the University. His own experience in higher education had been an unpleasant one; he was acutely aware that he was not a formally educated man. Furthermore, his brother, Alexander M. Ferguson, ironically, had been an instructor of biology at the University<sup>19</sup> and had been dismissed for failing to please his superiors. Nevertheless, what made Ferguson continue his drastic attacks on the University when he saw that he was not meeting with success? Ferguson faced

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<sup>17</sup>Richard Hofstadter, Anti-intellectualism in American Life (New York: Alfred A. Knopf, 1969), p. 299. The Commager quote is from: Henry Steele Commager, The American Mind, An Interpretation of American Thought and Character Since the 1880's (New Haven: Yale University Press, 1950), p. 10.

<sup>18</sup>Ralph W. Steen, "The Political Career of James E. Ferguson" (unpublished M.A. thesis, University of Texas, 1929), p. 174.

<sup>19</sup>For further information of Alexander M. Ferguson see The University Record, II (December, 1900), 379-80 and Newspaper Clippings, Texas A. and M. University Library, University Archives, A. M. Ferguson File.

the politician's ageless problem of blundering into a harsh, unpopular stand with an attitude of carrying out his commitments or being undone by them. To back down from his attack on the University would have meant disgrace, a disgrace that Ferguson's obstinate personality could not sustain. As a result, Ferguson was impeached and removed from office by the forces who sought to protect the University of Texas.

Walter Prescott Webb, in a letter to Miriam Ferguson's secretary, wrote of the historian's problems in dealing with Governor Ferguson's career:

It was one of his [Ferguson's] characteristics, his ability to bind people to him with ties of steel, or to alienate them hopelessly.

The historian who attempts to deal with such a character is almost sure to stir up feeling regardless of how objective and dispassionate he might be. Also, the historian must work with the materials he finds. Since there are gaps in his material, there are gaps in his knowledge; since his materials are biased on both sides it is next to impossible (it is impossible) for him to have every detail right.<sup>20</sup>

There is ample published material available revealing the University's position in the struggle with the Governor, but, as Webb indicated, much of this material is one-sided. Without Ferguson's personal papers, it is likely that Ferguson's view will never be clearly known. This

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<sup>20</sup>Letter, W. P. Webb to Ghent Sanderford, April 26, 1955, University of Texas Archives, University Writings Collection, from Richard T. Flemming's personal file.

paper has attempted to treat both sides of the Ferguson-University affair, to fill in some of the gaps in historical knowledge, and to encourage further study of this brief, but important, episode in Texas history.

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