

A CENTURY TO REMEMBER



Oklahoma House of Representatives' Chamber, First Joint Session,
January 19, 1917



Oklahoma House Of Representatives' Chamber, Dedication Ceremony, January 19, 2000
(Speaker Loyd Benson Presiding)

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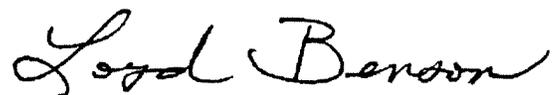
Foreword

When I entered the chamber of the Oklahoma House of Representatives in January 1984 as a freshman legislator from Frederick, I was struck by the “bigger than life” feeling this impressive room inspired. I was also awed by the portraits on the surrounding walls that portrayed the Speakers who had led this great body. They were men of strength, men of spirit and vision, and men who have gone down in history for setting the tone of how our state’s government would operate. It never occurred to me then that one day I would be a member of this group. However, I have become the last Speaker of the Twentieth Century and the first Speaker to serve in the Twenty-first Century. It has been an honor beyond belief and one I will treasure forever.

When we began plans for the January 2000 opening of the restored chamber of the Oklahoma House of Representatives to the splendor when the Capitol Building was initially constructed, I decided that a history of the Oklahoma House of Representatives would add to the opening ceremony. George Humphreys, Research Director of the House, was asked to complete this task. In addition to his twenty years of staff experience with the Oklahoma Legislature, he has cowritten a book on Oklahoma politics.

It is my hope that this overview of the history of the House will give all those who read it a deeper appreciation of the role that the Oklahoma House of Representatives has played in the political life of this great state. I particularly hope that past, present, and future members, regardless of party, will take with them a deeper sense of their service to this great institution as it enters the next millennium.

Not only does the text convey the powerful passions and clashes that have occurred in the House of Representatives since 1907, you will also find in it the historical threads that have enabled past and present generations of House members to improve the legislative process. I believe these improvements have been designed to enable members to better represent their districts and to enable the House of Representatives to perform its appropriate role in the democratic system of government that the drafters of the Oklahoma Constitution intended, and that the present system of state-federal relationship demands of state legislatures.



Speaker Loyd Benson
December 1999

Introduction and Acknowledgments

When Speaker Loyd Benson asked me to prepare a history of the Oklahoma House of Representatives for the January 19, 2000, dedication of the restored House chamber, I was both pleased and overwhelmed. For more than ten years, I have believed that more work has been needed on the political history of the state. I thought my opportunity to add to that history had ended when in 1991, I coauthored the Oklahoma volume in the University of Nebraska's *Politics and Governments in the American States* series. However, the present text has given me an opportunity to write on the political institution that I have worked for over the majority of my professional career. The Oklahoma House of Representatives has been for me a stimulating and challenging environment in which to work.

I was also overwhelmed by the task of writing a history of the Oklahoma House of Representatives. Attempting to compress a century of history of a political institution, such as the Oklahoma House of Representatives, into a readable document and to do justice to the institution in the time frame given to complete the project, caused me to hesitate at times. I am fully aware of all the important matters that I have been unable to include to avoid weighing down readers with more information than they want. It is for that reason that the title indicates that this is a "historical perspective." My intent is not to give an exhaustive history. Instead, I have touched quickly on what I believe to be the more interesting and important events in the House's history. However, I have also included, for the more serious reader, information about the evolution of the Oklahoma House of Representatives in Appendix IV that I felt should not be lost.

Another matter of great concern to me has been writing about relatively recent events in the history of the Oklahoma House of Representatives, some of which were painful in nature. I have served the last five Speakers of the House in one administrative capacity or another, and I found each to be fine men and outstanding leaders. Therefore, it is with great hesitation that I have had to include in this history the very difficult conclusions to the Speakerships of Daniel D. Draper, Jr. and Jim Barker. On the other hand, it would not be historically honest to leave out those chapters in this history.

Any project of this magnitude is only possible with the contribution of many individuals. I will list those that I am most indebted to for information or materials. The library staff at the Jan Eric Cartwright Law Library at the State Capitol were extremely helpful in trying to respond to my many urgent requests. Edward Connie Shoemaker at the Oklahoma Historical Society's library made a major contribution to this effort by introducing me to *Harlow's Weekly*, an immensely valuable source for Oklahoma political history before 1940. Bob Blackburn, the executive director of the Oklahoma Historical Society and his staff also provided me with several very valuable photographs. The Western History Collection at the University of Oklahoma and Bozarth Photography in Guthrie also made the Guthrie photographs for the early history of the Oklahoma House of Representatives available. Thanks go to Mick Hinton at *The Daily Oklahoman* for the photograph of the Langston lock-in, and Brian Ford at the *Tulsa World* for the photograph of the signing of House Bill 1017. The contributions of Stuart Ostler, the chief legislative photographer, were critical in helping me obtain photographs of former members and digging out of his files several splendid pictures of the State Capitol.

Although time limited me from doing extensive interviews of former House members and staff, I was able to benefit from those I did. Former Speakers Rex Privett and Daniel D. Draper, Jr. were kind enough to give generously of their time. Speaker Privett was a very important source for the history of the House in the 1950's and 1960's. Former House member Sid Hudson was particularly helpful in filling in details about the T-Bar Twelve.

Richard Huddleston, my former boss and a twenty-five-year veteran of the House staff, enriched my understanding of the House during his tenure. Other veteran, current and former, House staff who shared their insights with me include Louise Stockton, Inez Gilson, Susan Hill, and Marcia Shockey. Susan was the source for the table of former House members listed in Appendix III. Karen Kipgen corrected my understanding of the history of the House page program.

Trey Ramsey, Director of the House Information Services Division, prepared the map of Speakers by county in Appendix I. Joe Blough in the House Chief Clerk's office did an excellent job in checking and correcting the information in Appendix II. Donna Russell in the office of the Executive Director of the House Research, Legal, and Fiscal Division literally spent days verifying and correcting the list of House members in Appendix III. I appreciate Tally Fugate at the Oklahoma Department of Libraries for her valuable work examining the bill archives. Her analysis was used in writing the section on bill drafting in Appendix IV. Arlene Bayne and her staff in the House Engrossing and Enrolling Office were instrumental in providing the polishing touches to my rough drafts. Their quick proofing and editing is greatly appreciated.

I owe an immense debt to Penny Tullis, Chief of Staff to Speaker Loyd Benson. She supported and encouraged me from the start of the project. When my mind was too numb to come up with a good title, she came to my rescue. She also took the lead in developing the cover. In that effort, I also want to express my appreciation to Jerry Jansen and Representative Darrell Gilbert for the art work on the cover and to Scott Carter in the Media Division of the House for its design.

Gerlinde Williams, Administrator of the Central Printing Division at the Department of Central Services, and her staff were very cooperative in the production process. Her advice and willingness to work with tight deadlines were critical to the success of the project. Her staff did a wonderful job with the pictures, some of which were not the crispest copies.

Finally, this project could never have been completed without the unselfish time given to it by Susie Bradshaw, Executive Assistant in the House Research, Legal, and Fiscal Division office, and her support staff who typed the manuscript and made copies of the photographs that are included in the following pages. A special debt of gratitude goes to Joan Richards for sacrificing her holiday weekends to assist me and attempting to otherwise keep this project moving to its completion. She added a great deal to the final product. We worked well as a team.

For this second printing, I took the liberty of eliminating a number of errors and typographical problems. I have also added a photograph from the chamber dedication at the beginning and one of the chamber entrance at the end of the publication.

Pre-Statehood

A history of the Oklahoma House of Representatives must begin with political events leading to statehood. Prior to voter adoption of the Oklahoma Constitution in November 1907, Oklahoma was divided along a north to south line, splitting Indian Territory in the east from Oklahoma Territory. Both areas had considerable experience in self-governance. Indian Territory had been governed by the tribes, most notably the Five Civilized Tribes (the Chickasaw, Seminole, Creek, Choctaw, and Cherokee nations) which had been forced to leave their original homelands in the southeast during the first half of the nineteenth century. These nations had their own constitutions and legislative, executive, and judicial institutions. Oklahoma Territory was created by the Congress in the Oklahoma Organic Act of May 2, 1890. The President of the United States appointed territorial governors who, in turn, had important patronage powers which greatly benefitted the Republican party, which controlled the White House, except for the four years when Democratic President Grover Cleveland was in office. In addition to the territorial governor, a territorial legislature was elected to perform the legislative function.

Though Oklahoma developed quickly in terms of population and economy, statehood was delayed in large part due to the twin territorial arrangement. At the beginning of the twentieth century, political leaders in Indian Territory pursued a twin-statehood solution when the principal chiefs of the Five Civilized Tribes convoked the Sequoyah Convention in Muskogee on August 21, 1905. It produced a well-written constitution approved by voters in the territory and a request that Congress admit Indian Territory to the Union as the state of Sequoyah. The request was ignored; instead, Congress enacted the Hamilton Statehood Act, known also in Oklahoma as the Oklahoma Enabling Act, on June 16, 1906, providing for unification of the twin territories.

The Sequoyah Convention, the Oklahoma Organic Act, and the Constitutional Convention created by the Enabling Act had very large impacts on the Oklahoma House of Representatives' history. The Enabling Act ended efforts for twin statehood by authorizing a process for a unified Oklahoma to be admitted to the Union. A constitutional convention was called with fifty-five delegates elected by adult males from each of the territories and two delegates from the Osage Reservation. As provided in the Organic Act, the convention was held in Guthrie, the capital of Oklahoma Territory. Congress selected Guthrie as the capital of Oklahoma, at least until 1913,

when the new state would be permitted to decide on the permanent location of the state capital. Other notable provisions that would greatly impact this history were provisions requiring prohibition in former Indian Territory and prohibiting Oklahoma from ever enacting legislation to abridge the right to vote “on account of race, color, or previous condition of servitude” (the Organic Act’s protection of African-Americans was never complete as the act specifically accepted separate school systems).

The Sequoyah Convention was important as a crucible for the shaping of the new state’s political institutions and the development of future state political leaders. Men such as Charles N. Haskell from Muskogee and William H. “Alfalfa Bill” Murray of Tishomingo played major roles at the Sequoyah Convention and the Oklahoma Constitutional Convention. They were rewarded at statehood when Haskell was elected the new state’s first Governor and Murray was picked to be the Oklahoma House of Representatives’ first Speaker. Many of the radical provisions of the Oklahoma Constitution associated with the populist and progressive political movements of the day were incorporated in the proposed Sequoyah Constitution.

The men who were elected to the Oklahoma Constitutional Convention were, by and large, very different from those who had led political life in Oklahoma Territory. As previously noted, Oklahoma Territory had been dominated by the Republican Party. In contrast, voters in both territories selected an overwhelming majority of Democrats to the Oklahoma Constitutional Convention. The Democratic delegates, with strong support from labor and agricultural leaders who found common ground in their dislike of the trusts and corporate barons which were viewed as evils in that day, assumed firm control of the convention. Murray, with the strong support of Haskell (despite his throwing an inkwell at Murray because he would not recognize Haskell), presided over the convention.

This is not the place to delve deeply into the work of the convention or the Constitution itself, but a number of the Constitution’s provisions had a large role in shaping the history of the Oklahoma House of Representatives. Although there was some support for a unicameral legislature modeled after Nebraska’s or for a relatively small number of legislators, the delegates’ prevailing opinion was that the Legislature should be bicameral, with a Senate and a House of Representatives composed of and elected by men. The first House would be composed of 109 members who would serve two-year terms. The delegates had turned down the strong efforts of the female suffrage forces who sought to include female suffrage in Oklahoma. The office of House Speaker was created, and the House was given the sole powers of originating revenue-raising measures and impeachment proceedings. Except for the first session, Legislatures would meet biannually in regular session in the odd-numbered year. The length of the session was not restricted, but a provision that reduced daily compensation from \$6 to \$2 after sixty days (except for the first session) would pressure legislators to restrict the length of sessions. No provisions were made for the Legislature to convoke itself into session. The calling of special sessions was the responsibility of the Governor and he (women were prohibited in the Constitution from election to that office) determined what matters the Legislature could consider in a special session. The Legislature’s powers were shared with voters through the relatively new and radical initiative and referendum process which permitted voters to enact statutory and constitutional changes and to petition for a vote on legislative enactments not containing emergency clauses. A relatively high requirement for a two-thirds

majority vote on emergency legislation without which measures would not take effect until ninety days after a session were written into the Constitution. This gives voters an opportunity to circulate a referendum petition that, if it obtains sufficient signatures, will suspend a legislative enactment and enable a state vote on the measure that can result in its repeal. Though the populist sentiment created a constitutionally weak governor, the office was given strong package and line-item veto powers over legislation. The drafters of the Oklahoma Constitution added a wide variety of other provisions to prevent abuses that they felt should not be permitted in the Oklahoma Legislature. For example, measures (with a few exceptions) had to be limited to one subject, and enactment of special or local legislation was encumbered by a process requiring newspaper postings.

Once the proposed Oklahoma Constitution was written, voters went to the polls in November 1907 to elect a large number of statewide officers and a Legislature, as well as voting on the Constitution. The House of Representatives' apportionment plan was based on county representation. As provided by the Constitution, sixty of the seventy-five counties (including Tulsa County) were entitled to one seat; twelve counties were authorized two seats each; two counties were authorized three seats; and Oklahoma County was permitted four seats, one at-large and the others by districts. Fifteen additional seats were to be elected from flatorial (multi-county) districts composed of two or three counties. In future reapportionment plans, no county could exceed seven seats regardless of the county's population size. This scheme, particularly the cap on seats to a county, was designed to protect the interests of rural areas which feared domination by cities. This provision had immense importance in the history of the Oklahoma House of Representatives by giving the House a rural orientation until the mid-1960s.

The First Legislature and the First Speaker

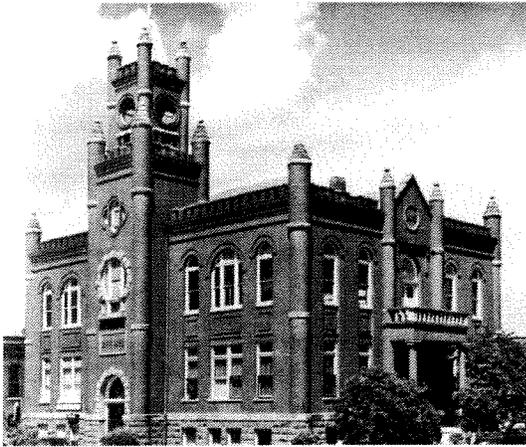
The 1907 elections validated the work of the Constitutional Convention. The Oklahoma Constitution was approved, and the political forces which inspired it were rewarded by the election of men who shared their outlook. In the House of Representatives, there were ninety-three Democrats and only seventeen Republicans elected to serve in the first Oklahoma Legislature. When the members gathered in Guthrie to meet at the City Hall Building (the Second Legislature would move to the newly-built Convention Center) for the first day of session at noon on December 1, 1907, Murray had already captured sufficient votes among Democrats to make him the unanimous choice as Speaker. In an emotional acceptance speech during which Murray stopped several times to choke back his tears, he laid before the House the Herculean task of putting legislation together to implement the Constitution. He also promised to administer his duties fairly and to treat the Republican minority fairly. He warned them, however, there would be limits:



*William H. Murray, the first Speaker of the Oklahoma House of Representatives, 1907-8 Session.
Source: The Oklahoma Historical Society*

I want to say that so long as the republicans in this body have a desire to promote the interests of this state and desire recognition at the hands of the chair, so long will they have an equal footing on the floor with any member of this body (Applause). But the man who undertakes to get gay, the man who imagines that in a position of this kind, that he can make life miserable for 'Cockleburr Bill' (Murray's other nickname) is mistaken. (Applause.)

Murray then sought in the first three staff appointments to symbolically unite the state's population. Sworn in first were a Union and Confederate veteran as doorkeepers. They were then followed by the swearing in of Jim Noble, an African-American, as House custodian (Noble was a well-known figure at the state capitol, both in Guthrie and Oklahoma City, for several decades).



City Hall in Guthrie where the First Legislature met, 1907-8. Source: Bozarth Photography, Guthrie

The House also adopted as its initial rules those of the Constitutional Convention until rules of its own could be prepared. The rules prepared by the Committee on Rules and Order of Business and adopted by the House on December 7, 1907, provided the Speaker with strong powers over House operations. He was, for example, empowered to make all appointments to the fifty-three House standing and three joint committees and to decide where bills should be assigned. He was also given the power to hire and fire House employees, although in practice the patronage arrangements that prevailed in the early Legislatures gave the minority party control over a limited number of staff. The new rules also included: 1) committees on printing of bills and journals, etc., and House accounts and expenses to prevent corruption in those important functions, 2) use of the committee of the whole whereby a measure can be

amended by the entire House prior to third reading, 3) use of the rising vote, 4) a prohibition against House staff lobbying members, and 5) provisions for registering paid lobbyists for special interests and against their lobbying individual members from going on the House floor without invitation (violation of the lobbying rules would involve contempt of the House and result in the banishment of the offender and his name being placed on a list at the main entrance to the legislative hall). The rules also permitted a variety of current or former territorial or state and federal officers floor privileges, as well as the chief executives of the Five Civilized Tribes.

Perhaps more than any other Speaker in the House's first fifty years, Murray dominated the House during that first long session which finally adjourned May 26, 1908. Moreover, he and Governor Haskell dominated the state political scene during the first session.

Never afraid of a good fight, Speaker Murray demonstrated during the first days of that session that the House would not be treated as an inferior body to the Senate or permit it to assume

the position of the “upper house.” This was illustrated when it came time for the Legislature to elect Oklahoma’s first two U.S. Senators (a practice which ended with the ratification of the 18th Amendment in 1919). Robert L. Owen and Thomas P. Gore had led the field in the preferential balloting for these seats and were virtually assured of election. On the appointed day, the House adjourned early and proceeded to the Opera House in Guthrie for the joint session scheduled at noon where many of the new state’s political notables gathered to watch. In accordance with joint rules which had been adopted by the new Legislature, Speaker Murray was to preside over the joint session. However, the Senate delayed the session and sent word that the Senate wanted the Lieutenant Governor to preside because the Oklahoma Constitution gave the Lieutenant



*Ione Hotel in Guthrie in 1906, a popular spot for Democratic House members and where the Democratic caucus met prior to the First Legislative Session, 1907-8.
Source: Helen Holmes Collection,
Western History Collections, University of Oklahoma.*

Governor a vote in the Senate as President of the Senate and in joint sessions. Well aware of those provisions, but also that the Constitution was silent regarding the issue at hand, Murray refused to budge for three hours. During that time, the state watched the first (but hardly the last) clash between the two chambers.

The Senate was not unique in experiencing the wrath of Speaker Murray. “Cockleburr Bill” also would not tolerate local officials treating the House with contempt. When the Alfalfa County clerk refused to turn over to the House Committee on Privileges and Elections records pertaining to a contested House race, he was found in contempt of the House and sentenced to six months in the Logan County jail. When the clerk refused to accept his punishment or turn over the records, Murray accompanied a special posse that he appointed of House members and sergeants-at-arms, and Garfield County sheriff’s deputies to arrest the clerk. The clerk avoided the posse by fleeing to Kansas, and the Speaker ignored a local court order obtained by the clerk which was issued to stay the House’s search. Murray defiantly responded that the only court order he would comply with in the matter would be a habeas corpus after he caught his man! The issue was resolved when the clerk turned himself in, agreed to a one-night stay in the Logan County jail to satisfy the contempt of the Legislature charge rendered against him, and turned over the records in question.

Speaker Murray would also be involved in a number of notable conflicts with other House members. Two such incidents illustrate his combative style. One House member who publicly complained that the Speaker was responsible for permitting the member to be misquoted, filed a resolution to require the maintaining of floor speeches. Murray (who had earlier forced the member’s wife, a House stenographer, to leave her stenographer post in the House rather than accept the resolution) said that he would fire all staff stenographers and destroy all existing records of floor speeches. Later in the session, the chair of the House Rules Committee would have struck the

Speaker over the way he was conducting floor sessions, but the members and sergeants-at-arms intervened. In another instance, Murray caused a great stir in the House when he chased from the floor Kate Barnard, the popular statewide-elected Commissioner of Charities and Corrections, even though House rules gave state officers floor privileges.

There is another matter that deserves to be saved from the dustbin of history. As the 1907-08 session neared its scheduled adjournment, the Legislature had not completed its appropriations work. However, the Speaker attempted to force the Legislature into a special session by arguing that it was the intention of the Constitutional Convention that revenue-raising and appropriation measures not be passed during the last five days of a session. When it was pointed out that there was no such provision applicable to appropriation bills, Murray coolly said the omission was due only to an engrossing error and that to do otherwise would be a violation of the spirit of the Constitution. Although he reluctantly gave in to the pressure from weary legislators, he warned that allowing appropriation measures to pass the last few days of session would not only be a violation of the spirit of the Constitution, the practice would also permit the opportunity for graft during the concluding days of future legislative sessions.



*The Daily Oklahoman,
January 7, 1908*

That first session of the House required a great deal from its members as they considered legislation necessary to unite the two territories, to vitalize numerous constitutional provisions, and to provide a financial base upon which to fund state and local governments in Oklahoma. From their desks, which were in a semicircle patterned after the U. S. House of Representatives, the 119 House members wrote, debated, and enacted more than 200 bills. Nearly one-half of the measures vitalized provisions of the Oklahoma Constitution or the Oklahoma Organic Act.



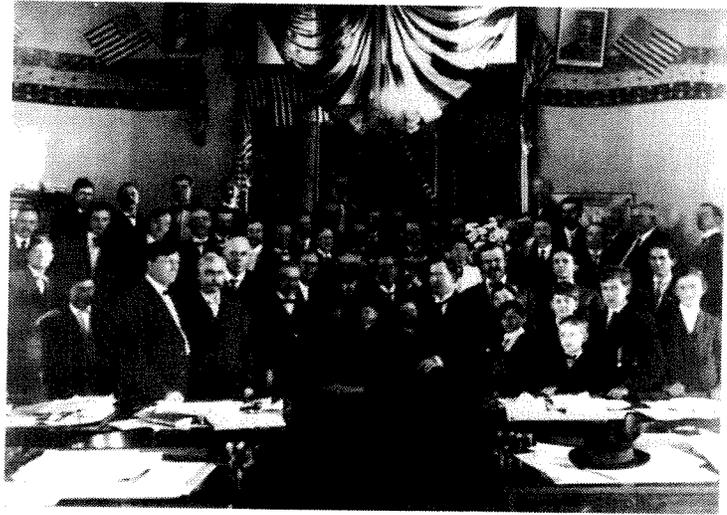
*The Daily Oklahoman
February 29, 1908*

One of the more controversial of this class of measures was a bill to put teeth in the prohibition provisions of the Oklahoma Constitution. The Oklahoma Organic Act required prohibition in the eastern half of the state, but a separate amendment to the Oklahoma Constitution approved by voters in the statehood election imposed prohibition statewide. The "Billups Booze Bill," so-named after Senator Richard A. Billups, came to the House with strong enforcement provisions for law enforcement officials who were complaining about rampant violations in their jurisdictions. In the House, Speaker Murray added a series of amendments creating a state dispensary agency to supervise the sale of spirits for medical and other prescribed purposes (allowed in the Enabling Act and the Oklahoma Constitution) and authorizing local dispensaries in each municipality

over 2,000 in population and one for counties without a town of that size designated by the superintendent of the state dispensary agency. Murray's amendments, in contrast to provisions of the Enabling Act, would also allow for dispensaries in towns under 1,000 if voters approved an amendment to the Oklahoma Constitution. The Speaker encountered opposition on the amendment,

falling five votes short of the votes required for an emergency on the bill. The resourceful Murray then ruled that measures to implement constitutional provisions automatically carried emergencies with them! When the House returned the bill to the Senate, its members were upset about the extensive House amendments, delaying final consideration for nearly three months. The final bill sent to the voters the House provision authorizing dispensaries in towns under 1,000, but experience with dispensaries in the intervening time indicated that they were not financially viable. Voters rejected State Question 1, and there would never be more than 20 dispensaries operating at any one time before the dispensary system was repealed in 1911. Prohibition and liquor control issues would remain controversial matters that divided voters until passage of a liquor-by-the-drink state question in 1984.

The other controversial issue left from the Constitutional Convention dealt with race relations in the new state. Only the fear that President Theodore Roosevelt would refuse to approve the Oklahoma Constitution and delay statehood if it contained racially-discriminatory provisions (popularly called Jim Crow laws) deterred the convention members from inserting one. However, it was clear to Oklahoma voters and African-Americans during the gubernatorial and state legislative campaigns that a Democratic victory



Bill signing ceremony for Senate Bill 1, imposing Jim Crow racial segregation in Oklahoma. Source: Archives and Manuscripts Division, Oklahoma Historical Society

would result in quick action on Jim Crow legislation to require segregated public facilities. In fact, the first bills filed in both chambers were Jim Crow bills, and the House voted 95-10 for Senate Bill 1. This act (not the first one signed by Haskell) required transportation companies in Oklahoma to provide separate coaches, waiting rooms, and other facilities for African-Americans. Supporters of Jim Crow were motivated by race and partisan considerations (African-Americans in Oklahoma were strong supporters of the Republican Party as the Grand Old Party of Lincoln). African-American reaction was something more than passive. There were small-scale riots in the African-American community, and African-Americans attacked a special train carrying Democratic politicians from Guthrie to Muskogee to the state party convention. They were attacked as the train passed through the African-American town of Redbird. A large chunk of coal broke a window cutting the shoulder of one state representative and scattering glass on two senators.

One of the heavy responsibilities of the First Legislature was to erect a tax base to fund state services. Given that the Oklahoma Constitution gives the House of Representatives the power for the introduction of revenue-raising measures, the initial House was assured a key role over establishing fiscal policies for the new state. For a tax base, the Legislature levied: 1) a 2% gross revenue tax on pipelines, coal mines, and telegraph lines; 2) a 0.5% gross production tax on oil, railroad, electric utilities, and telephone companies; 3) a graduated individual income tax on incomes over \$3,500 per year with a top rate of 3.5% on incomes over \$100,000; and 4) the property tax.

Oklahoma was one of the first states to have an income tax. With these levies, the Legislature passed a \$4 million budget for the biennium.

In addition to redeeming the Jim Crow pledge, legislators enacted a social agenda which is considered the most radical in Oklahoma's political history. With the union of populist and progressive forces behind them, the Twin Territorial Federation of Labor and the Farmers' Union were very influential in the work of the Constitutional Convention. Their political strength continued into the First Legislature. Murray, for example, was one of a contingent of more than forty House members known to be strongly in favor of the Farmers' Union agenda. Not surprisingly, therefore, the 1907-08 session produced an impressive volume of "radical" legislation that protected bank depositors, extended protections for labor strikers, created the nation's first statewide system of publicly-financed employment agencies, imposed an eight-hour day requirement for workers employed on all state projects, and enacted anti-trust legislation designed to curb the influence of Standard Oil and Rockefeller interests in the new state. *The Daily Oklahoman*, at that time the state's strongest media proponent of the Democratic Party, at the end of the session editorialized approvingly on the radical orientation of the new Legislature as a counterbalance to the excesses of trusts in the national economy. "In constantly consulting the interests of the whole people of the state, the first legislature has acted with commendable wisdom."

This union of reform-oriented labor and agricultural forces would not last. In fact, cracks developed during the 1907-08 session, and Speaker "Cockleburr Bill" Murray was a central figure in the impending break. In part, his eccentricities were partly to blame. His decision to chase Kate Barnard, a popular figure in progressive circles, from the House floor was a tactical mistake. One of his biographers also concludes that Murray's dominance in the House of Representatives did not guarantee his popularity statewide. His appeal was strongest in rural and small town constituencies. Urban areas, the wealthy, and the educated strata of Oklahoma society viewed the populist "Alfalfa Bill" as too unsophisticated for their tastes. Although Murray supported much of the reform agenda in the First Legislature and used his office to pass most of it, his support was not total. For example, he was assigned much of the blame in labor circles for the Legislature not passing a child labor bill supported by the labor wing of the reform agenda, but which had been opposed by the Farmers' Union. The State Federation of Labor, when it met in July 1908, pointedly attacked the Speaker and numerous other legislators for their luke-warm support for the reform agenda. Labor resolved itself to "pledge our efforts and ballots to the end that he [Murray] shall be defeated for every political office he may aspire to, and we shall regard any official or party that continues to boost W. H. Murray as an enemy to the masses of Oklahoma." In fact, Murray, briefly left the political scene after he concluded his term as Speaker in a financially stressed condition and in poor health. He declined to run for office in 1908 in part to prepare for his unsuccessful race for governor in 1910.

Nevertheless, that First Legislature, which completed the radical work of the Constitutional Convention, earned the Legislature an exaggerated anti-business reputation which it would not shed for decades. This reputation was particularly undeserved since the Second Oklahoma Legislature and those that would follow were considerably more conservative and friendly to business interests than the First.



*Oklahoma Avenue in Guthrie Showing the Convention Hall, where the Legislature met in 1909, at the head of the street.
Source: Bozarth Photography, Guthrie*

The reform movement was greatly diminished when one of its key, if not always consistent components, the Farmers' Union of Oklahoma experienced a tremendous setback caused by the collapse in farm prices and the resulting increase in tenant farming and sharecropping. Its membership had dropped by 60% since 1905. In addition, organized labor's lack of enthusiasm for the accomplishments of the First Legislature provided an opening for a Republican resurgence. Only 86 of the original 110 members returned to the House for the 1909 session, and Republicans added 21 members to their ranks. A reporter for *The Daily Oklahoman* noted the change in the members of the Second Legislature (1908-10) as they gathered at the Ione Hotel in Guthrie to prepare for the approaching session. Gone were "legislators who last session wore broad-brimmed hats and fierce mustaches."

The First African-American State Representative

When the House convened on January 5, 1909, Logan County voters sent the first African-American member to the Oklahoma House of Representatives. When Guthrie Republican A. C. Hamlin answered the roll call that first day, there were reports of hissing in the chamber and from the galleries. As a member of the minority party, Hamlin could not expect to exert much influence. In those days, when a strong racial segregation consensus dominated Oklahoma race relations, he was relegated to the role of a token. Nevertheless, his election had important consequences outside the House of Representatives.

In part, due to Hamlin's election and the belief that the African-American vote had enabled Republicans to win a majority of the 1908 congressional elections in Oklahoma, state Democratic leaders quickly organized an initiative petition drive to put on the 1910 primary ballot a constitutional amendment establishing a "grandfather clause" based on a similar South Carolina provision to disenfranchise African-Americans. Voter approval of the "grandfather clause" (the use of a literacy test to determine whether a person was qualified to vote, but exempted persons who were qualified to vote prior to January 1, 1866, their lineal heirs, and immigrants) led to the disenfranchisement by local election officials of thousands of African-American Oklahomans during the 1910 general election. Hamlin was defeated under unusual circumstances in his reelection bid even though he had more votes on the general election ballot than his Democratic opponent. Locally, members of the Anti-Horse Thief Association threatened Logan County election officials if they approved Hamlin's election, and Governor Haskell's administration intervened on the Democratic challenger's side because Haskell believed many unqualified African-American voters had voted in the election in violation of the grandfather clause. Hamlin was the last African-American to serve in the Oklahoma House of Representatives until 1964.



A.C. Hamlin, the first African-American House member 1908-10. Source: Archives and Manuscripts Division, Oklahoma Historical Society

The Oklahoma House of Representatives and the “Stealing” of the State Capital

While one of the major considerations of the first several legislatures was the creation of state institutions, the biggest institutional prize of the new state, the capital, remained very much unsettled in the young state. Guthrie, which had been the territorial capital, had hoped that it would remain the capital city when it successfully lobbied Congress for the provision in the Oklahoma Enabling Act that the capital could not be changed before January 1, 1913. But Democratic politicians quickly found Guthrie a hotbed of Republicanism and despised the politics of publisher Frank Greer and the editorial slant of his *Oklahoma State Capital* published in Guthrie. The House, unhappy with its accommodations, had established a committee in 1907 to examine the sanitation and ventilation problems of the House chambers and rooms. A report of the committee issued in February 1908 was sharp in its criticisms of Guthrie accommodations and the report found, for example, that the quality of the drinking water at the City Hall was not adequate and recommended that bottled water should be brought in from Sulphur.

Some of the House’s complaints may have been resolved when the Legislature moved to its new home at the Convention Center built by the residents of Guthrie for \$150,000 to house the Legislature in 1909. Although the Democratic majorities in its Legislature were still not content with Guthrie as the state capital, hadn’t the Congress tied the Legislators’ hands until 1913? Speaker Murray did not believe so; in his acceptance speech, he advanced the idea, which was later refined as the “New Jerusalem Plan,” whereby a spot in the center of the state (which everyone believed to be a site near Oklahoma City) should be selected for a capital city. The costs for building the capitol building would be derived from the sale of nearby plots of land. Moreover, Murray believed (and the U. S. Supreme Court later agreed) that Congress did not have the right to dictate to any state the location of its capital.

The first legislation regarding the removal of the capital from Guthrie to Oklahoma City was introduced in the House by Representative I. M. Putnam of Oklahoma City on February 11, 1908. His resolution complained that the Legislature’s quarters in Guthrie were “in many respects inadequate and inconveniently located, and the health of many members of the legislature have been endangered by poor ventilation and unsanitary conditions.” Predictably, the response from Oklahoma City was enthusiastic. Civic leaders, who felt that the New Jerusalem Plan was poorly conceived because it underestimated the difficulty of creating a capital city and overestimated potential revenues from the sale of land, invited legislators and other state dignitaries to be guests in Oklahoma City in late February 1908, for a day of festivities specifically designed to boom the city as the future home of the state capital. A special train carried legislators to the event where they were promised a \$1.5 million capitol building to be built at no taxpayer expense.

The Legislature passed House Joint Resolution 11 in 1908 to put a New Jerusalem question on the general election ballot that November. The question directed the state to acquire a site of sufficient size for a state capital and the sale of lots to cover the cost of construction of a capitol building. Though the votes for the question greatly exceeded those against it, the question failed due to the “silent vote” (state questions had to receive a majority of the votes cast for the state office receiving the most votes, a provision that led to the defeat of many questions before this provision was removed).



*Speaker W. B. Anthony
and Governor Haskell's Secretary who
stole the state seal*

No capital removal legislation was passed during the 1909 session. Instead, Oklahoma City leaders took the initiative route and, with cooperation from Governor Haskell, succeeded in putting two questions on a special election called June 11, 1910. For those interested in a more extensive history of the capital removal, Irving Hurst's The 46th Star should be consulted. For our purposes, Oklahoma City won the capital contest, and Governor Haskell moved the state seal to Oklahoma City once the results were known, thereby surprising many, including the Guthrie civic leaders, who presumed that in accordance with the Oklahoma Organic Act the capital would stay in Guthrie until 1913. Guthrie backers won a victory of sorts when the Oklahoma Supreme Court declared on November 15, 1910, the state question moving the capital invalid because the phrase "shall

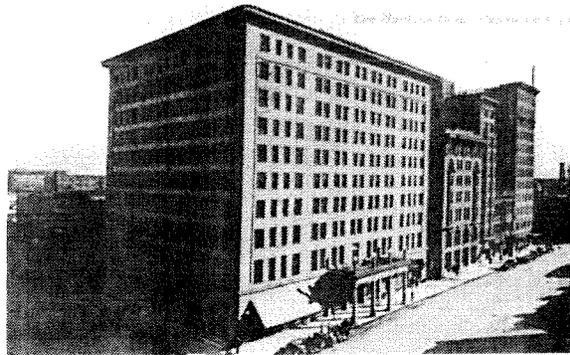
it be adopted?" had been left off the state question. To resolve the confusion, Haskell, whose term in office was nearing an end, called the new Legislature into a special session.

Before the special session convened, Haskell twice, in deference to questions about the legitimacy of the Oklahoma City state capital claim, made the two-hour automobile ride from Oklahoma City to Guthrie to issue his call for a special session to meet in Oklahoma City. Haskell used a provision in the Oklahoma Constitution permitting the Governor to convoke the Legislature at a site other than the capital when "in his opinion, the public safety or welfare, or the safety or health of the members require it" and two-thirds of the members concur. Given the temper of the residents of Guthrie over the capital removal issue, this decision may have been a prudent one.

Without a permanent home, the Legislature was forced to rely on the Oklahoma City Chamber of Commerce to find a temporary free space. The first two sites considered were the India White Temple owned by the Shriners and the Oklahoma City Auditorium. Ultimately, the Chamber settled on the new Levy Building located at the corner of West Main Street and Harvey. The House met there for both the 1910 special session and the 1911 regular session. The House occupied the sixth floor and the Senate the fifth, with the third floor available for committee meetings

Governor Haskell had prepared carefully for the special session. Most observers conceded before the session met that he had the two-thirds vote in each chamber that would be needed to ratify his special call and to move the capital to Oklahoma City. Organization of the House session went smoothly. In advance of the session, House Democrats caucused at the Lee-Huckins Hotel and

picked for Speaker, W. B. Anthony, a Stephen's county publisher of the *Marlow Review* and Haskell's secretary, who the Governor ordered to "steal" the great seal of Oklahoma after the vote on moving the capital to Oklahoma City. House Republicans caucused the next day at the Threadgill Hotel. They did not as a caucus oppose the capital move, but there were some observers who



Lee-Huckins Hotel in Oklahoma City, the hotel that the House Democratic caucus used before the 1910 special session and an important meeting place for politicians.