## University of Minnesota Law School Scholarship Repository

**Constitutional Commentary** 

1986

## Book Review: Red Scare! by Don E. Carleton.

Harold M. Hyman

Follow this and additional works at: https://scholarship.law.umn.edu/concomm Part of the <u>Law Commons</u>

## **Recommended** Citation

Hyman, Harold M., "Book Review: Red Scare! by Don E. Carleton." (1986). *Constitutional Commentary*. 392. https://scholarship.law.umn.edu/concomm/392

This Article is brought to you for free and open access by the University of Minnesota Law School. It has been accepted for inclusion in Constitutional Commentary collection by an authorized administrator of the Scholarship Repository. For more information, please contact lenzx009@umn.edu.

**RED SCARE!** By Don E. Carleton.<sup>1</sup> Austin, Texas: Texas Monthly Press. 1985. Pp. xii, 390. \$18.95.

## Harold M. Hyman<sup>2</sup>

A primary value of Don Carleton's *Red Scare!* is its additional proof of one clear verdict of our history. It is that the major offenders against the rights of dissenters have been in localities and states more than in the nation's capital. It is a sad verdict: localism often threatened liberty; our federal system has too often nurtured tyranny. True, many neighborhood witch-hunters have been mere clownish obscurantists like the Indianans of the early 1950's who legislated a loyalty oath for wrestlers, and those in Los Angeles who required an oath of streetsweepers. Local authorities have also used neighbors' fears, and abused delegated authority, in order to conduct vendettas of many forms, often against racial, religious, or class minorities.<sup>3</sup>

Carleton's book focuses on Houston in the McCarthy era. He writes clearly and, thankfully, avoids jargon. He is an unwearying researcher who, less thankfully, bypassed some rewarding insights offered by "new" legal, political, and social historians and other scholars. To balance, he carefully mined sources that authors of many related studies largely bypassed: newspapers, labor unions' records, and school boards' minutes. His *Red Scare!* should be in all serious library and private collections. It will remind a generation of Texans, particularly Houstonians, of events and individuals that many might prefer to forget.

<sup>1.</sup> Director, Barker Library, University of Texas.

<sup>2.</sup> William B. Hobby Professor of History, Rice University, Houston.

<sup>3.</sup> Two hundred years ago, during our Revolution, community and state anti-disloyalty activists were so outrageous (and ineffective against actual disloyalists) that the Continental Congress authorized George Washington to organize a provost marshal force (Von Heer's) partially in order to centralize Tory-hunting. During the Civil War local excesses against alleged pro-Confederate civilians moved Lincoln and Congress to try to gather internal security reins into the hands of relatively responsible, accountable national officials. Woodrow Wilson, in World War I, though himself a historian, ignored this history. Our World War I homefront record and that of the succeeding decade were marred not only by vicious anti-Germanism but also by labor-baiting, race riots as in Houston, and the "deportations delerium"—by the first "Red Scare," in short. More recently, Franklin Roosevelt obtained from states' governors a commitment for an FBI monopoly of internal security operations, resulting not only in fairer treatment but also more effective security. But since World War II, it appears that the FBI, CIA, and other security agencies have too often overstepped the boundaries of responsible operations.

*Red Scare!*'s emotional closing pages argue also that more recent domestic and foreign policy issues—abortion, affirmative action, pornography, illegal immigration, opiates, gay rights; Vietnam, Lebanon, Nicaragua; private and official terrorisms—tie our present to the past. We will observe soon the national Constitution's Bicentennial and the Texas Constitution's Sesquicentennial. Both constitutions have bills of rights. But, as Red Scare victims attest, they are not self-enforcing.

What of the future? Historians are pastologists, prophets of the past, not predictors. Carleton properly chose not to weigh such matters. His book, though descriptive in the best sense, too rarely analyzes. It offers rich local detail for which I praise Carleton, but rare comparisons by which to measure analogous events elsewhere. But Carleton does sometimes provide connectives that have escaped other scholars. As an example, he judges that Houston's Minute Women had little to do with Wisconsin's unscrupulous Senator Joseph McCarthy until they and other local superpatriotic activists, having anticipated the McCarthy nationwide crusade and linking with it, became tarnished by his excesses. Houston's elite chose to support "Ike," not Joe.<sup>4</sup>

While it is a little short on analysis, the book's wealth of factual detail will prove useful to historians. Perhaps, if it is indeed possible to learn from history, books such as this may even contribute to making our second Red Scare the last.

<sup>4.</sup> Carleton does not, unfortunately, offer such treasures often enough. Nor does he give anything like "equal time" to the Red-hunters he describes. Odds are that many were knaves and/or bigots, or, at best, credulous dupes. But even miscreants, buffoons, and fools must somehow and someday come to understand the unending relevance of Supreme Court Justice Oliver Wendell Holmes's dissent in the 1919 "Red Scare" case, *Abrams v. United States*:

But when men have realized that time has upset many fighting faiths, they may come to believe  $\ldots$  that the ultimate good desired is better reached by free trade in ideas—that the best test of truth is the power of  $\ldots$  thought to get itself accepted in the competition of the market, and that truth is the only ground upon which  $\ldots$  wishes safely can be carried out. That at any rate is the theory of our Constitution.

It is an experiment, as all life is an experiment.

Amen! And may a historian readying in 2085 for the Constitution's Tricentennial be moved by the evidence to remark that the second Red Scare was our last one.