

GET TO KNOW :

Twin Territories

Pleasant Porter

State of Sequoyah

Oklahoma Enabling Act

Jim Crow Laws

Grandfather Clause

Charles N. Haskell

Statehood Day

Kate Barnard

OBJECTIVES :

Discover what enables a territory to become a state;

Understand how constitutions are created;

Discover what provisions are made by the Constitution of Oklahoma; and

Discuss the Grandfather Clause.

What might compel African Americans to journey west?

How would you react if Congress forced allotment on you without consent?

What would assimilation mean to you?

How would Jim Crow laws most affect your life if they were still in effect?

1890

1890 Organic Act passed by Congress, creating Territorial Government for Oklahoma Territory.

Guthrie named temporary capital.

December 1891 First Statehood Convention convened.

1895

1896 U.S. Supreme Court allows Jim Crow laws if "separate but equal."

1900

CHAPTER 11

Statehood

From 1890 until Oklahoma statehood in 1907, the term “Twin Territories” was used to refer to Oklahoma and Indian territories. Most of present-day Oklahoma was called Indian Territory in the early 1800s. Indian Territory was mainly the home of the Plains Indians until the Five Civilized Tribes were relocated there in the first half of the nineteenth century. The domain of the Five Civilized Tribes was reduced to approximately the eastern half of present-day Oklahoma by the Reconstruction Treaties of 1866.

In 1889, the Unassigned Lands were opened for non-Indian settlement and were called Oklahoma Territory. Following allotment in severalty by American Indians, Oklahoma Territory expanded, primarily, by opening surplus land to settlers through other land runs, a lottery, and an auction. As additional areas, such as the Oklahoma Panhandle and Greer County, were added by the federal government in 1890 and 1896, respectively, Oklahoma Territory would eventually include the western half of the future state.



OVER THE YEARS, leaders from each territory attempted to make each a separate state. The main attempt by the Five Civilized Tribes was the Sequoyah Convention of 1905. Convention members drew up a constitution for the separate state of Sequoyah and presented it to the U.S. Congress, but it was not approved.

However, Congress passed the Oklahoma Enabling Act in 1906, providing for the organization of the Twin Territories as one state. The Act authorized the election of delegates, from both Oklahoma and Indian territories, to a constitutional convention in preparation for Oklahoma statehood. A constitution was adopted in a statewide election on September 17, 1907, carrying out the provisions of the Enabling Act. Oklahoma was declared a state on November 16, 1907, by President Theodore Roosevelt.

1905

1905 Glenn Pool oilfield discovered.
August 1905 Sequoyah Convention convened.

June 1906 Oklahoma Enabling Act passed by Congress.
Guthrie temporary capital.

November 1906 Constitutional Convention convened.

September 1907 Constitution approved by voters.

November 16, 1907 Statehood Day. Oklahoma becomes the 46th state.

1910

December 16, 1910 Gov. Charles N. Haskell moves capital to Oklahoma City.

1910 Grandfather Clause is passed by the Legislature limiting African American vote.

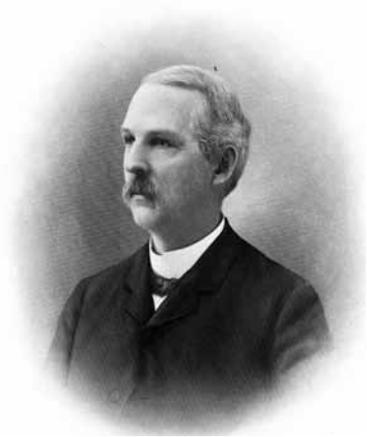
1911 Oklahoma Department of Highways established.

January 1911 Lee Cruce inaugurated as the state's second governor.

1915

1914 Construction of the State Capitol building begins.

January 1915 Robert L. Williams inaugurated as the state's third governor.



From 1865–71, **SIDNEY CLARKE** was a Republican Congressman from Kansas where he sat on the Committee on Indian Affairs. Not widely remembered today, he was the legislative mastermind behind the Boomer movement, having co-authored a failed bill in the late 1860s with Robert Van Horn of Missouri to open the Unassigned Lands. In addition, as a lobbyist in 1889, he wrote the famed Springer Amendment for Rep. Charles Springer of Illinois, making possible the presidential proclamation.



E. P. MCCABE
OHS

Citizens of the twin territories had progress on their minds. They looked to the future, and they were politically active. In 1900, a group from Indian Territory went to the Democratic National Convention in Kansas City. They nominated Benjamin Franklin Lafayette, a merchant from Fort Gibson, for vice president. He lost, but the attempt showed the people took themselves seriously. They wanted to matter in the make-up of the country. They felt that statehood was necessary to do that.

What happened at the first Oklahoma statehood convention?

On December 16, 1891, Oklahoma City hosted the first statehood convention. Members demanded that the two territories be combined into one state. Sidney Clarke headed a committee to draft an enabling act. This kind of bill makes statehood possible.

The U.S. House of Representatives looked at this bill on January 25, 1892. After that, for fourteen years, every session of Congress saw one or more such bills. Some wanted to merge the twin territories. Some wanted to make Oklahoma Territory a single state and add Indian Territory to it later. Other bills suggested two separate states.

Who was E.P. McCabe?

A group led by E.P. McCabe wanted its own state. McCabe had been state auditor in Kansas. He left there in 1889, when the Republican Party of Kansas would not let him run for a second term. He founded the town of Langston. Later, he became auditor of Oklahoma Territory.

McCabe believed the only way for any group to have political power was as a voting majority. He wanted blacks to be the largest voting group in the region.

McCabe used his newspaper, the *Langston City Herald*, to bring blacks to the region. He urged them to seek political, social, and economic freedom here. Then he sent out his papers across the South.

Many people answered the call, but not enough. Around



PLEASANT PORTER, Chief of the Creek Nation, shown wearing a Plains Indian feather bonnet. While Porter was representing the Creek Nation in Washington, he negotiated the sale of Creek interests in the Unassigned Lands, allowing it to be settled as the Oklahoma Territory.

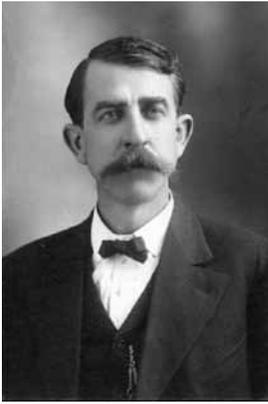
Faced with the end of all tribal governments as stipulated by the Curtis Act of 1906, Porter helped organize a separate statehood movement for the Indian nations. In 1905, delegates held an intertribal convention and drafted a constitution for a proposed Indian state of “Sequoyah.”

1900, blacks made up the largest racial minority. But they were still only about 8 percent of the total population.

What was the movement for an Indian state?

Until June 10, 1896, most Indian leaders opposed statehood of any kind. On that date, Congress told the Dawes Commission to begin enrollment for **allotment** without tribal consent. Indian leaders saw then that they could not stop statehood.

In 1902, they met in Eufaula to start a movement for a separate Indian state. They put together a committee. It met again the next year but did not make any definite plans. This was the year William H. Murray became known for representing the Chickasaw Nation. A white man, he had married a Chickasaw and was a tribal citizen.



WILLIAM H. MURRAY, a non-Indian legal advisor to the Chickasaw Nation, was appointed to represent Chickasaws at the Sequoyah Convention. Later, he was influential in the writing of the Oklahoma Constitution because of his knowledge of law. He was a colorful and skilled orator, an ability which earned him the name “Alfalfa Bill” from his talks about politics and farming. He was elected to be the ninth governor of Oklahoma in 1931.



CHARLES N. HASKELL, also a non-Indian, represented the Creek Nation at the Sequoyah Convention. He also went on to be a representative at the Constitutional Convention. Also an attorney, he played a crucial role in writing the constitution and was responsible for the inclusion of the prohibition of liquor in the new state. He was elected Oklahoma’s first governor in 1907.

What was the Sequoyah Convention?

Two leaders in the drive for an Indian State were James Norman and Charles N. Haskell. Norman was a Cherokee lobbyist. Haskell was an attorney and businessman. They called for a convention, which met in Muskogee on August 21, 1905. Attendees named Creek Chief Pleasant Porter as president. Next, they picked vice presidents from the Five Civilized Tribes:

William H. Murray for the Chickasaws;

Chief John F. Brown for the Seminoles;

Green McCurtain for the Choctaws;

Charles N. Haskell for the Creeks; and

Chief W.C. Rogers for the Cherokees.

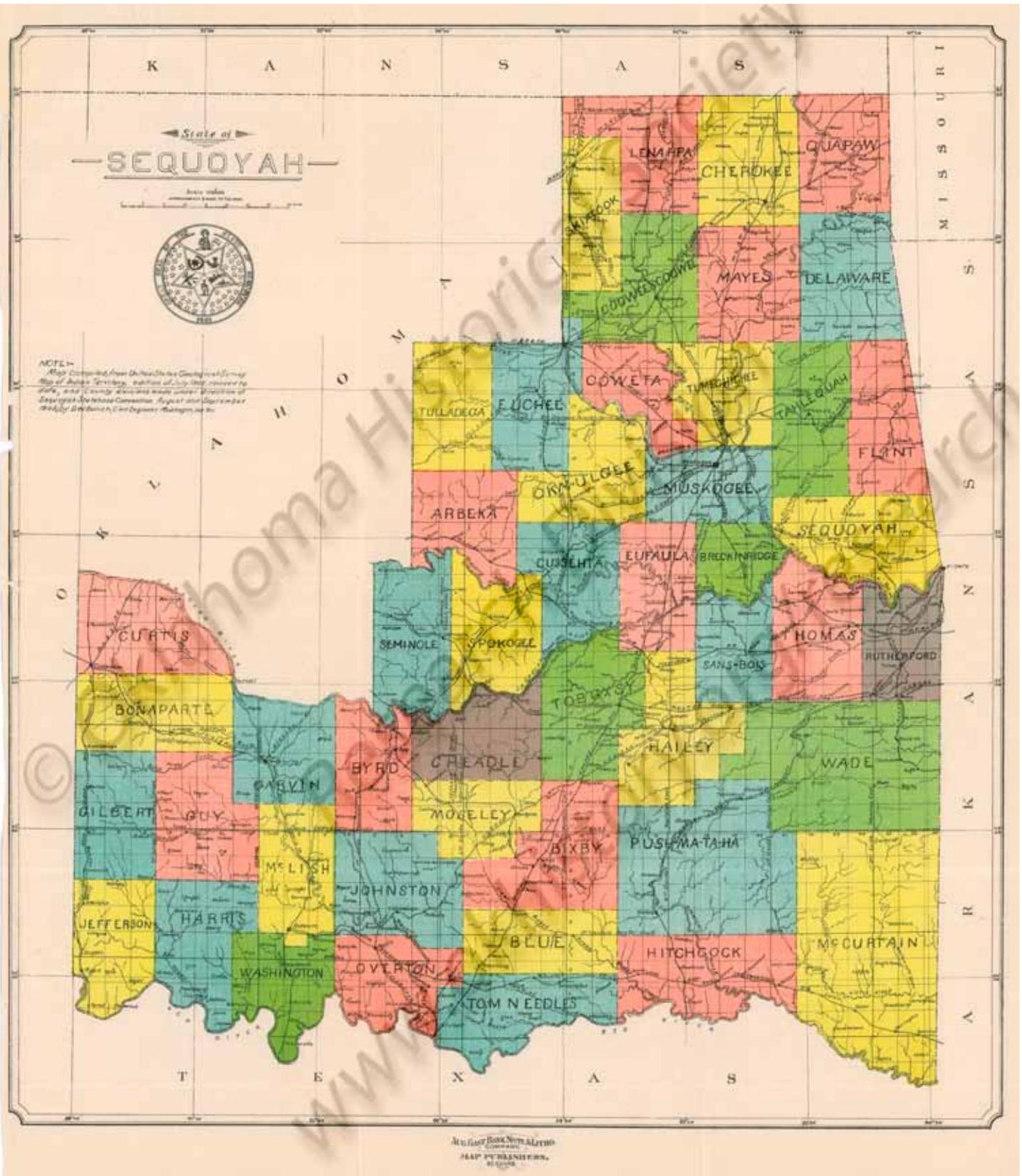
The members chose a committee to write a constitution. On November 7, the people of Indian Territory approved it with 56,000 of 65,000 votes. They sent it to Congress for approval. Sequoyah was the name for their state. They wanted Fort Gibson for its capital.

What was the Hamilton Bill?

Meanwhile, groups in Oklahoma Territory were pushing hard for single statehood. In 1905 alone, they sent Congress seven bills to make the twin territories a single state. The Sequoyah idea, then, got little attention. Congress passed the Hamilton Bill, also known as the Oklahoma Enabling Act, on June 16, 1906. It paved the way for a single, combined state.

The failure of the Sequoyah plan marked the end of Indian Territory and Indian separateness.

During the 1830s and 1840s, some Indians had stayed in the Southeast. They gave up their tribal identities and became American citizens. People who survived the Trail of Tears, along with their descendants, assimilated more slowly. Events from 1889 to 1906 sped up the process. The U.S. allotted Indian lands, gave other Indian property away, and took over Indian governments. The only steps left to “Americanize” them were statehood and citizenship.



The proposed State of Sequoyah. Some counties were named after Congressmen at the time with the hope of getting their approval.

What was the Oklahoma Enabling Act?

In 1906, Congress passed the Hamilton Bill, also known as the Oklahoma Enabling Act. It allowed the two territories to form a single state. The list below paraphrases the Act.

1. Voters should accept or reject the Act in an election on November 6, 1906.
2. The President of the United States should appoint election commissioners.
3. If the voters accepted the Act, they should convene to write a constitution. They should send 112 delegates to the convention. Fifty-five would be from each of the territories. Two would be from the Osage Nation, which would become a separate county.
4. Indian Territory and the Osage Nation should prohibit the sale of liquor for at least twenty-one years.
5. Guthrie should be the capital of the state until, at least, 1913.
6. To make up for the lack of school lands in Indian Territory, the federal government should give \$5 million to support schools.
7. Territorial courts would be able to transfer cases to the new state courts.
8. The laws of Oklahoma Territory should apply to the entire state until the new legislature changed them.
9. The state would have five members in the House of Representatives. They would be elected when the constitution had approval.
10. The state would have certain legal limits:
 - a. *It would allow different religions, but not marriages with more than one man and one woman;*
 - b. *The state would give title to unassigned public lands to the U.S. It would never tax any property owned by the U.S.;*
 - c. *The state would never place a higher tax on property of nonresidents than it had on property of residents;*

d. *The state would absorb the debts of Oklahoma Territory;*

e. *It would create a free, nonreligious public school system; and*

f. *Voting would not be restricted because of race, color, or previous servitude.*

11. The constitution would be republican in form; it would not conflict in any way with the U.S. Constitution or the Declaration of Independence.

Voters passed the Oklahoma Enabling Act on November 6, 1906.

Also on November 6, the public elected delegates for the Constitutional Convention. Of the 112 delegates, one was Independent, twelve were Republicans, and ninety-nine were Democrats. Quite a few were Indian or had Indian heritage. None was African American.

What was the African American migration?

The Indians who moved west in the early part of the nineteenth **century** did so to escape oppression. Years later, another minority moved to the twin territories with similar hopes. They came from the South, especially.

Mrs. Mary Brown Williamson came from Tennessee. A black woman, she moved with her family and several others in 1892. She was living in Kingfisher during the 1930s when she recorded her story. It is in the *Indian-Pioneer Papers* at the Oklahoma Historical Society. Mrs. Williamson said:

We did not have to leave Memphis, Tennessee, but it was our desire. There was so much mobbing going on we wanted to get where it was a free country, so we would not be afraid for our lives. . .

Major newspapers took note of this change. For instance, the *St. Louis Globe-Democrat* reported from Newport, Arkansas, on March 30, 1890:



A group of Negroes (sic), of all ages and sexes, passed through this town today, bound for Oklahoma. They all come from Crittendon County and are in destitute condition. They do not blame the people of the county they came from but say they hope to better their condition in Oklahoma, the “land of the Negro.”

The *Oklahoma Guide* in Guthrie ran an article on April 11, 1901, about the Colored Immigration Bureau and its view of the region. This report and others like it boosted the hopes of many African Americans. It said in part:

The moral, financial and political conditions of the colored people in the territory is very good, the financial condition of the Oklahoma Negro is better than or equal to any state in the union taken as a whole, because nearly all own their own land.

The colored farmers are doing excellently, they have made good crops almost every year since '94, and have a good market for all their produce, cattle, hogs, etc. . . . If the colored people of the United States wish to better their moral, political, social, or natural conditions, and to live where they can be free to enjoy the rights as American citizens, and have no bosses, and rear their children as American citizens and not subjects and tools of others, they ought to prepare and move to Oklahoma Territory. . . .

BOLEY, OKLAHOMA. The All-African American towns of Oklahoma represent a unique chapter in American history. Nowhere else, neither in the Deep South nor in the Far West, did so many African American men and women come together to create, occupy, and govern their own communities. From 1865 to 1920, African Americans created more than fifty identifiable towns and settlements, some of short duration and some still existing at the beginning of the twenty-first century.

Marshalltown, North Fork Colored, Canadian Colored, and Arkansas Colored existed as early as the 1860s in Indian Territory. Other Indian Territory towns that no longer exist include Sanders, Mabelle, Wiley, Homer, Huttonville, Lee, and Rentie. Among the Oklahoma Territory towns no longer in existence are Lincoln, Cimarron City, Bailey, Zion, Emanuel, Udora, and Douglas. Towns that still survive are Boley, Brooksville, Clearview, Grayson, Langston, Lima, Red Bird, Rentiesville, Summit, Taft, Tatums, Tullahassee, and Vernon. The largest and most renowned of these was Boley.

What did African Ammericans do in Oklahoma?



GREEN I. CURRIN

Timothy C. Tyler © The Oklahoma State Senate Historical Preservation Fund, Inc. and the artist. Used by permission.

Several African Americans won political office. Green I. Currin was the first. Kingfisher County elected him to the initial Territorial Legislature in 1890. Currin introduced the first civil rights bill, House Bill 119, in Oklahoma. One vote defeated it.

Early on, African Americans organized to fight for their rights. They formed the Equal Rights Association, the Suffrage League, and the Negro Press Association. They also formed the Afro-American League, the Negro Protective League, and the State Anti-Lynch Law Bureau, all by 1906.

In fact, the Equal Rights Association of Kingfisher County asked Congress to use the Enabling Act to protect the equality of citizens.

. . . [We ask] that Oklahoma be not admitted as a State of this union without some very [strict rules] against class legislation.

Our deadly foes are now busy educating their children to hate us and to believe that we are low, degraded, and vicious because our skins are dark. Nor do they make any exception of those of us whom they have made about as white as themselves, their eyes many times blue and their hair straight. . . .

The last sentence above refers to a social standard of the time: Even African Americans who had white ancestors, and might “pass” for white, were still legally African American.

The Constitutional Convention met at Guthrie on November 20, 1906. Members chose William H. Murray to **preside** because of his superior knowledge of constitutional law. Over time, Murray turned into a controversial figure for his words and actions. For example, in his inaugural address, he said:

We should adopt a provision prohibiting the mixed marriages of Negros (sic) with other races in this State, and provide for separate schools and give the Legislature power to separate them in waiting rooms and on passenger coaches, and all other institutions in the State. . . . He must be taught in the line of his own sphere, as porters, bootblacks and barbers and many lines of agriculture, horticulture and mechanics in which he is [a skilled person], but it is an entirely false notion that the Negros (sic) can rise to the equal of a white man in the professions or become an equal citizen to grapple with public questions. At the same time let us provide in the constitution that he shall have equal rights before the Courts of the country. . . .

Under Murray's leadership, the constitution separated the races in its public schools. The document declared:

Separate schools for white and colored children with like accommodation shall be provided by the Legislature and impartially maintained. The term "colored children," as used in this section, shall [mean] children of African descent. The term "white children" shall include all other children.

This definition of "white children" was especially important. **Numerous** members of the convention, and many citizens, were Indians.

The public approved the state constitution with a three-fourths majority.

What were provisions of the state constitution?

The state constitution provided:

1. The basic elements contained in most state constitutions.
 - a. A bill of rights.
 - b. Legislative, executive, and judicial branches of government.
 - c. A two-house (bicameral) legislature.
 - d. Four-year terms for the governor and other executive officers.
2. Authority to the government to go into business on its own account.
3. A Corporation Commission.
4. All major state posts and judicial offices to be elective.
5. Initiative and Referendum.
6. A system of primary elections.
7. A Department of Labor.
8. A Board of Agriculture.
9. A Department of Charities and Corrections.
10. Prohibition of Liquor (voted on separately).
11. Boundaries and county seats for 75 of the 77 counties.
12. Separate schools for white and "colored" children.

On September 17, 1907, the voters approved the constitution by a vote of 180,333 to 73,059. Voters also elected state officials at the same time. If the President of the United States approved the constitution, the elected officials would take office on Statehood Day.



The **GREAT SEAL** of the State of Oklahoma. The seal itself contains six seals:

The center of the star contains the seal of the original Territory of Oklahoma.

The five rays of the star hold the seals of the Five Civilized Tribes – Cherokee, Chickasaw, Choctaw, Creek, and Seminole. The Seal of the Cherokee Nation is in the upper left-hand ray. It consists of a large, seven-pointed star surrounded by a wreath of oak leaves.

The Seal of the Chickasaw Nation is in the top ray. It consists of an Indian warrior standing in ancient regalia, carrying two arrows in his right hand, a long bow in his left, and a shield on his left shoulder.

The Seal of the Choctaw Nation is in the upper right-hand ray. It consists of an unstrung bow with three arrows and a pipe-hatchet blended together.

The Seal of the Creek (Muscogee) Nation is in the lower left-hand ray. It consists of a sheaf of wheat and a plow.

The Seal of the Seminole Nation is in the lower right-hand ray. It consists of a plumed tribesman shown paddling a canoe across the lake to a village with a trading post standing near the shore.

Around the large star are 45 smaller stars, representing the 45 U.S. states that existed prior to Oklahoma's statehood (the large star would be the 46th star in the seal, representing Oklahoma's admission as the 46th state).



JIM CROW political cartoon from around 1850 shows an African American man in tattered clothes walking or dancing as a couple of animals dressed as humans stroll alongside a river with a steamboat and sailboat.

Including discriminatory labor practices that lasted for decades, the **JIM CROW LAWS** were state and local laws in the United States enacted between 1876 and 1965. They mandated racial segregation in all public facilities in Southern states, starting in 1890, with a “separate but equal” status for African Americans.

Some examples of Jim Crow laws are the segregation of public schools, public places, and public transportation, and the segregation of restrooms, restaurants, and drinking fountains for whites and African Americans. The U.S. military was also segregated.

What are “Jim Crow” laws?

President Roosevelt wanted the Oklahoma constitution to leave out “Jim Crow” laws. They discriminated against African Americans. For years, these laws weighed heavily on the minds of ordinary people as well as on the minds of the United States Supreme Court.

The Supreme Court had allowed “**Jim Crowism**” in 1896, when it heard the case of *Plessy vs. Ferguson*. The case dealt with a Louisiana statute making it a crime for African American passengers to ride in railway cars reserved for whites. Police had arrested Mr. Plessy, one-eighth African American and seven-eighths white, for breaking the law. The Supreme Court decided in favor of the law, as long as the areas for minorities were “separate but equal.”

Because of this decision, Roosevelt believed the Oklahoma constitution met legal requirements. He felt that, legally, he had to sign it. Jim Crow laws would still be affecting the courts and everyday life when the state reached its fiftieth anniversary.

What progressive ideas were included in the Oklahoma Constitution?

Aside from the Jim Crow laws, people in 1907 thought the Constitution showed progress. It legalized an eight-hour workday for government employees and miners. It included child labor laws and requirements for schooling. It let women vote in school elections. (Total voting rights had been considered but defeated at the last minute.)

It even allowed for Initiative and Referendum, which seemed radical to some. It meant 8 percent of Oklahoma’s voters could use petitions to initiate, or start, a law. Fifteen percent could initiate an amendment. Just 5 percent could call for a **referendum** (a public vote) on any act of the legislature.

What happened on Statehood Day?

On November 16, 1907, thousands gathered in Guthrie. In Washington, D.C., at 10:16 a.m., President Roosevelt signed a **proclamation** and declared, “Oklahoma is a state.” As soon as the Oklahomans there telegraphed the news to Guthrie, the people shouted in celebration. Then Governor Haskell and other officials took their oaths of office on a wooden platform outside the



library.

To symbolize the union of the twin territories, there was a mock wedding. A woman posed as Indian Territory and a man posed as Oklahoma Territory. A statue of this wedding stands in front of the library, now a historical museum.

There were mixed emotions, of course, regarding statehood. Saloon owners disliked the prohibition on alcohol. Railroad executives disliked the Corporation Commission. African Americans despised the Jim Crow laws, and Indians felt uneasy about their own standing. The strong Democratic victory in the elections disappointed the Republicans.

At the same time, tens of thousands of citizens were joyful. They looked forward to prosperity and self-government. Rather than being political orphans, they were now citizens of Oklahoma, the forty-sixth state in the Union.

INAUGURATION AND STATEHOOD DAY,
Guthrie, Oklahoma. Governor Haskell,
taking the oath of office on the steps of the
Carnegie Library, November 16, 1907.

Who was Kate Barnard?

The young state of Oklahoma had several contradictions. In a nation where Native Americans had been scorned and segregated for decades, Indians and whites served in the same legislature, and both were called “white.” An African American man served in a color-conscious lawmaking body. At a time when women were denied the right to vote because of their sex, men elected Kate Barnard as the state’s first Commissioner of Charities and Corrections.

Called “Kate” by virtually everyone who ever met her, Barnard was a woman of enormous accomplishment. She was largely responsible for the child labor laws and education requirements in the Oklahoma constitution. In fact, England’s Ambassador Bryce called the constitution the “finest document of human liberty written since the Declaration of Independence.” He gave much credit for that to Kate.

The first woman to be elected to an Oklahoma state office, Kate was responsible for changes in the care of the mentally ill and for requiring sanitary conditions in jails. She was also solely responsible for the care of the state’s orphans.

Who was the first Oklahoma state governor?

The state’s first governor, Charles N. Haskell, had worked in education. Fatherless since age three, he was reared by a school teacher and the teacher’s wife. At seventeen, Haskell was a certified teacher himself. At twenty-eight, he was a widower with three children. Later, he married Lillian Elizabeth Gallup. By the time he moved to Muskogee in 1901, Haskell was practicing law. He had also operated railroad and telephone plant construction businesses. In March 1907, Haskell became the publisher of the *New State Tribune*.

Haskell’s first official act as governor was to prevent Standard Oil Company from connecting a pipeline from Bartlesville into Kansas. He sent a wire to the Deputy County Attorney of Washington County. Then he sent the militia to **enforce** the order. Haskell’s action gave the state time to make regulations for the pipeline industry before many pipelines entered the state.

His administration built the State Penitentiary at McAlester. The brickyard was made first, and then prisoners began making bricks and used them to build their own prison.



Souvenir of the First State Legislature featuring **KATE BARNARD** as the Commissioner of Charities and Corrections.



Secretary of State Bill Cross and Governor Charles Haskell at the new Governor's Office in the Lee-Huckins Hotel in Oklahoma City after the State Capital was moved from Guthrie.

What was the Grandfather Clause?

The Constitutional Convention and the first legislature had **established** Jim Crow laws. The second legislature added the Grandfather Clause. This was a condition in the constitution which based a man's right to vote on whether his father and grandfather could vote. When Republicans won three of the five congressional seats from Oklahoma, Democrats named African American voters as the reason. So they prepared a bill requiring voters to pass a literacy test. The only people exempt from the test were those whose ancestors were eligible to vote on January 1, 1866. Few African Americans were eligible to vote on that date. The Grandfather Clause made their descendants ineligible, too.

How was the State Capital changed from Guthrie to Oklahoma City?

Haskell's administration is most famous for moving the state capital from Guthrie to Oklahoma City. The location of the capital had been in dispute a long time. In fact, on the night of the removal, people were watching — to prevent it.

The **controversy** began with the Organic Act, which approved Territorial government in 1890. It named Guthrie as the meeting place of the first legislature. However, the Act also stated that the lawmaking body and the governor should name a permanent location as soon as they found it necessary.

Some members of the Constitutional Convention attempted to **incorporate** the capital location in the constitution. Other members argued against it, and the proposal was dropped. Several proposals were made for "New Jerusalem" (places where people

could make a fresh start) cities. When William H. Murray became Speaker of the House, he proposed that the state condemn or purchase a neutral site for the capital. He suggested a city be built around the capital, to be paid for by sales of lots and with state-owned utilities and public services. Different groups discussed his idea at various times but took no solid action on it.

Dennis T. Flynn, Guthrie's first postmaster, was elected as congressional delegate. He saw to it that bills for funding included conditions to prevent removing the capital from Guthrie. Such conditions were attached in 1892, 1894, and 1898. In 1900, Congress passed a bill preventing the Territorial legislature from paying for a permanent capitol building. Then, in 1906, Bird McGuire of Pawnee was a delegate to Congress. He attached a provision to the Enabling Act naming Guthrie as temporary state capital until 1913.

There were bills suggesting numerous cities as the permanent capital, but they failed. Finally, the state scheduled an election for June 14, 1910, to name the capital site. Choices were Oklahoma City, Guthrie, and Shawnee. Citizens were to vote on whether they wanted a permanent location named and, if so, what it should be. This election did not specify a "start" date for the location. The public, however, believed the permanent site would become effective in 1913, according to McGuire's attachment to the Enabling Act.

Before the governor signed the **proclamation** about the election, he changed the date from Tuesday, June 14, to Saturday, June 11. This meant announcing the results on a Sunday, when business offices were closed.

Guthrie ran ads with pictures of the attractive office building its citizens had erected, captioned "temporary capitol building." The ad advised people to vote against the bill on June 11 and save their tax money.

A **vigorous** campaign, funded by businesses and organizations, was launched. They advertised

the growth and progress the area had made since statehood.

Governor Haskell went home to Muskogee to cast his vote. He was going back to Guthrie when results of the election caught up with him at Tulsa. Of the 135,000 votes counted, almost 100,000 were for Oklahoma City. Haskell arranged for a special train to Oklahoma City. He told his secretary, W. B. Anthony, to meet him there with Secretary of State Bill Cross and the state seal.

The governor had help from his chief clerk, Paul Nesbitt, and two other employees, Earl Keys and Porter Spaulding. Apparently, they removed the state seal and the state recording book from the vault and carried them out of the building, right through a watchful crowd of self-appointed "guards." They hid these symbols of authority in a bundle of laundry which Anthony claimed to have left in the governor's office earlier.

Here, the story becomes unclear. Several legends surround the transporting of the seal to Oklahoma City. Some say it went in a limousine that was waiting outside the Guthrie office building. Others say an African American man, riding a mule, carried it into the city. Still others claim it went by train. No real records were kept on the subject, for obvious reasons.

Somehow, the seal arrived in Oklahoma City in the early hours of Sunday morning, almost at the same time as the arrival of the governor's train from Tulsa. As soon as Governor Haskell booked a room at the Lee-Huckins Hotel, he proclaimed Oklahoma City the official state capital. The Lee-Huckins Hotel became the temporary state capitol in the city.

Citizens expressed shock at this immediate removal of the state office. Certain officials stayed in Guthrie until the question was settled more securely. Lawsuits were filed. On November 15, the State Supreme Court ruled that the petition for election had contained a fatal error. It had not begun with the phrase, "Shall it be adopted." The election, therefore, was void.

The governor called a special session of the legislature to meet at the Lee-Huckins Hotel on November 28. He appealed to the lawmakers in the name of the people, pointing out that they had made their wishes known through a public election. The legislature ratified Oklahoma City as the permanent capital on December 16, 1910, after a twenty-year fight for relocation.

What kind of governor was Charles Haskell?

Haskell was a forceful governor, called heavy-handed by some, a strong leader by others. Whatever else he might have been, however, he was daring, and luck seemed to ride with him.

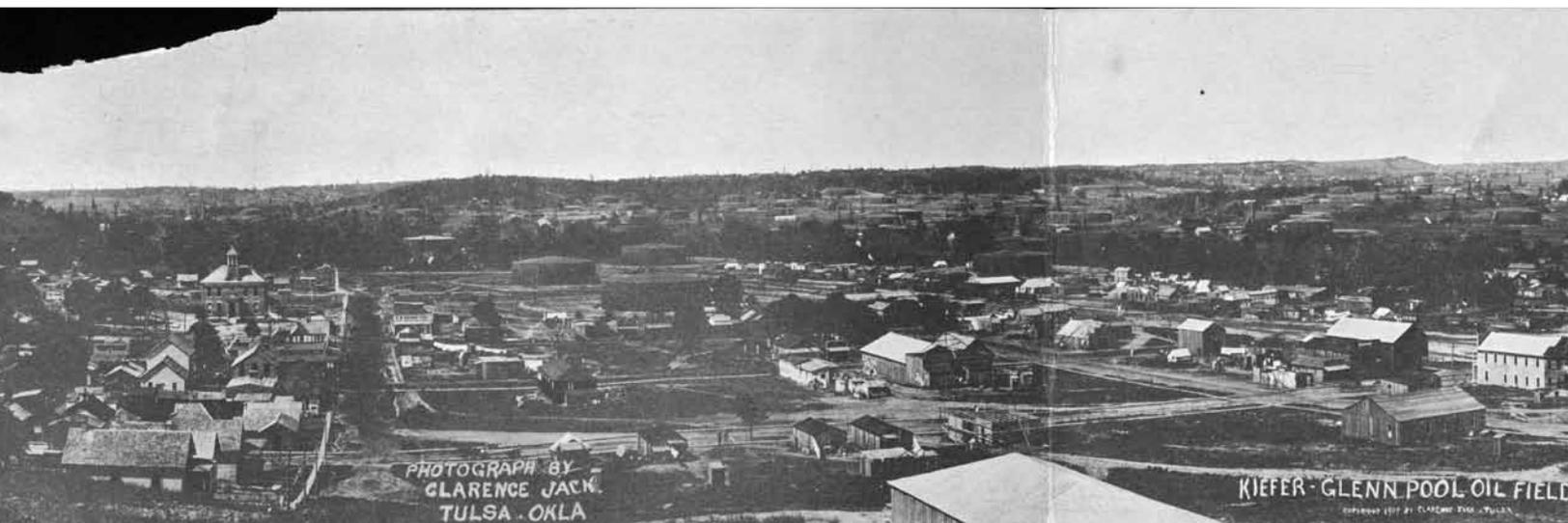
The federal government indicted (formally accused) him in 1909 as president of two companies that had invested in Creek lands. Creek agreements allowed persons with rights of occupancy to purchase one business lot and one residence lot at half their appraised value. Companies were using “dummy” purchasers to buy a great deal of property for half its real value. They paid the dummy purchasers just to occupy the lots that the companies wanted to buy.

The case was widely publicized because of Haskell’s involvement, but it was delayed in court until September 27, 1910. By that time, the Eighth Circuit Court of Appeals had handed down the *Lonabaugh Decision*, which limited prosecutors’ time for gathering evidence. This voided most of the evidence in Haskell’s case, and the court dismissed the suit.

After his term ended, the governor returned to Muskogee. He was active in state politics for awhile. He moved to New York in 1917 to organize a small oil company. By 1924, he had organized several companies and had become a millionaire. His luck ran out in the business world, however, and he lost his fortune before the Great Depression. He **subsequently** went to Mexico where he promoted a toll road from the U.S. to Mexico City. That road and his work spawned the tourist business which developed in Mexico during the 1930s.



GOVERNOR CHARLES HASKELL



How did oil fields spring up in Oklahoma?

While politicians worried about moving the state capital, oil producers were worrying about moving the state's oil. The oil industry moved into the state at the turn of the century. In 1905, the famous Glenn Pool was discovered on the Ida Glenn farm, some ten miles south of Tulsa. Bob Galbreath and Frank Chesley drilled the first three wells there. The first, at a depth of 1,481 feet, produced eighty-five barrels per day. The second well, nearby, produced seven hundred barrels per day. The third, also close by, produced two thousand barrels a day. Soon there were 125 wells in the area, producing 55,000 barrels of oil daily. Galbreath and Chesley owned twenty-four of them.

The greatest problem for the big producers was transportation. While oil from other areas was bringing more than \$2 a barrel, prices at Glenn Pool ranged from twenty-five cents to forty cents per barrel. Glenn Pool had no pipelines. Many large producers, then, built storage tanks to hold their petroleum. Small wildcatters (independent oil producers), however, had little time or money and sold their oil for any price they could get. At an average drilling cost of \$5,000 per well, a producer had to sell a lot of 45-cent oil to recover his expenses.

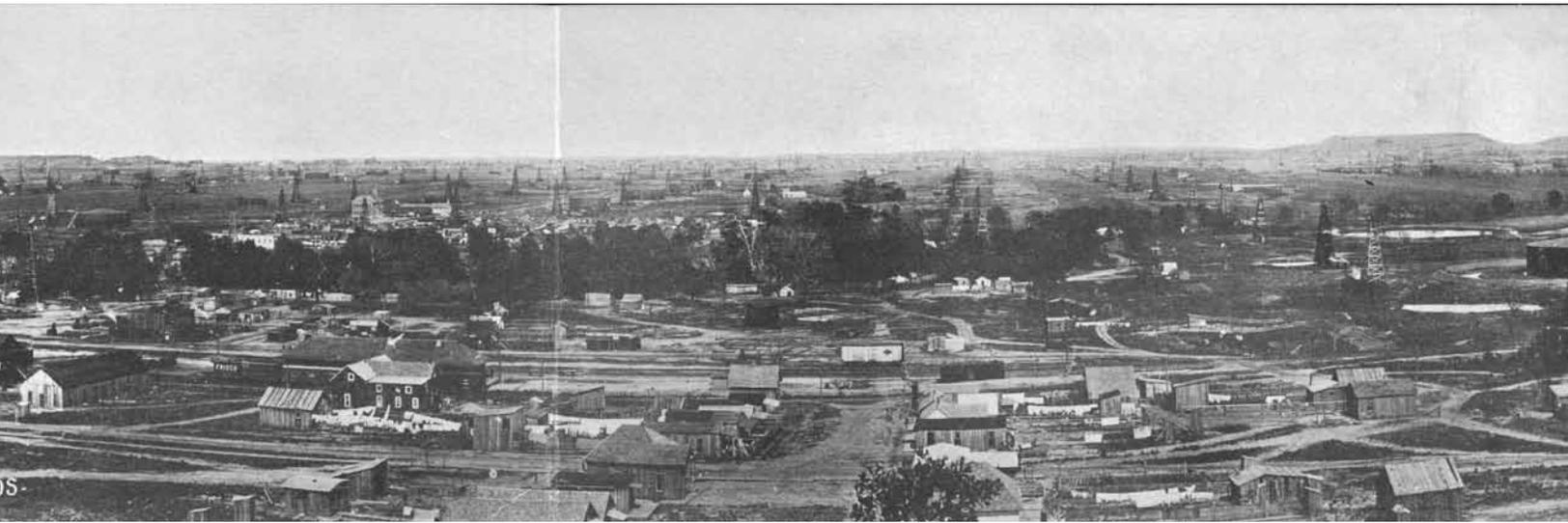
By statehood, the first pipelines were running. In October 1907, the first Glenn Pool oil reached the refineries in Port Arthur, Texas. The Glenn Pool

brought into Oklahoma several large companies, such as the Texas Company (Texaco), Gulf Oil Company, and Standard Oil of New Jersey. The state had also experienced numerous problems with the oil industry and, therefore, declined to try to make enough laws to handle the situation. Instead, the state constitution created the Corporation Commission to govern the industry.

Boom towns sprang up in every oil field. Where a small village, or no town at all, had existed before, suddenly thousands of people moved in. There were speculators and investors, as well as small business people who followed the oil booms, supplying customers with products and services. There were drifters following the fields, looking for work or excitement. Others were gamblers, hoping to win money in a game, or confidence artists (dishonest persons) looking for "pigeons" (someone to steal from). These elements often clashed, resulting in fights and, sometimes, in deaths.

A boom could last a long time or less than a year. When a field was drilled out, the drillers left, and so did everyone else. Boom towns soon turned into ghost towns or shrank back to villages. Kiefer, Cushing, and Okemah were such boom towns.

The Oklahoma oil fields were still booming when the United States declared war on Germany in 1917. During World War I, oil was one of the state's major contributions to the war effort.



Who were the first U.S. senators and representatives from Oklahoma?

The first U.S. senators from Oklahoma were Robert L. Owen and Thomas P. Gore. Republican Bird McGuire and Democrats Scott Farris, Charles Carter, Elmer Fulton, and James Davenport were elected to the U.S. House. Because statehood did not come in a regular election year, the congressmen had to face re-election in 1908. McGuire, Farris, and Carter were re-elected. But the other two Democrats were replaced by Republicans: Davenport by Charles E. Creager and Fulton by Dick T. Morgan.

What kind of governor was Lee Cruce?

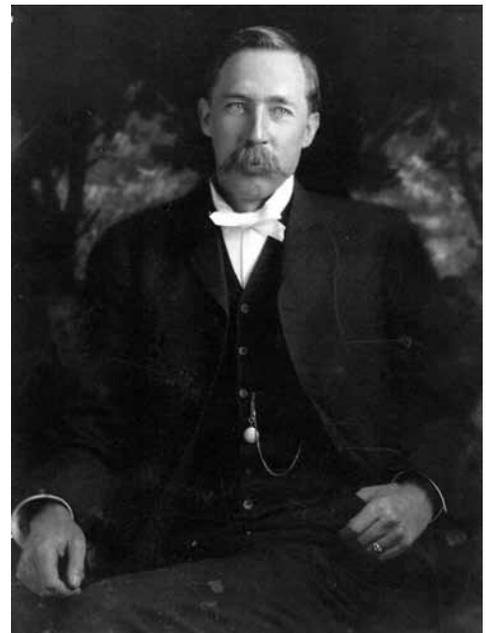
The governor's race was also run in less than four years, and Haskell's term of office ended in January 1911. Lee Cruce of Ardmore succeeded him. Cruce, who believed in the "spoils" system of government, appointed many friends and relatives to office.

Cruce's first legislature, the state's third, created the Highway Department but failed to appropriate the funds necessary to run it. It also created the Supreme Court Commission, an agency to help the State Supreme Court handle all the lawsuits, concerning mineral rights and titles to Indian lands, which had arisen from the oil boom.

The third legislature created a State Board of Education. Cruce appointed the board members but later felt dissatisfied with their work. He removed several and named others for appointment.

Some who were removed sought a court order to overturn the

The 1905 Glenn Pool oil boom changed both Oklahoma and the American oil industry forever. By the first year of statehood in 1907, Oklahoma produced more oil than any other state in the United States and any other country in the world.



LEE CRUCE, second governor of Oklahoma, appointed many friends and relatives to office.



During **GOVERNOR ROBERT LEE WILLIAMS'** term, the U. S. Supreme Court ruled that Jim Crow laws “serve no rational purpose other than to disadvantage the right of African American citizens to vote.” Williams called a special session of the state legislature in 1916 to determine more constitutional methods of African American voting rights. Legislators enacted a constitutional amendment that asked voters to approve a literacy test as a voting requirement, but it was rejected by voters, enabling many African Americans to vote for the first time.

removal, denying that the governor had such power. The court order did not issue an order, but Governor Cruce called a special session of the legislature to settle the matter. The legislature refused to confirm appointments of anyone involved in the controversy and asked the governor for new appointments.

Unrest marred Cruce's term of office. The governor used the militia to enforce the law several times. On April 14, 1914, he declared martial law to prevent a horse race from taking place at the Tulsa Jockey Club's annual racing meet. Four times in 1912 and 1913 he used the militia to stop prizefights in McAlester, Dewey, Sapulpa, and Oklahoma City.

Controversy grew, and the fourth legislature launched an **extensive** investigation of many state officials. The state held its first impeachment proceedings when State Auditor Leo Meyer, Insurance Commissioner Perry Ballard, and State Printer Giles Ferris were charged with crimes against the state. Meyer and Ballard resigned. Ferris was convicted of approving illegal claims against state funds and he was removed from office.

Because of these difficulties and mounting **dissension** between Cruce and the Democratic legislators, there was talk of impeaching him. In fact, the motion to impeach was defeated by only one vote. The state abolished the Office of the State Printer and passed new election laws. Attorneys filed other impeachments but did not obtain convictions.

What did Governor Robert L. Williams accomplish?

Such investigations of state officers continued into the term of Robert L. Williams, the state's third governor, inaugurated January 11, 1915. Resigning as State Supreme Court Justice to take office, he dictated most of the bills passed by the fifth legislature and focused most of the executive powers of the state in his office. Williams managed to maintain peaceful control of the legislature.

During his term of office, Oklahoma created a new Highway Department. It abolished the Prison Board and the Board of Trustees for the hospitals for the insane. The State Board of Public Affairs replaced those two councils, and the governor appointed its members.

When was the Capitol Building built?

Construction of the capitol began during Cruce's administration in June 1914 and finished in time for the legislature to meet in its new chambers during the 1917 session. Although the original plans for the capitol had included a dome, not enough money had been appropriated. The Legislature agreed to postpone adding it. For years, many citizens felt that the dome should never be added and that its absence reflected the streamlined attitudes and ideas of Oklahomans. Others felt that the absence of the dome reflected a “second-class” attitude and that a dome would demonstrate that Oklahoma is a first-class state.



Years would pass before the capitol would receive a dome. During the Frank Keating administration of the 1990s, construction on a dome was begun, and the dome was dedicated on November 16, 2002. Most funding was from private sources, but additional funds from the Legislature had to be used to pay the final costs.

What happened to the Grandfather Clause?

The Grandfather Clause came under attack during Williams's administration. The U.S. Supreme Court declared it unconstitutional because the Fifteenth Amendment gave all male citizens the right to vote. The decision was handed down in the case of *Guinn vs. United States* in 1915. Federal grand juries indicted several election officials. They convicted the men and sent them to prison for enforcing the clause.

Williams finished his term in 1919. Soon after, the President appointed him as United States District Judge of Oklahoma's Eastern District. He served until 1937.

GOVERNOR ROBERT L. WILLIAMS

watching "Doc" Monroney, general master of the Masonic Blue Lodges of Oklahoma, striking the cornerstone three times during consecration. Also looking on are Nathan Francis Bourne, wearing an overcoat and looking down on the scene, Inspector General of Scottish Rite Masons of Oklahoma Dr. D. M. Bailey, A. J. Weir, W. J. Pettee, J. V. Morris, David D. Hoag, and S. W. Hogan.

Chapter Summary

The settlement of surplus lands in the western part of the future state of Oklahoma created two separate territories. Indian Territory occupied the eastern half of the state and was governed by a coalition of the Five Civilized Tribes with federal oversight. Oklahoma Territory was comprised of the western half of the state and was governed by a provisional government, also with federal oversight.

The first attempt at statehood was made by hosting a statehood convention in Guthrie which sought to combine the two territories into one state. There was also a movement for an the Indian state of Sequoyah by leaders of the Five Civilized Tribes and by businessmen in Indian Territory.

Oklahoma Territory won out with single statehood when the U.S. Congress passed the Hamilton Bill or Oklahoma Enabling Act in 1906. The Act also ended tribal governments.

Voters passed the Oklahoma Enabling Act on November 6, 1906, and elected delegates for the Constitutional Convention. Fifty-five came from each territory and two from the Osage Nation. Of the 112 delegates, one was Independent, twelve were Republicans, and ninety-nine were Democrats. Quite a few were Indian or had Indian heritage. None was African American.

On November 16, 1907, thousands gathered in Guthrie. In Washington, D.C., at 10:16 a.m., President Roosevelt signed a proclamation and declared, "Oklahoma is a state." As soon as the Oklahomans there telegraphed the news to Guthrie, the people shouted in celebration. Then, Governor Haskell and other officials took their oaths of office on a wooden platform outside the library.

To symbolize the union of the twin territories, there was a mock wedding. A woman posed as Indian Territory and a man posed as Oklahoma Territory. A statue of this wedding stands in front of the library, now a historical museum.

REMEMBERING THE DETAILS

- Trace the movement toward statehood. Include efforts for separate states and a single state.
- Describe the migration of African American people. Include:
 - reasons for moving;
 - E.P. McCabe;
 - Jim Crow laws; and
 - attempts at equal rights.
- Describe the Sequoyah Convention's purpose. Include:
 - When it was held;
 - Where it was held;
 - Who was elected president; and
 - How the vice presidents were elected. (Name them and their tribes)
- Why was the Oklahoma constitution considered progressive?
- When is Statehood Day?
- Who was President of the United States at that time?
- Name the first three governors of Oklahoma. Who was first?
- Discuss the removal of the capital from its first site to Oklahoma City. Include the role of Charles Haskell and the different legends about the removal.

VOCABULARY

Define each word briefly.

allotment

suffrage

initiative

progressive

referendum

constitute

sedition

controversy

Jim Crowism

Grandfather Clause

IDENTIFYING LEADERS

Match the name to the identification. Use one name twice.

A. Dennis T. Flynn B. Thomas P. Gore

C. W. B. Anthony D. H. H. Munson

E. Kate Barnard F. Lee Cruce

G. Charles N. Haskell

1. Governor when capital was moved
2. First Commissioner of Charities and Corrections
3. Congressional delegate who prevented moving the capital to Oklahoma City
4. One of the first senators from Oklahoma
5. Second governor of Oklahoma
6. First woman to be elected to state office
7. A socialist leader
8. The governor's secretary who removed the state seal to Oklahoma City

FINDING THE TIME

Create a timeline with the years listed below. Match letters a-h to the timeline. Some years match more than one event.

1879	1880	1881	1882	1883	1884	1885
1886	1887	1888	1889	1890		
1891	1892	1896	1905	June 1906		
Nov. 1906		Sept. 1907		Nov. 1907		

- A. First statehood bill introduced
- B. Constitutional Convention in Guthrie held
- C. First state officials elected
- D. Oklahoma became a state
- E. Oklahoma Enabling Act passed
- F. First statehood convention in Oklahoma City held
- G. Enrollment of Indians began
- H. Five bills introduced into Congress to make twin territories one state

PROGRESSIVE VS. RESTRICTIVE

Oklahoma's Constitution was both modern and restrictive when it passed.

List three reasons why some people thought it was progressive and three reasons why some thought it was restrictive.

Next, convert this information into an essay. Start by organizing your ideas. Do you want a paragraph just about jobs or just about civil rights? Do you want to group all the progressive ideas into one paragraph, and then all the restrictive ideas in another one? Pick a structure that makes it is easy for a reader to follow your thinking.