

LEON PHILLIPS AND THE NEW DEAL IN OKLAHOMA

by

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## THESIS APPROVAL

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ABSTRACT OF THESIS

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ABSTRACT: Leon C. Phillips and the New Deal in Oklahoma looks at how one governor in the state reacted to the New Deal by attempting to be fiscally conservative. Particularly in regards to the overspending trend, taking on supporters of the program, and fighting against federal government intrusion.

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# Introduction

“The people of Oklahoma are not proud of their state government,” Leon Chase Phillips told about 450 people on January 19, 1938, in Weleetka, Oklahoma, when he declared his candidacy for governor in the upcoming election. He let the gathering know about his perceived ineptitude of the previous two governors, E. W. Marland and William H. “Alfalfa Bill” Murray.<sup>1</sup> In his speech, the attorney from Okemah continued, “[t]hey know it is a disgrace. They know that their money has been squandered to satisfy the personal greed which has run rampant in the last two administrations,” and then he outlined the twenty points of his proposed reform program if elected to office.<sup>2</sup> Phillips ran as a Democratic candidate, and his points gave the impression he would serve as a pro-New Deal executive, but his attacks on two previous Democratic governors demonstrated the division within the state’s largest political party. Oklahoma, as well as the entire United States, neared the end of the Great Depression. Although the citizens of the state heavily favored some of the programs created by President Franklin Delano Roosevelt, Republicans and some conservative Democrats nationwide and in the state disagreed with the policies and tactics of New Dealers, the term for politicians who supported and implemented programs in line with Roosevelt’s signature policy. However, no one who opposed the New Deal could win the Democratic nomination for governor in Oklahoma, as a result any candidate would need to walk a fine line between catering to staunch New Dealers in the voting bloc without alienating conservative anti-New

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<sup>1</sup> Otis Sullivant, “Phillips’ Hat Goes in Ring For Governor,” *The Daily Oklahoman*, January 20, 1938, 2.

<sup>2</sup> Otis Sullivant, “Phillips’ Hat Goes in Ring For Governor,” *The Daily Oklahoman*, January 20, 1938, 2.

Dealers within the president's party. Phillips threw his considerable weight, almost three hundred pounds, experience, and background into such a task when trying to obtain the nomination. Phillips's independency, which he probably inherited from his father, showed itself throughout his life.

Leon Chase "Red" Phillips was born to Rufus, (of Scots-Irish descent), and Bertha, (Pennsylvania Dutch ancestry), Phillips on December 9, 1890, in Worth County, Missouri, where he and his family would live until 1892, when they moved to the recently opened Cheyenne and Arapaho country in Oklahoma Territory. There, they claimed a quarter section west of Clinton. Like many parents, Rufus, a self-educated man, wanted his children to obtain a formal education; in response he and several of his neighbors established the area's first school. Leon started attending the institution when he was six years old.<sup>3</sup> When the family moved to Arapaho, Leon and his older sister enrolled in the first high school class in town and graduated three years later.<sup>4</sup> After getting a diploma, Phillips attended Southwestern State Teacher's College in Weatherford during the summer of 1908. He then began teaching with a goal to earn money to become a Methodist minister. His instructional post did not last long, as Phillips contracted pneumonia early in 1909. When Phillips recovered, he looked for a school where he could begin his education to become a minister and decided on Epworth University, now called Oklahoma City University, to start his theological studies in September 1909.<sup>5</sup>

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<sup>3</sup> Otis Sullivant, "The Next Governor," *The Daily Oklahoman*, November 13, 1938, 1, 6. (Note: After the 1938 general election, Sullivant, a reporter for *The Daily Oklahoman*, wrote a sixteen part biography on Phillips for the paper.)

<sup>4</sup> Otis Sullivant, "Gore Impresses Phillips As Boy," *The Daily Oklahoman*, November 14, 1938, 14.

<sup>5</sup> Otis Sullivant, "Phillips Won By Church in Early Youth," *The Daily Oklahoman*, November 15, 1938, 6.

Although he had saved some money from his brief tenure as a teacher, Phillips worked several jobs during his two years at Epworth, including cleaning the kitchen and various dormitories. He also stayed active on campus as well, as a member of the literary society and debate team, president of the oratorical council, and student worker on the yearbook. After two years, the school fell on financial hardships and was forced to move to Guthrie. Phillips visited the new campus, decided it was not the place for him anymore and questioned a future in the ministry. He went back to teaching for a year and spent the subsequent year farming. In the winter of 1912, he decided to pursue farming instead of preaching; however, his father convinced him to become a lawyer. Leon agreed, and in September, 1913, enrolled in law school at the University of Oklahoma (OU) in Norman. The money from teaching paid his first year, and he sold his livestock for second-year expenses, while his father agreed to pick up the third year's finances.<sup>6</sup>

At the university in Norman, Phillips made some life-changing decisions involving his personal and political lives. The first Sunday after arriving on campus, he attended the First Methodist Church. Although he had given up a life in the ministry, he still adhered to the teachings of the church. During this service he met Myrtle Ellenberger. The two dated for less than a year and were engaged in June of 1913. During his first year, the other freshmen law students were electing officers for their class and were divided between those with previous college work and those without any. Phillips, being part of the former, supported J. W. Armstrong as president, and his fellow classmates elected Phillips vice-president. This led to

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<sup>6</sup> Otis Sullivant, "Education Came Hard," *The Daily Oklahoman*, November 16, 1938, 12.



future offices held on campus, including president of the law class and president of the student council during his senior year.<sup>7</sup>

Although later a boisterous politician, a bashful Phillips in college wanted to overcome his shyness. He tried out for the freshman football team at OU. Failing to make the squad, he then played on the law school's team, but made the varsity in 1915. During his football career at school, the red-haired Phillips received the nickname that followed him throughout the rest of his life -- Red. During his senior year, he and Myrtle decided to delay their marriage until after his law practice was established, and a close friend of his, Ural Rowe, agreed to open an office in the town of Okemah. Everything seemed to be coming together for Phillips. On the same day, he received his law degree, the award for best all-around student, and he married.<sup>8</sup> However, the night before his big day, Phillips and some friends wanted to leave their mark on the university, so they painted giant letters on the engineering building as a joke which led to the future governor stricken with severe abdominal pains after straining to hold one of his friends on the scaffold, and needing surgery, therefore delaying his wedding and receiving his degree and award. Twelve days later, Phillips left the hospital to take the oath to become a member of the bar in Oklahoma City and then traveled to Norman, where he married Myrtle.<sup>9</sup> The couple moved to Okemah so Phillips could start his practice with Rowe. In August, 1918, Phillips enlisted in the army to fight in World War I; however, he was stricken with influenza and on light duty in the barracks at Camp Taylor near Louisville, Kentucky,

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<sup>7</sup> Otis Sullivant, "Romance Begins for Phillips," *The Daily Oklahoman*, November 17, 1938, 24.

<sup>8</sup> Otis Sullivant, "Football Attracts Phillips," *The Daily Oklahoman*, November 18, 1938, 12.

<sup>9</sup> Otis Sullivant, "Phillips' Big Day Turns Out To Be A Flop," *The Daily Oklahoman*, November 19, 1938, 6.

in November with the signing of the armistice. Phillips went back home where his law practice flourished, and he served two political offices, a non-partisan seat on the city school board and as secretary of the Okfuskee county election board from 1926 to 1932.<sup>10</sup>

In 1932, Phillips ran for the Oklahoma State House of Representatives as a Democrat. As a first-term legislator, he secured chairmanship of the committee on privileges and elections, not a post he coveted, but it was a start.<sup>11</sup> During his first session, Phillips proved himself a charismatic and forceful member, “his idealism was a contrast to the faithful political wheel horses of the Murray administration,” observed a veteran reporter years later.<sup>12</sup> After securing an unopposed second term, he won a hard fought campaign to become speaker of the House. Phillips, Joe Chambers of Tulsa, John Holliman of Bartlesville, and Murray Gibbons of Oklahoma County vied for control of the House. After the election, Gibbons backed Phillips, who traveled to Ponca City where governor-elect Marland gave his blessing to Phillips. However, he was called back later and Marland asked him to back out and support Chambers. When Phillips returned to Oklahoma City, the vast majority of his supporters did not change their position and Phillips’ spot as speaker was confirmed.<sup>13</sup> During the first two years of the Marland administration, Phillips broke with the chief executive and controlled state politics. He claimed his four biggest accomplishments from that session were as follows: stopping extravagance, funding

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<sup>10</sup> Otis Sullivant, “War Epidemic Nearly Takes Leon Phillips,” *The Daily Oklahoman*, November 20, 1938, 27; “Phillips Puts Party of His Father Aside,” *The Daily Oklahoman*, November 22, 1938, 20.

<sup>11</sup> Otis Sullivant, “Phillips Puts Party of His Father Aside,” *The Daily Oklahoman*, November 22, 1938, 20.

<sup>12</sup> Otis Sullivant, “Lower House Made School For Phillips,” *The Daily Oklahoman*, November 23, 1938, 11.

<sup>13</sup> Otis Sullivant, “Lower House Made School For Phillips,” *The Daily Oklahoman*, November 23, 1938, 11.

the deficit, passage of the old age and homestead exemption acts, and appropriating funds for common schools. Phillips won his third and last term in 1936 against an opponent heavily backed by Governor Marland.<sup>14</sup> However, Phillips was unable to secure the speaker's position because the Marland administration used its power and patronage to influence the outcome.<sup>15</sup>

Two years later, in 1938, Phillips talked to several Democrats hoping to identify a gubernatorial candidate he could support. When he failed in this endeavor, Phillips decided to run for the state's top position himself.<sup>16</sup> The future governor announced his candidacy in front a crowd at Weleetka.<sup>17</sup> As a representative and speaker, Phillips had fought against Governor Marland's version of President Roosevelt's New Deal, but, when he publicly declared to run for Oklahoma's chief executive, he made many campaign promises to cooperate with the president's signature agenda item and the federal government. When he took office, however, he proceeded to break several of those promises in a series of anti-New Deal attacks. These attacks came from his central campaign theme of fiscal responsibility for the state. He fought to balance the state's budget when the nation was rapidly spending itself into debt, clashing with Washington, D.C., over the construction of federally owned dams on Oklahoma rivers, and going after those whom he perceived as Communists.

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<sup>14</sup> Otis Sullivant, "Phillips Race For Governor Started In '36," *The Daily Oklahoman*, November 24, 1938, 7.

<sup>15</sup> Otis Sullivant, "Defeat Is Turned To Victory," *The Daily Oklahoman*, November 25, 1938, 6.

<sup>16</sup> Otis Sullivant, "Phillips Victory A Surprise," *The Daily Oklahoman*, November 27, 1938, 7.

<sup>17</sup> Otis Sullivant, "Phillips' Hat Goes In Ring For Governor," *The Daily Oklahoman*, January 20, 1938, 2.

# Chapter I

When Leon C. Phillips took the oath as governor for Oklahoma in January 1939, the Sooner State and the nation still suffered the effects of the Great Depression. Prior to being the chief executive of the state, Phillips served as Oklahoma Speaker of the House of Representatives while Governor E. W. Marland was in office. The speaker disagreed with Marland's "little New Deal" and tried, unsuccessfully at times, to use his office to prevent Marland from turning Oklahoma into a New Deal haven.<sup>1</sup> When his actions proved inadequate, Phillips turned his eyes on the highest office in the state, and, running on a platform of pro-New Deal, became governor in January 1939. Running as a Democrat, his platform promised support for President Franklin Roosevelt, the New Deal, and the efforts of the federal government to ease the suffering of Oklahomans. In his inauguration speech, Phillips blasted Marland and the New Deal as a whole, while announcing his plan for the Sooner State. After taking office, Phillips proceeded to combat any intrusion of Washington in the forty-sixth state. Two times in his administration, the governor confronted the federal government over the construction of dams in Oklahoma, on the Red and Grand Rivers, claiming the resulting lakes would destroy millions of acres of quality farming land, and he even called out the state guard to prevent building. However, both times federal courts ruled against Phillips and the state and ordered construction to continue. In 1940, Phillips campaigned against a third term for Roosevelt both at the Democratic Convention in Chicago and later, in Oklahoma.

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<sup>1</sup> James R. Scales and Danney Goble, *Oklahoma Politics: A History* (Norman, OK: University of Oklahoma Press, 1982), 204-5.

Using deficit spending, the US Congress funded the various New Deal programs requested by Roosevelt, and Phillips did not favor the same practice in Oklahoma, pushing for a constitutional amendment requiring a balanced budget.

His four years in office scaled back government intervention both nationally and at the state level. Phillips also tried to eliminate politics in higher education, supporting an amendment in 1941 that created the Oklahoma State Board of Regents for Higher Education, thus preventing interference and appointments from future governors. One of the biggest national events during Phillips administration was the bombing of Pearl Harbor and the United States' subsequent entry into World War II. The day after the attack, Phillips called for Oklahomans to remain calm, and during the initial years of the war he helped mobilize the state's troops and citizens. After Phillips left office in 1943, his successor, Robert S. Kerr, embraced federal help both in the building of military bases and prisoner-of-war camps. Phillips continued to fight Washington intervention and eventually switched affiliations to the Republican Party because of his disillusionment with Democrats. At a time in the nation's history when the federal government implemented programs to relieve the agony of the Great Depression, Governor Phillips resisted assistance and encroachment by the federal government and its policies. The literature detailing the New Deal and its successes and supporters is expansive, but the same cannot be said for writings examining its failures and opponents. A small number of authors have attempted to address this inconsistency at the national, regional, and state levels. Each author attempted to illustrate how the New Deal did not have the desired effect in their area and exactly why this happened.

Roosevelt began implementing his signature program as soon as he was inaugurated in January 1933. His policies did not have positive outcomes throughout the entire United States. Even before the 1930's ended, J. B. Shannon wrote on how presidential politics affected the South. In his article, "Presidential Politics in the South: 1938," Shannon declared, "In 1938, however, the war between the national leader of the Democratic party and the state party leaders focused national attention upon the South's peculiar political system."<sup>2</sup> Shannon goes on to describe how elections in the southern states of Kentucky, Tennessee, Maryland, Oklahoma, Missouri, Virginia, North and South Carolina, Texas, Alabama, Mississippi, Georgia, Florida, Louisiana, and Arkansas were shaped by Roosevelt's influence. In Alabama, the first primary of 1938, the president's candidate, Lister Hill, for Senate received over 60 percent of the vote but only 146,553 people voted in this primary as opposed to the 238,195 who voted in 1936 for FDR.<sup>3</sup> However, the author claims the real test came in the Florida primary where 70% of the votes cast went to New Dealer candidates. Shannon continues, "The first efforts of conservatives to 'purge' New Dealers had failed."<sup>4</sup> Feeling confident his New Deal would stand the test of the election, Roosevelt embarked on a transcontinental tour, endorsing candidates along the way. In Oklahoma, FDR did not actively support a Senate candidate but did express his gratitude to the incumbent, Senator Elmer Thomas. However, Roosevelt did not comment on the governor's primary, according

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<sup>2</sup> J. B. Shannon, "Presidential Politics in the South: 1938, I," *The Journal of Politics* 1, no. 2 (May 1939): 146.

<sup>3</sup> J. B. Shannon, "Presidential Politics in the South: 1938, I," *The Journal of Politics* 1, no. 2 (May 1939): 150.

<sup>4</sup> J. B. Shannon, "Presidential Politics in the South: 1938, I," *The Journal of Politics* 1, no. 2 (May 1939): 151-2.

to Shannon, because Phillips was pursuing, “a witch-hunt on college professors alleged to be 'reds'.”<sup>5</sup> The author claimed this diversion was a victory for the New Deal because Phillips was engaged in other pursuits at the time rather than attacking Roosevelt and his policies. Shannon concluded his article by discussing in detail the Senate campaign in Kentucky, how it garnered national attention because it served as a litmus test for Roosevelt's leadership.<sup>6</sup>

A few months later, Shannon published part two of his article, picking up where he left off, discussing the senatorial election in Kentucky. The author stated the Alben Barkley victory pushed the president to endorse candidates who supported the New Deal and try to oust those who opposed it.<sup>7</sup> The first part of the article discussed Roosevelt's drive to defeat Senator Walter George in Georgia because he opposed, “the public utilities holding company bill in 1935, the court proposal, the reorganization bill, and the wages and hours bill in 1937-1938.”<sup>8</sup> George won, and coupled with the defeat of Roosevelt's candidates in South Carolina and Maryland, this election marked the end of FDR's attempt to purge anti-New Dealers from congress.<sup>9</sup> Shannon concluded his second article with some observations. First, he pointed out all incumbent Senators in the South won reelection except Senator George Berry of Tennessee, who held the office for a short

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<sup>5</sup> J. B. Shannon, “Presidential Politics in the South: 1938, I,” *The Journal of Politics* 1, no. 2 (May 1939): 153-4.

<sup>6</sup> J. B. Shannon, “Presidential Politics in the South: 1938, I,” *The Journal of Politics*, 1, no. 2 (May 1939): 166.

<sup>7</sup> J. B. Shannon, “Presidential Politics in the South: 1938, II,” *The Journal of Politics*, 1, no. 3 (August 1939): 278.

<sup>8</sup> J. B. Shannon, “Presidential Politics in the South: 1938, II,” *The Journal of Politics*, 1, no. 3 (August 1939): 278-9.

<sup>9</sup> J. B. Shannon, “Presidential Politics in the South: 1938, II,” *The Journal of Politics*, 1, no. 3 (August 1939): 285.

time before his loss. Shannon described this trend, "A sitting Senator, especially if he has held office for a long number of years, is well nigh invincible and not even a person as powerful and popular as Franklin Roosevelt can unseat him."<sup>10</sup> Shannon concluded that the failed attempt to remake a political party with the help of a political philosophy did not take effect in the South due to factors such as localism, regionalism, and personality.<sup>11</sup> Likewise, the racial hatred that ran deep in the South can be used by those in power to dilute an issue. For example, "the anti-lynching bill, CIO friendship to the negro, and other portions of the New Dealism were utilized to revive memories of the fierce social conflict less than a century old."<sup>12</sup> Shannon also claimed Roosevelt failed in his attempts to transform the Southern Democratic Party into a progressive one.<sup>13</sup> Shannon concluded his study with the following question which can be applied to all Democrats who opposed their national leader, Roosevelt, in direct opposition to the New Deal, "Should a representative be elected because of his qualities as a man and then exercise his independent views and judgment, or should he represent a clear-cut party philosophy and adhere strictly to it."<sup>14</sup> Leon Phillips, like many anti-New Dealers in the South, did not adhere to the clear-cut party philosophy but instead voiced his opinions and acted upon them.

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<sup>10</sup> J. B. Shannon, "Presidential Politics in the South: 1938, II," *The Journal of Politics*, 1, no. 3 (August 1939); 295.

<sup>11</sup> J. B. Shannon, "Presidential Politics in the South: 1938, II," *The Journal of Politics*, 1, no. 3 (August 1939); 296.

<sup>12</sup> J. B. Shannon, "Presidential Politics in the South: 1938, II," *The Journal of Politics*, 1, no. 3 (August 1939); 296.

<sup>13</sup> J. B. Shannon, "Presidential Politics in the South: 1938, II," *The Journal of Politics*, 1, no. 3 (August 1939); 296.

<sup>14</sup> J. B. Shannon, "Presidential Politics in the South: 1938, II," *The Journal of Politics*, 1, no. 3 (August 1939); 297.



Nine years after his two-part article, J.B. Shannon revisited the topic, this time in one piece, entitled "Presidential Politics in the South." Written three years after the end of World War II, this article examined the effect Roosevelt had on politics in the South and within the Democratic Party. According to Shannon, the longer Roosevelt stayed in office the greater percentage of voters cast their ballots for Republican candidates. For example, in Oklahoma in 1936 32.7 percent of the electorate voted Republican, but by 1944 the number had increased to 44 percent. With the exception of Mississippi, all of the sixteen southern states followed this pattern.<sup>15</sup> According to Shannon various elections in the late 1930's and early 1940's showed a swing towards Republicans, in 1942 both Oklahoma and West Virginia sent Republicans to the Senate. In 1943, a Republican won the gubernatorial seat in Kentucky that many believed to be a positive sign for GOP success in the 1944 elections.<sup>16</sup>

Shannon then described the race for the vice presidential nominee for the election of 1944 and how Southern states would not vote for Henry Wallace and instead picked Harry Truman from the border state of Missouri - - a remarkable fact considering Missouri voted Republican Senators in 1944 and 1946 giving the state its first all Republican Senatorial votes since the Reconstruction.<sup>17</sup> Shannon indicated that Southerners welcomed Truman's ascension to the presidency following Roosevelt's death thinking it would bring back the "good old days" before the New Deal and World War II but the conflict left the world less secure than it had

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<sup>15</sup> J. B. Shannon, "Presidential Politics in the South," *The Journal of Politics*, 10, no. 3 (August 1948): 475.

<sup>16</sup> J. B. Shannon, "Presidential Politics in the South," *The Journal of Politics*, 10, no. 3 (August 1948): 477.

<sup>17</sup> J. B. Shannon, "Presidential Politics in the South," *The Journal of Politics*, 10, no. 3 (August 1948): 483.

been before and the anti-racial propaganda highlighted the South's view of white supremacy.<sup>18</sup> In conclusion, the article said that the gains Republicans and conservative Democrats had made between 1938 and 1948 could lead to another swing of the pendulum to the right giving more control back to these groups and forcing the labor wing of Democrats to re-examine their platforms.<sup>19</sup>

While Shannon took an early look at New Deal politics in the South, Roger Biles much later studied the Southern reaction to the New Deal in his book, *The South and the New Deal*. The author analyzed how the programs and policies under President Franklin Delano Roosevelt affected people, black and white, in the South and described their continued effect over the last eighty years.<sup>20</sup> Biles also looked at the impact of the New Deal on both rural and urban areas. Biles argued the New Deal brought little to no success in the region, but it did facilitate the future changes in the fields of economics, class, and race.<sup>21</sup> Like Phillips in Oklahoma, conservative politicians in the South realized the potential of some of the New Deal programs but feared the ever-increasing role of the federal government.<sup>22</sup> In addition to the politicians' reactions, Biles discussed the impact on the general population. He explained how Democratic gains in unions and amongst African Americans allowed

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<sup>18</sup> J. B. Shannon, "Presidential Politics in the South," *The Journal of Politics*, 10, no. 3 (August 1948): 486.

<sup>19</sup> J. B. Shannon, "Presidential Politics in the South," *The Journal of Politics*, 10, no. 3 (August 1948): 488-9.

<sup>20</sup> Roger Biles, *The South and the New Deal (New Perspectives on the South)* (Lexington, KY: The University Press of Kentucky, 2006), ix.

<sup>21</sup> Biles, *The South and the New Deal*, 156-8.

<sup>22</sup> Biles, *The South and the New Deal*, 158.

for the whites' disillusionment with the party, thus beginning the South's long-term relationship with the Republicans.<sup>23</sup>

Biles looked at the New Deal's impact on the South as a whole, but Douglas L. Smith examined the effects on the cities in his work, *The New Deal in the Urban South*. Smith explained that the purpose of his book is "to focus on the grass-roots implementation, operation, and effects of the major federal programs of the depression era," particularly in the Deep South cities of Atlanta, Birmingham, Memphis and New Orleans.<sup>24</sup> Of special interest is the reaction of Huey Long, who served as governor of Louisiana from 1928-32 and then as Senator until his assassination in 1935.<sup>25</sup> Although Long backed Roosevelt in 1932, he broke with the president and attacked the latter's policies. As governor, Long resisted federal relief for New Orleans that brought him into conflict with the "Old Regulars," a group of individuals who "ran" the city, and the national government.<sup>26</sup> One example is a series of grants and loans issued by the government to rebuild the water and sewage system during Long's tenure as senator. Long and the sitting governor prevented the money from reaching the city as long as men who were part of or influenced by the Old Regulars were in charge. The government did not see a need to hold up the funds and tried to proceed until blocked by legislation. In the end, the people voted in new leaders and the city was allowed to upgrade its systems.<sup>27</sup>

However, the actions of Long prevented the allocation of social security payments to

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<sup>23</sup> Biles, *The South and the New Deal*, 121-2.

<sup>24</sup> Douglas L. Smith, *The New Deal in the Urban South* (Baton Rouge, LA: Louisiana State University Press, 1988), 2.

<sup>25</sup> Smith, *The New Deal in the Urban South*, 5.

<sup>26</sup> Smith, *The New Deal in the Urban South*, 65-6.

<sup>27</sup> Smith, *The New Deal in the Urban South*, 110-1.

the citizens of New Orleans in early 1935. Upon his death in September of that year, his successors ensured the payments would begin.<sup>28</sup>

Another one of Long's battles involved federal housing programs. Because of the Louisiana's senator's fights with the Secretary of the Interior, funding for these projects went to other cities, but, again, Long's successors in the US Senate worked feverishly to acquire these grants. In the segregated South in 1938, 7.2 million dollars went to New Orleans to build two projects, one for black residents, and the other for whites.<sup>29</sup> Like Phillips, Long battled the government, Roosevelt, and the New Deal at the state level but, unlike Phillips, took his fight to the United States Senate. Although a number of southern politicians fought against the New Deal, Huey Long garnered the most attention because of his outspoken opinions and his tendency to stand by his decisions even when they hurt the people of Louisiana.

Because of his flamboyant persona, Long garnered a number of biographies including *Huey Long* by T. Harry Williams. The author argued the larger-than-life politician gained his personality as a result of his upbringing in rural Louisiana. Although his family was better off than others in his home parish of Winn, he knew those standards of wealth were well below those of the aristocrats of the plantations and the citizens of New Orleans and other cities.<sup>30</sup> As a politician, Long remembered this stratification of social status and it showed in his attempts to right this perceived wrong. Elected to the US Senate in 1930, Long served in that role until his death in 1935. Although the Louisiana senator supported Roosevelt for the

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<sup>28</sup> Smith, *The New Deal in the Urban South*, 156-7.

<sup>29</sup> Smith, *The New Deal in the Urban South*, 172-6.

<sup>30</sup> Williams, T. Harry, *Huey Long: A Biography*, (New York: Alfred A. Knopf, 1969), 24.

presidency in 1932, when the FDR came to office in 1933, Long fought with the chief executive and his administration for the next two years, mainly because the southern legislator believed the president's programs did not go far enough to alleviate the troubles of the people affected by the Great Depression, particularly on a campaign promise made by Roosevelt to Long in regards to the redistribution of wealth.<sup>31</sup> Consequently, Long introduced his "Share Our Wealth" plan featuring several ideas for reallocation of wealth: prevention of family fortunes greater than five millions dollars, prohibition of annual family income over one million dollars, provide families with a home, a car, a radio, and other ordinary conveniences, monthly pensions of thirty dollars to the elderly, finance college education for proven applicants, and a veteran's pension.<sup>32</sup> Although the Senate did not support Long's plan, it did lead to the passage of the Emergency Relief Appropriation Act, the Banking Act, the Social Security Act, the Wealth Tax Act of 1935, and others during Roosevelt's "Second New Deal."<sup>33</sup> In this case, the New Deal opposition did not come from Republicans but rather Democrats, by Huey Long who felt Roosevelt's program fell short of its goal whereas Phillips fought it altogether.

The South, and its colorful politicians, was not the only region affected by the New Deal, Richard Lowitt wrote *The New Deal and the West*, a monograph examining the impact New Deal programs had in the American West, specifically Great Plains, Pacific Northwest, the Great Basin, and California during the years

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<sup>31</sup> Williams, *Huey Long*, 639.

<sup>32</sup> Williams, *Huey Long*, 693.

<sup>33</sup> Kennedy, David M., *Freedom from Fear: The American People in Depression and War, 1929-1945* (New York City: Oxford University Press, 2005), 242.

1932 – 1940.<sup>34</sup> Written in 1993, the author described New Deal projects and policies relevant to the West such as mining, land use, reclamation, and water usage.<sup>35</sup> Lowitt examined the effect these projects had the region, including Oklahoma, and also how farmers in the Great Plains reacted to these programs whether in favor or opposition.<sup>36</sup> Lowitt argued the New Deal changed the West from an area long ravaged by humans in search of land and natural resources to a region more focused on the conservation of its human and natural resources.<sup>37</sup> Although the author provided a regional look at the reaction the New Deal, his primary focus was California and how the policies of FDR affected the Golden State.<sup>38</sup> While Lowitt argued the West embraced the New Deal as a region, some politicians on the state level in the area were not as accepting.

In 2000, Gary Murrell detailed the administration of a governor from Oregon. In *Iron Pants: Oregon's Anti-New Deal Governor, Charles Henry Martin*, Murrell detailed the administration of Charles Henry Martin, elected in 1934 on the Democratic ticket, proved, like Phillips, to be a governor with anti-New Deal leanings. After becoming governor, Martin confronted labor unions in the Pacific Northwest and their effect on local and state politics.<sup>39</sup> After four years in office, Martin did not win reelection and subsequently blamed FDR for the loss.<sup>40</sup> The year Martin lost his reelection bid, 1938, is the same year Leon Phillips won election as

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<sup>34</sup> Richard Lowitt, *The New Deal and the West* (Norman: University of Oklahoma Press, 1993), xv-xvi.

<sup>35</sup> Lowitt, *The New Deal and the West*, 218.

<sup>36</sup> Lowitt, *The New Deal and the West*, 61.

<sup>37</sup> Lowitt, *The New Deal and the West*, 224-6.

<sup>38</sup> Lowitt, *The New Deal and the West*, 172.

<sup>39</sup> Murrell, Gary, *Iron Pants: Oregon's Anti-New Deal Governor, Charles Henry Martin* (Pullman, WA: Washington State University, 2000), 167-8.

<sup>40</sup> Murrell, *Iron Pants*, 185-6.

governor of Oklahoma. Like Phillips, Martin attacked the Democratic Party after the election but did not take the same path as Phillips and switch parties. The work, which also described Martin's military career, included the former governor's call for appeasement with Adolf Hitler prior to the outbreak of hostilities in September 1939.<sup>41</sup>

While the monographs produced by Biles and Lowitt discussed Oklahoma as it relates to their respective regions, only a few works on the New Deal focus on Oklahoma in particular. In *The New Deal*, a two-volume work edited by John Braeman, Robert H. Bremner, and David Brody, Keith L. Bryant, Jr. wrote an essay titled "Oklahoma and the New Deal." Bryant argued the New Deal was not as revolutionary in Oklahoma as it was in other states but rather, "at best, only marginally evolutionary."<sup>42</sup> The author said this was in result to, "farmers and small-town conservatives dominated the legislature, and the governors proved to be either implacable foes of Roosevelt or inept New Dealers."<sup>43</sup> During the presidential campaign of 1932, Oklahoma Governor William "Alfalfa Bill" Murray ran for the highest office in the land, eventually losing in the primary stage to Franklin Roosevelt. Murray became the state's biggest opponent of the New Deal, particularly in regards to relief money and federal patronage.<sup>44</sup> Two years later, the state would choose another governor, Ernest W. Marland who ran on a campaign to bring the New Deal to Oklahoma. Unfortunately, the governor could not control the

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<sup>41</sup> Murrell, *Iron Pants*, 199-200.

<sup>42</sup> Keith L. Bryant Jr., "Oklahoma and the New Deal," in *The New Deal: Volume Two - the State and Local Levels.*, ed. John Braeman, Robert H. Bremner, and David Brody (Columbus: Ohio State University Press, 1975), 167.

<sup>43</sup> Bryant, *The New Deal Volume Two*, 166.

<sup>44</sup> Bryant, *The New Deal Volume Two*, 173.

conservatives in the state legislature, either it moved slowly to enact the governor's program or it could not overcome a downturn in the state's economy and revenues could not fund Marland's requests.<sup>45</sup> Phillips, the last governor of Oklahoma during the Great Depression, served in the legislature during Marland's term and viewed by many as the voice for economy in government.<sup>46</sup> Bryant indicated Phillips's opposition, "was symptomatic of growing distrust of, and negative attitudes toward, the New Deal by Oklahomans."<sup>47</sup> Almost a decade before this work, Bryant wrote a monograph dedicated to Murray.

William H. Murray, Bryant argued, fought to preserve nineteenth century rural America by supporting policies and programs beneficial to this stance and opposing vehemently those which sought to destroy it.<sup>48</sup> Murray's opposition to the New Deal could be attributed to this philosophy but Bryant illustrated it boiled down to the "Sage of Tishomingo's" blaming his 1932 presidential campaign defeat to Franklin D. Roosevelt, which ultimately, "dominated his thinking on nearly every issue," for the next twenty-four years.<sup>49</sup> One of the governor's first fights with the national administration involved the federal relief programs. Murray feared these policies would cause him to lose control of all federal programs in Oklahoma.<sup>50</sup> Through much of 1933, Federal Emergency Relief Administrator Harry Hopkins continued allowing Murray to control the relief funds in the state but by November,

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<sup>45</sup> Bryant, *The New Deal Volume Two*, 181-2.

<sup>46</sup> Bryant, *The New Deal Volume Two*, 187.

<sup>47</sup> Bryant, *The New Deal Volume Two*, 190.

<sup>48</sup> Keith L. Bryant Jr., *Alfalfa Bill Murray* (Norman, OK: University of Oklahoma Press, 1968), viii-ix.

<sup>49</sup> Bryant, *Alfalfa Bill*, 236.

<sup>50</sup> Bryant, *Alfalfa Bill*, 247.



the President and Hopkins began to curtail the governor's ability to direct these funds.<sup>51</sup>

Murray also fought for control of the patronage system in Oklahoma but this brought him at odds with Postmaster General James Farley, the chief patronage administrator for Roosevelt. Farley publicly commented that Murray had as much chance of being, "a foreign trade representative of the United States in South America as I have to be Pope in Rome," and told Roosevelt's secretary that the Oklahoman was as, "crazy as a bedbug."<sup>52</sup> The New Deal and its national supporters were actively making every effort to take control of federal appointments and funds from Murray. After Murray left office in 1933, he would spend the next two decades attacking the New Deal. Murray spent his life both personally and politically trying to stop industrialization and urbanization by maintaining the agrarian lifestyle and would judge policies based on this viewpoint.

Two separate works, LeRoy Fischer's *Oklahoma's Governors 1929 - 1955* and James Scales and Danney Goble's *Oklahoma Politics: A History* each contain chapters written on governors including Murray, Marland, and Phillips. Originally a doctoral dissertation, Scales and Goble's work, written in 1982, contains a chapter on every Oklahoma governor from statehood until 1963. In the chapter dedicated to Murray, they wrote Murray's, "concern for the impoverished was genuine enough, but it was soon submerged in a personal struggle with a power greater than his own."<sup>53</sup> His

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<sup>51</sup> Bryant, *Alfalfa Bill*, 247-8.

<sup>52</sup> Bryant, *Alfalfa Bill*, 250-1.

<sup>53</sup> James R. Scales and Danney Goble, *Oklahoma Politics: A History* (Norman, OK: University of Oklahoma Press, 1982), 175.

feud with the president was based on the former's larger-than-life ego, and, as a result, the state's needy suffered.<sup>54</sup> When discussing E. W. Marland, the authors contend that Murray failed as chief executive because he attempted to run the state like a farm; Marland tried to steer it like a corporation.<sup>55</sup> Scales and Gobles argued that although Marland's campaign promised to bring the New Deal to Oklahoma, he failed in this endeavor for several reasons: he was, "cold, aloof, quarrelsome, and incredibly naïve, he was utterly unfit for the give and take of bruising statehouse politics."<sup>56</sup> While Marland's "little New Deal" did not come to Oklahoma, his administration stopped the obstructionism of Murray and brought much needed relief to Oklahomans in the form of the Civilian Conservation Corps (CCC) and the Works Progress Administration (WPA).<sup>57</sup> Leon Phillips served as Speaker of the Oklahoma House of Representatives for the first two years of Marland's administration and worked vehemently to prevent the governor from bringing the New Deal to the state. When he served as governor himself, Phillips championed the, "strong strain of conservative ideology, defined in opposition to New Deal 'waste,' 'regimentation,' and 'bureaucratic dictation,' it was heartily endorsed by a militant metropolitan press."<sup>58</sup> The work edited by Fisher also contained biographical studies on Murray, Marland, and Phillips. Each study concluded with a brief assessment of the individual and offers the only insight within each chapter. While edited by Fischer, different authors handle each separate chapter. Edda Bilger wrote

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<sup>54</sup> Scales, *Oklahoma Politics*, 177.

<sup>55</sup> Scales, *Oklahoma Politics*, 185.

<sup>56</sup> Scales, *Oklahoma Politics*, 185.

<sup>57</sup> Scales, *Oklahoma Politics*, 200.

<sup>58</sup> Scales, *Oklahoma Politics*, 219-20.

on Murray and she concluded his term as governor could have been more successful but his personality and interfering in matters beyond his knowledge cost him the cooperation of progressive Oklahomans but his concern for all citizens of the state gained their trust.<sup>59</sup> Bilger did not mention Murray's tendency to fight for agrarian society and against urbanization and industrialization.

Whereas Scales and Goble argued Marland tried to run the state like a business, Michael Everman argued the governor's failure was his belief in the role of taxes to bring the New Deal to Oklahoma and ease the suffering of its citizens. While he did not succeed in bringing all of his agenda to the state, Marland and his administration can be judged by the condition of the state and its citizens would have been in if not for the actions of the governor to bring the president's signature policy to Oklahoma, Everman concluded.<sup>60</sup> Finally, Sara Bernson wrote on Leon Phillips and his time in office. Bernson contended Phillips remained consistent in his policies and stances. Phillips ran a campaign on fiscal responsibility and tried to fulfill that promise with his control and friendliness with the state legislature. This control stemmed from the fact that he made good on his campaign promises, which helped him gain the support of the public. Looking back on his term, Phillips could be satisfied that he brought a balanced budget mandating the state, "to continue his fiscal policies, and not follow the New Deal trend of overspending."<sup>61</sup> The chapter

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<sup>59</sup> Edda Bilger, "William Henry Murray, 1931-1935," in *Oklahoma's Governors, 1929-1955: Depression to Prosperity*, ed. LeRoy H. Fischer (Oklahoma City: Oklahoma Historical Society, 1983), 76.

<sup>60</sup> Michael Everman, "Ernest Whitworth Marland, 1935-1939," in *Oklahoma's Governors*, 98-9.

<sup>61</sup> Bernson, *Oklahoma's Governors*, 120-1.

relied heavily on newspaper articles from *The Daily Oklahoman*, a substantial lack of the use of several diverse sources, including a thesis devoted to Phillips.

In 1966, Robert Bish wrote a master's thesis on Phillips and his anti-New Deal work. Bish began his work illustrating Phillips as a Roosevelt New Dealer, not a Marland, but his political ambition would guide him into a conflict with the president and his agenda.<sup>62</sup> Bish examined Phillips's fight against the federal government in regards to two hydroelectric dams in the state, a third term for Roosevelt, and everything Governor Marland stood for.<sup>63</sup> The author concluded Phillips, "gained power partially because of a superficial adherence to the New Deal, and he sealed his political coffin by an obsessive determination to destroy it."<sup>64</sup> Although Bish's thesis offer good perspectives on Phillips, it possesses the disadvantage of having been written almost half a century ago, highlighting the fact Phillips has not had much work produced about him since 1982. While Bish's work focused on Phillips and his ant-New Deal work as governor, this paper focuses on the governor's actions of fiscal responsibility.

This research project will attempt to fill in a part in the history of Oklahoma in the latter years of the Depression and first years of World War II. This era marked significant changes in both the nation and the state, yet very little attention has been paid to state history in favor of the overall picture of what was occurring in the United States. Using qualitative analysis of a rich archival collection, this project will

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<sup>62</sup> Robert Arthur Bish, "Leon C. Phillips and the Anti-New Deal Agitation in Oklahoma, 1935-1944" (master's thesis, University of Oklahoma, 1966), 36

<sup>63</sup> Bish, Phillips, 9.

<sup>64</sup> Bish, Phillips, 207.

examine the efforts of Phillips to stop federal intrusion into Oklahoma politics through New Deal benefits. Using the Leon C. Phillips Collection in the archives at Oklahoma History Center housed at the University of Oklahoma in Norman, as primary source, this work will examine Phillips actions as governor to prevent New Deal programs similar to those enacted nationally coming to the Sooner State. In addition to the Phillips Collection, state newspapers such as *Harlow's Weekly*, *The Oklahoman*, *The Tulsa World*, *Tulsa Tribune*, as well as several small town newspapers, will also be utilized.

During the Great Depression and World War II, Oklahoma underwent many political changes just like the United States. While some historians have mentioned these changes, no one has dealt exclusively with the Sooner State and its politicians during the 1930s and early 1940s. To remedy this situation, this project will focus on the actions of one politician in Oklahoma to interpret how the New Deal played out at the state versus the federal level. This project only details some of the actions of one of the politicians in Oklahoma; it will be one of only a few works to deal with this time period in the forty-sixth state in the Union.

## Chapter II

### The Damming of Oklahoma's Rivers

When he announced his candidacy for governor, Phillips revealed his fifteenth of twenty reform points, "Use of militia only when I have the constitutional right and have first declared martial law, and even then only for protection of life and property and revenues of the state."<sup>1</sup> This statement proved prophetic when Phillips called out the National Guard to prevent the completion of Pensacola Dam two years later.<sup>2</sup> Throughout his term as Oklahoma's eleventh governor, Phillips used several legal and military options to block the building of Denison and Pensacola Dams, which would create Lake Texoma and Grand Lake o' the Cherokees respectively. Although Phillips tried to argue the creation of these lakes could lead to loss of valuable farmland and subsequent property taxes, the state's chief executive resisted the encroachment of the federal government during his four years in office, and he viewed the creation of these two lakes as the epitome of the infringement on states' rights. So, although Phillips followed through on his fifteenth point, his actions in regards to these dams contradicted his twentieth point, "complete and constructive co-operation with President Roosevelt's administration."<sup>3</sup>

The idea of a hydroelectric dam on the Red River preceded Phillips' term as governor and even the New Deal itself. The River and Harbor Act of January 21,

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<sup>1</sup> Otis Sullivant, "Phillips' Hat Goes in Ring For Governor," *The Daily Oklahoman*, January 20, 1938, 2.

<sup>2</sup> "Troops Capture Dam as Governor Declares Martial Law in Area," *The Daily Oklahoman*, March 14, 1940, 1.

<sup>3</sup> Otis Sullivant, "Phillips' Hat Goes in Ring For Governor," *The Daily Oklahoman*, January 20, 1938, 2.

1927, and the Mississippi Flood Control Act of May 15, 1928, authorized surveying work on the Red River and its tributaries, and years later, Representative Sam Rayburn of Texas, whose district contained the proposed reservoir site, used his control in the House of Representatives to insure its eventual adoption.<sup>4</sup> The New Deal and its push for public power and flood control networks set the path for the realization of Rayburn's dream. The Flood Control Act of June 22, 1936, authorized the Chief of Engineers of the US Army to investigate the flood control and hydroelectric possibilities of the proposed Denison reservoir and report to Congress.<sup>5</sup> However, in Oklahoma, officials began to voice their disapproval of the proposed dam and reservoir, arguing the land to be served as a flood preventative was not as valuable as the land removed from production for the body of water.<sup>6</sup> On March 2, 1937, State Representative Don Welch, whose district was to be greatly affected by the reservoir, introduced two related resolutions. The first expressed the opposition to the dam based on the above reasons and requested Governor E. W. Marland and Oklahoma's congressional delegation to do everything in their power to prevent its construction, while the second created a committee of three house members to meet with the Mississippi Valley Association and voice their

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<sup>4</sup> *Report No. 1265*, Committee on Rivers and Harbors, House of Representatives, 71<sup>st</sup> Congress, 2<sup>nd</sup> Session, Box 76, Wilburn C. Cartwright Collection, Carl Albert Congressional Collections, University of Oklahoma, Norman, OK, 5. (Hereafter cited as W. C. C.); *Congressional Record*, House of Representatives, 71<sup>st</sup> Congress, 2<sup>nd</sup> Session, Box 78, W. C. C., 4195.

<sup>5</sup> *Document No. 541*, House of Representatives, 75<sup>th</sup> Congress, 3<sup>rd</sup> Session, Box 76, W.C.C., 1.

<sup>6</sup> "Red River Dam Moves Nearer Realization," *Harlow's Weekly*, June 20, 1936, 15.

opposition.<sup>7</sup> Leon C. Phillips voted for both of these measures, which were adopted on March 3.<sup>8</sup>

These protests deterred neither the US Army Engineers who, on March 4, 1938, recommended a rolled-earth dam almost three miles long, nor Congress which passed a bill authorizing the Red River project at an estimated cost of 54 million dollars on June 28, 1938.<sup>9</sup> Back in Oklahoma, political aspirations played heavily in the responses to the project. Phillips, now a gubernatorial candidate, voiced approval for state participation in flood control projects ratified by the federal government, and an editorial piece in *Harlow's Weekly* speculated that if the dam were approved as a Roosevelt conservation project its proponents should endorse a candidate for governor who was friendly to that federal program.<sup>10</sup> The entire Oklahoma congressional delegation and state house members approved the proposal, Senator Josh Lee, however, saw beneath Phillips' veil of promises and warned Oklahomans before the July primary the work of the national delegation to obtain reservoirs and flood control projects in Oklahoma could be halted by a governor who opposed the national administration.<sup>11</sup> After the election, U.S. Representative Wilburn Cartwright wrote a letter to the editor of Durant's *Daily Democrat* claiming Phillips had not been truthful about his intentions during the

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<sup>7</sup> State of Oklahoma, *House Journal*, I, 16<sup>th</sup> Legislature, Regular Session, 1937, 1168-70.

<sup>8</sup> State of Oklahoma, *House Journal*, I, 16<sup>th</sup> Legislature, Regular Session, 1937, 1192.

<sup>9</sup> *Document No. 541*, House of Representatives, 75<sup>th</sup> Congress, 3<sup>rd</sup> Session, Box 76, W.C.C., 5-6; *House Resolution 10618*, House of Representatives 75<sup>th</sup> Congress, 3<sup>rd</sup> Session, Box 76, W.C.C. 5.

<sup>10</sup> U.S. Russell, "Proposed Red River Project Bobs Up Again," *Harlow's Weekly*, March 19, 1938, 8.

<sup>11</sup> U.S. Russell, "About Politics and Politicians," *Harlow's Weekly*, July 9, 1938, 4.



campaign but since then his antagonism towards the national administration was quite evident.<sup>12</sup>

These warnings proved true when Phillips gave his inaugural address and expressed his disapproval of the project, claiming the dam might not prevent damages from floods and might benefit other states while ruining prime Oklahoma farmland.<sup>13</sup> The next day, Phillips addressed the Oklahoma legislature concerning the proposed dam by questioning where the new sources of taxation, both state and local, to replace those lost by the reservoir might come from and deplored the lost lands and resources, including oil. One aspect of Phillips' speech was quickly dispatched when a reporter for the *Oklahoma City News* conducted a survey of the affected area and concluded the majority of the citizens favored the dam contrary to the governor's assertion that Oklahomans were being forced to swallow a bitter federal pill.<sup>14</sup> While the citizens and lawmakers from southeastern counties favored the dam, most legislators in both houses did not. Speaker Don Welch and pro-Phillips Senate President pro tempore James Rinehart stood behind Phillips, and the legislature passed House Concurrent Resolution number eight which requested the president of the United States and congress to delay any further action until Oklahoma could do its own investigation and report back to both branches, and it commanded the state's Congressional delegation to reverse its cooperation with the

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<sup>12</sup> Letter from Wilburn C. Cartwright to G. W. Archibald, January 9, 1939, Box 77, W.C.C.

<sup>13</sup> "Inaugural Address of Honorable Leon C. Phillips," January 9, 1939, Box 13, Leon C. Phillips Collection, Western History Collections, University of Oklahoma, Norman, OK, 9-10. (Hereafter cited as L.P.C.)

<sup>14</sup> "Residents Favor Proposed Red River Dam," *Oklahoma City News*, July 9, 1939, 1.

national administration.<sup>15</sup> However, the state's Washington corps knew Phillips controlled the Oklahoma legislature with his patronage powers and, with the exceptions of Representatives Lyle H. Boren and Jack Nichols, they elected to fall in behind the Roosevelt administration. Senator Elmer Thomas went as far to warn if the Denison project was obstructed, all federal reservoir-building projects in Oklahoma could be halted, and threatened punitive action if the state legislature repealed the law allowing the federal government to condemn land for public use.<sup>16</sup> These actions prompted the state senate to reverse its position and pass its own resolution requesting congress to fund all projects in Oklahoma and commending the Oklahoma delegation for its efforts to bring said endeavors to the state.<sup>17</sup>

Members of the state delegation took up the defense of the proposal. Representative Cartwright took the floor of the U.S. House to assure the state of its rights, to promise adequate compensation for lost land, and to outline the pending recreational areas, cheap electricity, and thousands of new jobs. Representative Phil Ferguson wrote Phillips that since the federal government was paying for the construction of the dam but Oklahoma might reap the benefits of it, the state should embrace the proposal. Finally, the Oklahoma congressional delegation, which had fought for Oklahoma's fair share of federal projects, acted on the theory the state

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<sup>15</sup> "State of Oklahoma, *Senate Journal*, I, 17<sup>th</sup> Legislature, Regular Session, 1939, 2626; U.S. Russell, "Federal-State Clash Over Red River Dam," *Harlow's Weekly*, January 21, 1939, 6-7.

<sup>16</sup> U.S. Russell, "Federal-State Clash Over Red River Dam," *Harlow's Weekly*, January 21, 1939, 6-7.

<sup>17</sup> "State of Oklahoma, *Senate Journal*, I, 17<sup>th</sup> Legislature, Regular Session, 1939, 2543.

should use these projects to combat its welfare problems through the jobs created by the endeavors.<sup>18</sup>

The governor produced more legislative hurdles for the dam. On February 20, Phillips requested Dr. Phillip S. Donnell, head of the engineering department at Oklahoma A. and M. College, to conduct his own survey into the property damage resulting from the dam. Phillips believed this report might not only safeguard against unfair federal valuation of the lost land but also the value of any highway, bridge, culvert, utility line, and county roads affected by the construction of the dam. Oklahoma could delay the work until it had been fairly compensated for the loss of these items or pass an act excepting the Denison project from the "irrigation and drainage" clause of the 1908 state-consent-for-federal condemnation law.<sup>19</sup> Next, the Oklahoma House amended a law concerning mineral rights of state-owned land sold by the school land commission. If the commission sold land without the mineral rights, the sale required the endorsement of the governor. Oklahoma owned over four thousand acres in the affected area. The federal government did not buy full title to the land in question, so the change could block the sale of the area and stall the project.<sup>20</sup> Phillips decided to take his opposition directly to the federal government.

In March, the governor sent two lawyers to represent Oklahoma before a subcommittee of the Military Affairs Committee in the U.S. House of

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<sup>18</sup> U.S. Russell, "Federal-State Clash Over Red River Dam," *Harlow's Weekly*, January 21, 1939, 6-7.

<sup>19</sup> U.S. Russell, "Phillips Plans Red River Dam Battle," *Harlow's Weekly*, February 25, 1939, 12-13.

<sup>20</sup> State of Oklahoma, *Session Laws of Oklahoma, 1939*, (Oklahoma City, Harlow's Publishing Corporation, 1939), 134; "Mineral Rights' Change Might Halt Dam," *Norman Transcript*, April 17, 1939, 1.

Representatives. This subcommittee was considering appropriating the initial five million dollars to be used to begin actual construction. The attorneys argued a lack of economic justification for the man-made lake and showed it would ruin rich Oklahoma farmland while benefitting lands further downriver in Louisiana. House Majority Leader Sam Rayburn of Texas also testified to the subcommittee arguing the governor's stand was based on misinformation or lack of details.<sup>21</sup> Since the project received presidential backing, subcommittee approval of the appropriation seemed inevitable to both sides.<sup>22</sup> The subcommittee approved the expenditure but Phillips vowed to use every power at his disposal including, "extraordinary measures," which some construed to mean calling out the national guard.<sup>23</sup> Phillips wrote to Secretary of War Harry Woodring and President Roosevelt before he initiated litigation. Woodring reminded the governor the federal government would reimburse the state and individual landowners for the loss as well as pay for relocation of highways and railroads, but repayment of lost tax revenues would require an act of congress. Roosevelt, through the press, reported he sent the governor's protests to the three departments associated with the project – War, Agriculture, and Interior -- therefore indirectly informing the governor his protests had fallen on deaf ears.<sup>24</sup> Phillips decided to take his battle to the courts.

On October 2, 1939, the lawyers Phillips hired to represent Oklahoma argued their case to the United States Supreme Court. In *State of Oklahoma v. Harry H.*

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<sup>21</sup> "Phillips' Aids in Washington Denounce Dam," *The Daily Oklahoman*, March 30, 1939, 18.

<sup>22</sup> Bish, Robert, "Leon C. Phillips and the Anti-New Deal Agitation in Oklahoma, 1935-1944," Master's thesis, University of Oklahoma, 1966, 90.

<sup>23</sup> Curtis Ward, "The Week Throughout Oklahoma," *Harlow's Weekly*, April 29, 1939, 3-4.

<sup>24</sup> Curtis Ward, "The Week Throughout Oklahoma," *Harlow's Weekly*, August 2, 1939, 2-3; September 9, 1939, 3; September 16, 1939, 3.

*Woodring*, the state sought to prove three propositions: the allegations of the complaint authorized the Supreme Court to take jurisdiction, the defendant should be restrained in his attempt to act on the basis of extra-legal authority, and the facts entitled Oklahoma to relief.<sup>25</sup> The brief argued on the basis of a 1919 Supreme Court decision in which the boundary of Oklahoma was determined to be the southern bank of the Red River, placing the entire stream on state lands. If the *Woodring* could take the waters of Oklahoma's streams then he, under additional legislation, might swallow up all states' lands, which meant the act violated the constitutional provision that a state's sovereignty could not be removed by legislation. Finally, The right to regulate the floodwaters of a state were not powers delegated to the federal government by the constitution.<sup>26</sup> The federal attorney argued that it had the right to take property under eminent domain proceedings and that an anticipated decrease in tax revenues did not affect the validity of federal legislation.<sup>27</sup> Because this case affected the 1938 flood control act, under which many construction programs had begun, the national administration watched carefully as the Supreme Court ordered the *Woodring* to explain why the complaint should not be heard and directed the Attorney General's attention to the case in which Oklahoma could stop enforcement of an act of Congress because it violated the US Constitution.<sup>28</sup> The case was heard before the high court on January 29, 1940, and in a four-to-four decision

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<sup>25</sup> *State of Oklahoma v. Harry H Woodring*, Brief in Support of Motion for Leave to File Original Action, Box 76, W.C.C., 2.

<sup>26</sup> *State of Oklahoma v. Harry H Woodring*, Brief in Support of Motion for Leave to File Original Action, Box 76, W.C.C., 2, 16, 21, 30.

<sup>27</sup> Curtis Ward, "The Week Throughout Oklahoma," *Harlow's Weekly*, November 25, 1939, 4.

<sup>28</sup> *State of Oklahoma v. Harry H. Woodring*, 308 US 508 (1939).

with one abstention, the court ruled against Oklahoma's right to be heard.<sup>29</sup> Although disappointed, Phillips vowed to continue his fight against the constitutionality of the act.<sup>30</sup> In March Phillips threatened Secretary Woodring with the power of the state if construction began before a court ruling. Also, the discovery of oil in the affected area only seemed to strengthen the governor's argument over the loss to the state.<sup>31</sup> On September 6, Phillips ordered the Oklahoma Attorney General Mac Q. Williamson to file suit in the Eastern United States District Court at Muskogee, asking the court to stop construction and prevent federal attorneys from acquiring more land through condemnation proceedings.<sup>32</sup> The case began on October 28 with the federal government asking the suit be thrown out, but Phillips won this first round when the three-judge court agreed to hear the case. Attorneys for Oklahoma presented the argument the Denison Dam was a power plant and Congress did not have authority to build one. Flood control was incidental because of the construction. Federal attorneys argued the case boiled down to two questions: was flood control within the powers of Congress and was the Denison Dam part of the national program of flood control?<sup>33</sup> A ruling did not come until January; in the interim, federal attorneys continued to file condemnation proceedings on over 4000 acres of needed land.<sup>34</sup> On January 25, 1941, the Eastern District Court ruled against Phillips and the state proclaiming, Congress was acting

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<sup>29</sup> "Supreme Court Rules Against Phillips," *Tulsa Tribune*, February 13, 1940, 1.

<sup>30</sup> "Selected Speeches of the Honorable Leon C. Phillips," Box 13, L.P.C., 85, 92.

<sup>31</sup> "Phillips Renews Warning on Dam As Well Flows," *The Daily Oklahoman*, March 9, 1940, 1; "Oil Field Worth More Than Dam," *The Daily Oklahoman*, March 10, 1940, 1.

<sup>32</sup> "Phillips Orders AG to File Suit Against US Over Dam," *Oklahoma City Times*, September 6, 1940, 3.

<sup>33</sup> "Phillips Wins Test of Legality of Denison Dam," *The Daily Oklahoman*, October 29, 1940, 1.

<sup>34</sup> "US Files Eminent Domain Cases For Denison Dam," *Durant Daily Democrat*, December 26, 1940, 1.

within its power to build a hydroelectric dam.<sup>35</sup> Phillips possessed one last option, he petitioned the Supreme Court to hear the case on appeal. The nation's highest court heard the arguments on April 26, 1941, and delivered their final ruling on June 2. The court upheld the lower court's ruling and went further in its opinion, proclaiming the facts of state ownership, tax losses, boundary eradication, and interference with the water development and conservation program of the state constituted no barrier to the condemnation of land by the United States under its superior power of eminent domain.<sup>36</sup> Construction of the dam continued and the resulting reservoir came to be known as Lake Texoma, but this was not the only dam Phillips tried to prevent in Oklahoma during his tenure as governor.<sup>37</sup>

Like Denison, the Pensacola Dam's origins began before Phillips took the oath of office as governor. In April 1935, State Senator Jack Rorschach of Vinita, with other northeastern Oklahoma legislators, filed the enabling act to create the Grand River Dam Authority (hereafter referred to as GRDA or Authority) as an agency of the state government. Governor E.W. Marland signed the law on April 26, 1935. The Authority could not levy taxes or create any indebtedness payable out of taxes, but it possessed the power to borrow money and create and issue bonds. In connection with this right, it could pledge all or any part of the revenue expected from the sale of water or hydroelectric power. It also had the power to acquire land for its

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<sup>35</sup> "Another Setback for Phillips Over Denison Dam," *Miami (Oklahoma) News-Record*, January 26, 1941, 1.

<sup>36</sup> *State of Oklahoma ex rel. Phillips v. Guy F. Atkinson Co. et al.*, 313 U.S. 508 (1941).

<sup>37</sup> "Lake Texoma Oklahoma," Outdoors OK, <http://www.outdoorsok.com/Oklahoma/Texoma> (accessed April 4, 2012); "Tulsa District Lake Information," US Army Corps of Engineers Tulsa District, [http://www.swt.usace.army.mil/recreat/OPSField.CFM?tblOPSField\\_\\_LakeName=Lake%20Texoma](http://www.swt.usace.army.mil/recreat/OPSField.CFM?tblOPSField__LakeName=Lake%20Texoma) (accessed April 4, 2012).

purpose through condemnation or other legal proceedings. Every phase of the process would be overseen by the Board of Directors of the GRDA, initially set at nine with the governor, attorney general, and commissioner of labor appointing three apiece but was later amended to five members, all appointed by the governor. The act also opened the door to federal aid and impending federal control by which the GRDA might enter into any contract with any agency of the federal government to assist in the financing of the project and could request the assistance of the US Army Corps of Engineers<sup>38</sup> The authority took this privilege and exercised it when it urged the Army Engineers to conduct a survey of the reservoir area and applied for a loan and grant from the Public Works Administration for construction work. On October 16, 1937, the PWA offered to purchase \$11,563,000 worth of the GRDA's bonds and issued a grant not to exceed \$8,437,000 to construct the dam estimated to cost twenty million dollars.<sup>39</sup> However, it became clear the money came with conditions.

The head of the PWA, Clark Foreman, forced the appointment of a general manager for the GRDA, foreshadowing the coming clash between state authorities and federal agencies looking to have a say in policy-making counsels.<sup>40</sup> One year later, Foreman demanded the authority grant the general manager a contract for one full year, but the agency sidestepped the issue by continuing the employment

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<sup>38</sup> State of Oklahoma, *Session Laws of Oklahoma, 1935*, (Oklahoma City: Harlow Publishing Corporation, 1935), 350-7.

<sup>39</sup> "GRDA, Confidential Preliminary Copy of Report No. 1," Box 21, L.P.C.

<sup>40</sup> "GRDA Appoints General Manager," *Tulsa World*, December 15, 1937, 8.



with no specification on time.<sup>41</sup> Land values were higher than estimated, which required more of initial funding than predicted, and lack of cooperation only worsened the situation. After a conference in May 1939, the PWA warned that the Roosevelt administration might withdraw the project from state control and make it the center of a regional power complex. Secretary of the Interior Harold L. Ickes informed Senator Josh Lee and the board members he favored the construction of two additional dams on the Grand River if they could be owned and operated by the federal government to sell electricity to cities and public utilities.<sup>42</sup> Because Governor Phillips disapproved of this development, Senator Lee introduced a bill with Ickes's suggestions to remove the projects from state control to prevent the possibility that the state's chief executive could play politics with appointments. Phillips construed the bill to be aimed at him, and he decided to use the project's difficulties to retaliate against Ickes and Lee and block any attempts to build a system patterned on the Tennessee Valley Authority.<sup>43</sup> Now, in addition to the clash between a state agency and its federal financial backers, Phillips and Lee added personal power politics to a volatile situation.

Phillips immediately went to work using legal methods. Under the enabling act, the GRDA was liable for damages to state and local governments incurred to inundate public lands and relocate roads and highways.<sup>44</sup> Under a verbal agreement with Governor Marland, the GRDA could replace the roads by building a bridge

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<sup>41</sup> "General Manager Wright's Employment Extended," *Tulsa World*, November 8, 1938, 2.

<sup>42</sup> Curtis Ward, "The Week Throughout Oklahoma," *Harlow's Weekly*, May 6, 1939, 5.

<sup>43</sup> Curtis Ward, "The Week Throughout Oklahoma," *Harlow's Weekly*, May 13, 1939, 4.

<sup>44</sup> State of Oklahoma, *Session Laws of Oklahoma, 1935*, (Oklahoma City: Harlow Publishing Corporation, 1935), 351.

between Grove and Bernice at a cost of \$379,000, but Phillips asserted the state was no longer bound to an agreement not in writing. Chairman of the Authority, Ray McNaughton, replied the agreement had been made in good faith and the GRDA had held up its end by completing the bridge with money loaned from the PWA.<sup>45</sup> The governor threatened to call out the state's National Guard to prevent the dam from being built until Oklahoma was guaranteed a share of the revenues from the sale of power produced. In an editorial, one national newspaper, *The Chicago Daily Tribune*, agreed with this stance opining that the governor's position was a reasonable one and that, just as a landowner is entitled to the proceeds of fertile soil, mineral deposits or high rental value, so should said landowner be compensated when the land is used to produce power. The article continued that Phillips had the support of taxpayers all over the country and this power project like other, "hydro-electric schemes, is a fraud."<sup>46</sup>

A few days later, the governor warned the GRDA not to flood any roads or bridges until it could reach an agreement with the state highway commission on any costs. The two agencies decided to work out a schedule on costs the state could expect the GRDA to finance. On November 8, engineers from both agencies agreed the authority's share of the lost roads and bridges should be \$841,957.<sup>47</sup> While this took place, the GRDA requested the general manager's resignation based on his incompetence. Foreman hurried to the state to meet with Phillips to protect his

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<sup>45</sup> "State Demands GRDA to Share Road Loss Cost," *Tulsa World*, September 7, 1939, LPC, Oversized Box 1.

<sup>46</sup> "Oklahoma Fights," *Chicago Daily Tribune*, August 29, 1939, 10.

<sup>47</sup> "Dam Share In Road Repairs Set at \$841,000," *The Daily Oklahoman*, November 9, 1939, 11.

friend's position. The PWA leader threatened to take the whole project into federal receivership if the manager were ousted and asserted the verbal agreement between the authority and Marland would be recognized as satisfaction of the GRDA's obligation. Phillips fumed at these demands and warned that if the dam gates were closed and state property flooded before Oklahoma received the promised \$850,000, he would take drastic action.<sup>48</sup> Foreman left the meeting without any agreement and acquiesced to the general manager's ousting, but if the GRDA could not supply a reasonable replacement Foreman threatened a federal take over.<sup>49</sup> Throughout the month, both sides offered candidates for the position that the other did not accept, GRDA nominated Chairman McNaughton, but the PWA refused based on a lack of experience. The Authority declined the PWA's offer of General William S. Key, long-time political foe of Phillips.<sup>50</sup> Finally, in late January 1940, both sides agreed to Terence P. Clonts who began his new position on February 1, 1940. Three days later, Phillips traveled to Washington to meet with Public Works Administrator John N. Carmody, who asked the governor for maps and estimates of highway replacement costs in an effort to heal the breach between his agency and the state executive.<sup>51</sup>

For whatever reason, Carmody shattered the truce when he suggested a court should decide whether the verbal agreement between the GRDA and the

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<sup>48</sup> "Director of PWA Accuses Utility in GRDA Strife," *Tulsa World*, November 30, 1939, LPC, Oversized Box 1.

<sup>49</sup> "Successor Not Named; Secret Parleys Bared," *Tulsa Tribune*, December 2, 1939, LPC, Oversized Box 1.

<sup>50</sup> "Naming of GRDA Head Becomes Political Fight," *Tulsa World*, December 15, 1939, LPC, Oversized Box 1.

<sup>51</sup> "City Manager of Muskogee Appointed Grand River Chief," *The Daily Oklahoman*, February 9, 1940, 1.

Marland administration was binding. Phillips responded with rage, proclaiming he could call out the National Guard to stop the closing of the dam before that could happen.<sup>52</sup> Days later, Phillips demanded the PWA put the \$850,000 into an escrow account in case they lost before he entered into any litigation, Carmody replied from Washington, claiming there were no funds available for such an endeavor.<sup>53</sup> Phillips declared martial law to prevent the completion of the Pensacola dam, until the state received the money promised, "I am moving in the troops before they get that dam in such shape that it will take dynamite to let the water out."<sup>54</sup> Three officers from the guard presented the governor's orders to the construction superintendent, who demanded the arch had to be closed at this critical stage of construction.<sup>55</sup> In addition to his military action, Phillips directed the Attorney General to file suit in state district court to halt the completion of the dam. On March 14, Judge William M. Thomas of the district court at Miami issued a temporary restraining order preventing the closing of arch six.<sup>56</sup> The federal government responded with a suit of its own, a federal court in Vinita temporarily prohibited the governor from using the courts or the guard to prevent the completion of the dam, thereby nullifying the governor's martial law and the restraining order from the state court.<sup>57</sup> Two days later, the governor received a letter from his military adviser at the dam informing

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<sup>52</sup> "Phillips Will Not Give Inch to PWA Offer," *Tulsa Tribune*, February 26, 1940, LPC, Oversized Box 1.

<sup>53</sup> "PWA Turns Down GRDA Road Claim," *Tulsa World*, February 27, 1940, LPC, Oversized Box 1;

"Phillips to Send Troops to Stop Closing of Dam," *The Daily Oklahoman*, March 13, 1940, 1.

<sup>54</sup> "Oklahoma Governor Orders Troops To Stop Work On Grand River Dam As An 'Invasion,'" *New York Times*, March 13, 1940, 1.

<sup>55</sup> "Troops Capture Dam as Governor Declares Martial Law in Area," *The Daily Oklahoman*, March 14, 1940, 1.

<sup>56</sup> "Closing of Dam's Gates Is Forbidden by Court," *The Daily Oklahoman*, March 15, 1940, 1.

<sup>57</sup> "Phillips Tied Up By Federal Writ, Studies Course," *The Daily Oklahoman*, March 20, 1940, 1.

the former the last arch was being closed.<sup>58</sup> Upon hearing about the closing of the final gates, Phillips said, "I don't figure it will hurt me to be knocked down by the mailed fists of the bureaucrats in Washington if the people of Oklahoma know what it is all about. Public sentiment and the courts will take care of the situation."<sup>59</sup> On March 14, Senator Josh Lee took the US Senate floor to voice his opinion of the governor's fights against the Pensacola and Denison Dams. Lee said Congress approved the construction of many reservoirs in Oklahoma but Phillips only expressed concern over the two hydroelectric dams. The senator offered several news articles quoting Phillips and his threat to use the state militia to prevent the completion of the Grand River Dam. Lee explained the people of Oklahoma are on the losing end of this battle while the utility companies are the ultimate winners. He explained that Oklahomans paid 11,700,000 dollars more for electricity in 1937 than they would have under Tennessee Valley Authority (TVA) rates. Congress had created the TVA, a corporation owned by the federal government to produce cheap electricity using a series of dams throughout the southwestern United States. Senator Lee believed the Oklahoma utility companies feared the government intruding on their profits.<sup>60</sup> Phillips's battles continued only in the courtrooms.

On March 25, the federal government sought a permanent injunction against Phillips in the Federal District Court at Vinita. Unfortunately, three of Phillips's personal foes sat on the bench, offering no chance the tribunal ruling in favor of the governor. The court announced its reconvening in Tulsa on May 6, and, in the

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<sup>58</sup> Letter from Major Ross H. Routh to Leon C. Phillips, March 22, 1940, Box 21, L.P.C.

<sup>59</sup> "Phillips Loses Fight To Block Oklahoma Dam," *Chicago Daily Tribune*, March 23, 1940, 4.

<sup>60</sup> 76<sup>th</sup> *Congressional Record* 3, 2866-7, (March 14, 1940) (Statement of Senator Josh Lee).

meantime, the temporary restraining order against Phillips stayed in place.<sup>61</sup> In early May, the court handed down its judgment: a permanent restraining order against Phillips. So the governor decided to change course in the hopes of achieving his goals through compromise and cooperation. Twice, once in late May and again in late July, the PWA and state highway officials reached agreements in which the federal agencies could supplement state funds for road replacement. However, on both occasions, Phillips sabotaged the agreements with his condition that the federal lawsuit against him be dropped. Carmody and other federal bureaucrats did not relinquish the restraining order.<sup>62</sup> This proved moot when the Supreme Court heard the case the next year. On January 15, 1941, the high court heard the appeal from the injunction and issued a ruling in early February effectively vacating the restraining order.<sup>63</sup> The ruling put the governor in a receptive mood to settle the dispute, and the PWA viewed it as an invitation to back off its stance and to meet the state executive halfway.

On February 19, state and federal officials met at the state capitol to resolve the Grand River Dam road dispute. Three days later, the participants reached an agreement signed by Phillips and the highway commission stipulating the following: revocation of martial law declared by the governor, dismissal of the federal lawsuit against Phillips, dismissal of the state's lawsuit to prevent completion of the dam and subsequent flooding of roads, and an agreement for 1.9 million dollars in

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<sup>61</sup> "U.S. Court Refuses To Dismiss Injunction Tying Phillips' Hands," *The Daily Oklahoman*, March 26, 1940, 1.

<sup>62</sup> "Phillips Hurls Carmody Charges," *Tulsa World*, August 23, 1940, LPC, Oversized Box 1.

<sup>63</sup> *Leon C. Phillips et al. v United States et al.*, 312 US 246 (1940); "Phillips Wins Point in Battle of Grand River," *Oklahoma City Times*, February 4, 1941, LPC, Oversized Box 1.

federal-state road building program with the federal government picking up \$689,950.<sup>64</sup> Phillips decided to spin this into a propaganda victory.

The governor spent the spring and summer of 1941 professing his never-ending fight for states' rights in his battle with the federal government over the Pensacola Dam and that he fought for the GRDA to remain in the hands of the state so it could provide cheap power for the new defense industries in the state. The clash between federal and state may have been settled, but the battle between two of the state's top politicians was only beginning. Phillips' ulterior motive was to wrest control of the dam away from Senator's Lee plan to bring it under the control of the Arkansas Valley Authority.

The PWA had decided the GRDA board should be replaced because they advocated selling cheap power to public utilities. When the head of the PWA, K. S. Wingfield, came to Oklahoma to express this sentiment, Phillips saw it as an excellent chance to remove Clonts and Robert Davidson, chief counsel of the authority, both of whom owed their positions to Senator Lee's influence. Over the next few months, the governor applied pressure to Clonts and Davidson to drive them from their jobs.<sup>65</sup> The three-man board relented to the pressure and resigned their positions in early August, and manager Clonts announced he would submit his resignation soon. In the meantime, Phillips pressed James Rinehart of El Reno, floor leader from the last legislative session, to accept the combined position of attorney-

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<sup>64</sup> "GRDA Road Fuss Settled; Suits Dropped," *Tulsa World*, February 22, 1941, LPC, Oversized Box 1.

<sup>65</sup> "Power for Tulsa at Stake, Dam Shakeup Demanded," *Tulsa Tribune*, April 18, 1941, LPC, Oversized Box 1.

manager of the authority.<sup>66</sup> The next day, the governor appointed his longtime supporter and editor of the *Wagoner Record-Democrat*, James Biggerstaff, to the board.<sup>67</sup> Senator Lee rushed back to the state to salvage his plans for the GRDA and, upon confirmation of Rinehart and Biggerstaff, telegraphed Presidential Secretary Stephen Early, asking Roosevelt to place the dam in federal receivership.<sup>68</sup> Although, receivership never came, the PWA blocked the appointment of Rinehart until October 6, when it ruled that Rinehart possessed no training in public power management or in the strategy of defense against utility bombardment. Phillips accused the agency of trying to implant inefficient leadership so it may assume control of the project.<sup>69</sup> However, regardless of who served on the board, many observers thought the GRDA could very well be in federal hands by the end of the year.

The authority had until November 1 to pay \$242,630 in interest on the loan from the PWA, and, although the Oklahoma Supreme Court increased the limit of the GRDA's indebtedness to 1.3 million dollars, the threat of federal takeover loomed large.<sup>70</sup> After the deadline passed, United States Representatives Lyle H. Boren and Wesley E. Disney tried to prepare the state for the forthcoming blow.<sup>71</sup> On November 19, President Roosevelt issued an executive order directing the federal

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<sup>66</sup> "Rinehart Choice for GRDA Nearer," *Tulsa World*, August 7, 1941, LPC, Oversized Box 1.

<sup>67</sup> "Wagoner Man to GRDA; to Name Tulsan," *Tulsa Tribune*, August 7, 1941, LPC, Oversized Box 1.

<sup>68</sup> Wire from Josh Lee to Stephen Early, Box 233, Lyle H. Boren Collection, Carl Albert Congressional Collections, University of Oklahoma, Norman, OK, August 14, 1941.

<sup>69</sup> "Carmody Action Slap at Phillips and Power Head," *Tulsa World*, October 7, 1941, LPC, Oversized Box 1.

<sup>70</sup> "Supreme Court Approves Hike in GRDA Debt," *Wagoner Record-Democrat*, October 23, 1941, LPC, Oversized Box 1.

<sup>71</sup> "Dam Receiver Expected Soon." *Tulsa Tribune*, November 10, 1941, LPC, Oversized Box 1.



works administrator (FWA) to take possession of the GRDA, proclaiming the safety of the country demanded the national government take control of the project to ensure power shall be supplied for the manufacture of explosives and munitions of war, and, “to prevent financial management difficulties of the Grand River Dam Authority from interfering with full use of power for national defense.” The FWA announced the power from the dam could be used to make, “aluminum, magnesium, smokeless powder, TNT, and DNT; for airplane assembly lines, and bomb and shell loading plants, as well as for 50 army camps and other defense activities.” The beaten Phillips could do nothing but label the act dictatorial and un-American, but little more,

The dam was seized for the political jobs it will afford a bunch of broken down politicians. I have nothing but contempt for this federal crowd which goes to such lengths for political patronage. It is a mockery of good government – a shocking violation of American principles. I never believed that such a thing as this could come to pass in this country. I think there are a lot of good people in our state and country who won’t be happy under a dictator. We don’t like dictators in Europe, in this country or anywhere. However, the people of Oklahoma will go on paying taxes and practicing good government despite the Washington squandering for political purposes.”<sup>72</sup>

The governor went on to say the dam was seized to offset the tremendous losses and “extravagant failure” of the Tennessee Valley Authority, another project of the president.<sup>73</sup> The GRDA was removed from Leon Phillips’s control forever and served as a grim reminder that the state executive was right in his predictions on how the

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<sup>72</sup> “U.S. Takes Over Complete Control of Grand Dam on Roosevelt Order,” *Oklahoma City Times*, November 21, 1941, LPC, Oversized Box 1; “Phillips Calls Dam Seizure ‘Dictator’ Act,” *Oklahoma City Times*, November 21, 1941, LPC, Oversized Box 1; “U.S. Takes Over Oklahoma Dam, State May Balk,” *Chicago Daily Tribune*, November 22, 1941, 1.

<sup>73</sup> “U.S. Takes Over Oklahoma Dam, State May Balk,” *Chicago Daily Tribune*, November 22, 1941, 1.

federal government might seize the project from the state in the long run.

Throughout the fights against the Denison and Pensacola Dams, Phillips pointed to the loss of taxable land, less revenues from farming and natural resources and the cost to the state incurred as a result of the construction of the hydroelectric projects as his reasons for opposing the building of these endeavors. The governor seemed to be concerned the state would not be as fiscally sound as it could have been without these dams, regardless of the tax income from tourism at these lakes and the electricity created.

## Chapter III

### The Pursuit of Oklahoma Reds

Less than one month after he won the election for governor of Oklahoma, Phillips delivered a speech in Norman on his opinion of the citizens' view of Communism. "Our citizens will not stand for communists in Oklahoma," Phillips said at a civics club dinner, "I have an ambition for such a unity of feeling among our citizenship that I know they'll never do much here."<sup>1</sup> So began a three-year crusade by Phillips to drive the perceived Communists out of Oklahoma in an effort to forestall President Roosevelt's New Deal, and coinciding with his fight against the Pensacola and Denison dams.

Running on a platform of support for Roosevelt and his New Deal, Phillips changed his position as soon as he entered office. The newly elected governor did not approve of the programs or legislation proposed by the president. Unfortunately the Works Progress Administration and the Civilian Conservation Corps proved too popular among Oklahomans for Phillips to attack directly.<sup>2</sup> Consequently, he resisted other features of the New Deal coming out of Washington during his term and tried to link his opponents to unfavorable practices. Even the people working within these agencies, like the Federal Writer's Program, claimed the Communists ran the project but asked the reporter not to quote them.<sup>3</sup> Representative of many

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<sup>1</sup> "Reds Scored by Phillips," *The Daily Oklahoman* (Oklahoma City, OK), December 6, 1938.

<sup>2</sup> W. David Baird and Danney Goble, *Oklahoma: A History* (Norman, OK: University of Oklahoma Press, 2008), 229.

<sup>3</sup> Lawrence Thompson, "Works Office Aid Goes East As Reds Rally," *The Daily Oklahoman*, May 27, 1938.

anti-New Dealers, Phillips falsely labeled his rivals as Communist, Fascist, or other subversive groups to further his own administration's agenda, increase favorability with the voters, and exercise gubernatorial control over the Oklahoma legislation.

Leon "Red" Phillips, a nickname received during his collegiate football days while attending law school at the University of Oklahoma because of his fiery hair color not his political ideologies, launched his attack on Communists when he delivered his inaugural address of the steps of the state capitol, proclaiming one of his goals as removal of these subversives from state schools.<sup>4</sup> Towards the end of January 1939, Phillips declared a credible source accused professors at the University of Oklahoma and Oklahoma A and M College of, "teaching propaganda unfriendly to the democratic form of government."<sup>5</sup> The governor demanded the dismissal of these subversive professors before he handled the appropriations bills regarding each institution. Phillips stated a professor teaching communism reflected on the college's administration, and, since they are taking pay from the state, they could not teach the overthrow of the government. The governor did say he did not object to a professor's private opinions or objectively teaching various theories of government but he did take issue with the distribution of communist propaganda.<sup>6</sup> Many at the University of Oklahoma asked for an investigation either to find these subversives or to clear the institution's name.

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<sup>4</sup> Otis Sullivant, "About-Face is Called For By New Chief," *The Daily Oklahoman*, January 10, 1939.

<sup>5</sup> "Phillips Told Some Are Red in University," *The Daily Oklahoman*, January 29, 1939.

<sup>6</sup> "Firing of 'Reds' Demanded," *Oklahoma Daily* (Norman, OK), January 29, 1939; "Oklahoma Governor Proposes Ouster of Isms From Schools," *The Christian Science Monitor*, March 2, 1939, 2.

After hearing of the accusations, Joe Looney, president of the OU Board of Regents, said, “the allegations were made in public, I would be glad to see a public investigation.” The regent went on to say, “It should be conducted in a spirit of tolerance vital to democracy and it should not be permitted to deteriorate into a ‘Red hunt’.” Looney supported both universities’ presidents when he declared his confidence that neither leader would knowingly condone the hiring of a professor who advocated communism.<sup>7</sup> Dr. William Bizzell, president of the University of Oklahoma, also welcomed an investigation, but did not believe communistic teachings existed at OU and agreed with Phillips’ statement: no one could draw a paycheck from the state and teach propaganda friendly to a foreign country.<sup>8</sup> He elaborated, “From time to time rumors have come to me that this or that professor is communist and I have investigated every one of these charges and I have not found any justification for them.”<sup>9</sup>

In regards to A&M, Phillips apparently referenced an incident occurring the previous year. In the summer of 1938, someone claimed the German-born college librarian, Dr. Icko Iben, harbored sympathies for the Nazis, but an investigation by the library board cleared the accused.<sup>10</sup> Although Phillips mentioned both schools, he made no further accusations against A&M after this initial allegation. Instead, the governor directed his efforts towards OU for the remainder of his term. University of Oklahoma professors viewed Phillips, the first alumnus elected to governor, with

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<sup>7</sup> “‘Reds’ Are Problem Of Presidents,” *Norman Transcript* (Norman, OK), January 30, 1939.

<sup>8</sup> “Phillips Told Some Are Red in University,” *The Daily Oklahoman*, January 29, 1939.

<sup>9</sup> “Firing of ‘Reds’ Demanded,” *Oklahoma Daily* (Norman, OK), January 29, 1939.

<sup>10</sup> “Disloyalty Probe at A. and M. Ended,” *The Daily Oklahoman*, September 7, 1938; “Investigation of Nazi Charges Clears Librarian,” *O’Collegian* (Stillwater, OK), September 7, 1938.

more trepidation than any governor with the possible exception of William Murray.<sup>11</sup> The faculty at OU suggested the charges from Phillips stemmed from the formation of the Federation for Constitutional Rights and a state conference on civil rights, both of which faculty members took part in.<sup>12</sup>

Shortly after his first Communist charge, Phillips called for the president and regents to find any subversive elements within the university. In a conference with Dr. Bizzell and two members of the board of regents, the governor accused Bizzell of wanting an internal investigation into subversive elements at OU because he opposed a legislative investigation. When asked about the conference, Dr. Bizzell said the governor remained fair but requested the men not divulge the details of the meeting. When asked if he found any communists at the university, Phillips responded, "No, I haven't yet."<sup>13</sup>

Two weeks after the initial accusation from Phillips, Bizzell revealed that his own investigation on campus turned up no communists. The president informed alumni at an Oklahoma Education Association convention in Tulsa he remained confident on the issue of total loyalty from the faculty at OU.<sup>14</sup> Upon hearing this, the governor said, "If he can't find anything down there, it is proof of his lack of information or lack of industry." Bizzell made no plans for another conference with

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<sup>11</sup> George Lynn Cross, *Professors, Presidents, & Politicians: Civil Rights and the University of Oklahoma, 1890-1968* (Norman, OK: University of Oklahoma Press, 1981), 111.

<sup>12</sup> George Lynn Cross, *Professors, Presidents, & Politicians: Civil Rights and the University of Oklahoma, 1890-1968* (Norman, OK: University of Oklahoma Press, 1981), 113.

<sup>13</sup> "University Officials Given Secret 'Recommendations' on 'Communism' Charges," *Oklahoma Daily*, January 31, 1939; "Quiz of Reds Up To Bizzell," *The Daily Oklahoman*, January 31, 1939.

<sup>14</sup> "Bizzell Says 'Red' Charges Are Unfounded," *Norman Transcript*, February 15, 1939.

Phillips to discuss his findings or lack thereof.<sup>15</sup> Apparently unsatisfied with Bizzell's claims, Phillips asked the University of Oklahoma Board of Regents to take, "responsibility of ferreting out the teachers of communism."<sup>16</sup> Bizzell continued his own investigation and a week later informed the board that he did not find any communists throughout the process. Eugene M. Kerr, a member of the board of regents, said, "He hasn't found any faculty members who agree they are communists." Kerr continued, "If there is evidence any of them are communists it couldn't be assembled in a short time."<sup>17</sup> Phillips's charges of communism appeared unfounded, and some suggested the governor knew this as he played to the portion of the public who are leery of giving more money to higher education.<sup>18</sup> The OU budget hearings in March 1939 offered Phillips another chance to launch charges against the perceived subversives.

During the first days of March, President Bizzell went before an appropriations committee for a hearing of the university's budget. John Holliman, chairman, requested information on members of the government department. Holliman asked for places of birth, where they received their education, and how long they taught at the university. When the committee arrived at the government department's portion of the budget, Phillips asked Bizzell if and how he investigated the teachers within this department. The university president replied he checked with students and the head of the department and informed the committee his

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<sup>15</sup> "Probe Incomplete Bizzell Says After 'Whitewash' Claim," *Oklahoma Daily*, February 16, 1939.

<sup>16</sup> "Bizzell Fight Puts Phillips On Warm Spot," *The Daily Oklahoman*, February 18, 1939.

<sup>17</sup> "Regents Will Open Fight On Budget Slash," *The Daily Oklahoman*, February 26, 1939.

<sup>18</sup> James R. Scales and Danney Goble, *Oklahoma Politics: A History* (Norman, OK: University of Oklahoma Press, 1982), 216.

intent to supply the requested information at their next meeting. Upon hearing about the requests, Senator James C. Nance, whose district included the university, commented, "That must be some of those red bugs they've been chasing."<sup>19</sup>

During his return trip to the committee, a tearful Bizzell told the politicians, the proposed budget cuts threatened his beloved university and he wished not to participate in the process. As the committee adjourned, Bizzell inquired how to present the information requested, Holliman told him to leave it with the chair. Bizzell refused, "Since the request was made at a public hearing. I insist I give my facts on the department in public." He then proceeded to tell the committee the date and place of births of each faculty member, their education, and length of service with OU.<sup>20</sup> After the committee adjourned, the state's press took stock of what had transpired. The *Oklahoman* commented Bizzell and the university emerged the big "losers" of this budget battle. Friends of the university president claimed the hostility towards Bizzell and OU stemmed from the fact Cleveland County and many of the university's faculty members supported one of Phillips' opponents in the election in 1938. Friends of the governor dismissed these allegations by pointing out other people who supported Phillips' opponents now enjoyed the support and confidence of the administration.<sup>21</sup> The next day, Phillips held a press conference and declared Bizzell capable of better work than shown so far. When asked if this meant he wanted to replace Bizzell, Phillips said no candidates for the position came

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<sup>19</sup> "Phillips Aims New Red Hunt At University," *The Daily Oklahoman*, March 8, 1939; "Legislators Request Information About Government Faculty," *Oklahoma Daily*, March 8, 1939.

<sup>20</sup> "President Makes Plea for More Funds As Legislators Declare Cut Must Be Made," *Oklahoma Daily*, March 9, 1939.

<sup>21</sup> "Bizzell Seen As Loser in Budget Fight," *The Daily Oklahoman*, March 10, 1939.



to mind but stated he saw good men get, "in a rut," in the past. Phillips went on to say, "The university is going to be treated as fairly as possible."<sup>22</sup> The stress from the allegations and the fights with the legislature over the budget took their toll on President Bizzell, and, at the regular monthly meeting of the board of regents in May 1940, the head of the university tendered his resignation effective on July 1, 1941.<sup>23</sup>

The same time the governor leveled his attacks at the universities, Tom Kight, a state representative from Claremore, also made accusations concerning Communists. Kight authored a bill making it a crime to participate in any sit-down strike or to teach un-American theories of government.<sup>24</sup> The legislator targeted E. Nicholas Comfort, founder and dean of the Oklahoma School of Religion in Norman for his allegations of Communism. Although the University of Oklahoma did not affiliate itself with Comfort's school, classes taken from the latter transferred. After Kight's accusations against the school and Comfort, the dean issued a letter to Kight via the *Oklahoma Daily*, OU's newspaper, requesting a hearing to investigate the charges brought forth against him and his school. Like Bizzell, Comfort welcomed the idea of an inquiry to clear his name and even appeared at a committee meeting of the Oklahoma House of Representatives asking for such a hearing.<sup>25</sup> Kight refused to meet with Comfort, claiming the release of the letter to the college newspaper violated their agreement not to disclose details of the deal until after all parties

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<sup>22</sup> "Governor Declares Bizzell Capable of 'Better Work'," *Oklahoma Daily*, March 11, 1939.

<sup>23</sup> George Lynn Cross, *Professors, Presidents, & Politicians: Civil Rights and the University of Oklahoma, 1890-1968* (Norman, OK: University of Oklahoma Press, 1981), 121.

<sup>24</sup> "Phillips Demands Purge of 'Reds' on College Faculties," *Oklahoma City Times*, January 28, 1939.

<sup>25</sup> "Phillips Told Some Are Red in University," *The Daily Oklahoman*, January 29, 1939; James Arthur Robinson, "Loyalty Investigations and Legislation in Oklahoma" (master's thesis, University of Oklahoma, 1955), 38-9.

reached a conclusion. Comfort waited for the letter from the politician before responding.<sup>26</sup> Kight's denial for a hearing on Comfort and his school left the dean with an apparent victory but, two years later, he faced charges of Communism from the legislature and the governor. Later, at a joint session of the Oklahoma legislature, Stephen Chadwick, national commander of the American Legion, called for a "purge" of professors who teach subversive doctrine such as communism or fascism, so America can achieve internal peace. Phillips, as well as Lieutenant Governor James Berry and Oklahoma's Legion Commander Ray Fields, also attended the speech.<sup>27</sup>

Like Comfort, many people across the state requested a hearing to help clear the accused. In an editorial released a few days after the first of Phillips' accusations, the *Oklahoma City Times* also requested an investigation. The article suggested the governor give names of suspected Communists to narrow the search, but instead he, "cast an ugly suspicion about a large group which is unjustified and unfair."<sup>28</sup> A month later, a state representative from Beckham County, Cecil Myers, announced future introduction of a bill calling for an investigation to find the source of these attacks. The legislator believed the charges came from utility companies in their fight with electric co-operative movements throughout the state. Earlier in the week, William Selvidge, a representative from Carter County, took the house floor and defended the university presidents named at the appropriations committee. Both Myers and Selvidge admitted they took government classes from some of the

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<sup>26</sup> "Reply Planned By Dean to Kight Letter," *Oklahoma Daily*, January 31, 1939.

<sup>27</sup> "'Purge' of Teachers Of 'Isms' Demanded By Chief of Legion," *Norman Transcript*, February 24, 1939.

<sup>28</sup> "The Tiny," *Oklahoma City Times*, February 1, 1939.

accused professors in the past, but none of the accused advocated communism.<sup>29</sup>

Opinions around the state varied among the press.

Newspapers statewide urged for the investigation into the charges of communism, either to clear the names or find out who had advocated subversive forms of government. In an article from the *Sooner Magazine*, the editors showed both sides of the argument. An article in the *Sapulpa Herald* read, "The sooner the issue is thrashed out and truly settled the better for students and the professors." The *Herald* backed Phillips and said, "Gov. Phillips is not mincing words on the question of communism inoculations [sic] in the state educational institutions. He frankly says he doesn't want it – and he has the backing of the sane-thinking educated people of the state." While a graduate student at OU, an editor for the *Oklahoma City Herald* reported a certain professor consistently made radical anti-American and un-Christian statements and the author challenged these messages. The editor refused to name the accused professor but quoted him as saying the instructor hoped for and intended to see the end of author's religious denominations influence over the state, which prompted the editor to say he lost all interest in the professor's cries for academic freedom. Other newspapers attacked the governor for labeling professors communist but not allowing the same to defend themselves. The *Norman Transcript* called for an investigation and charged the university to not rest until the institution regained its integrity. Finally, Walter M. Harrison, writing for the *Oklahoma City Times*, said he heard rumors of communistic teaching at the University of Oklahoma in the past, and, when he questioned his kids

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<sup>29</sup> "Solon Seeks Source of 'Red' Rumor," *Oklahoma Daily*, March 10, 1939.

who attended the institution, they laughed at him. Harrison closed his article by stating Major Eugene Kerr, a member of the Board of Regents for OU, spent some time investigating the allegations of communists at the university, and in his opinion, "There is not a single communist on the university staff."<sup>30</sup> No matter how many called for an investigation into the allegations of communism, when the legislature convened in the May 1939, none occurred. In those days, the Oklahoma assembly only met every other year unless the governor called an emergency session. By the time the legislature met again in 1941, several events transpired setting the stage for a confrontation between Phillips, the Oklahoma Senate, and communists.

In June of 1940, the Democrats held their state convention in Oklahoma City, and Phillips, in one of the speeches at the gathering, made many references on how to deal with subversive groups. The governor called for members of the party to lay their differences aside in the common defense against the isms, "Communism and constitutional government as we know it cannot exist together," continuing, "I, for one, will trample under the heel the head of Communism, Nazism and Fascism as I would a serpent, whenever and wherever it appears." Just like he had in his allegations in 1939, Phillips asserted no individual remain on the state payroll that is, "not in full sympathy with our government and our American ideals." The governor made another point when he proclaimed the right to free speech is not a safeguard to spread poison. Continuing with this line of thinking, Phillips contrasted subversives with rattlesnakes, "A rattler will give you warning before he sinks his

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<sup>30</sup> "As the State Press Sees It," *Sooner Magazine*, April 1939, 14.

poisonous fangs into you, but these less respectable members of their family curl around the warmth of our firesides and in the dead hours of the night, strike their unsuspecting victims.”<sup>31</sup> The same summer another incident took place helping Phillips and the legislature attack the perceived “fifth column” during the 1941 session.

On July 24, John W. Webb, an undercover officer, visited the Progressive Book Store in downtown Oklahoma City. Webb purchased communistic literature, including the *Daily Worker*, the American Communist Party newspaper, and pamphlets, including Karl Marx’s *The Communist Manifesto*. On August 17, police raided the bookstore, the local office of the Communist Party, and five homes.<sup>32</sup> The search warrant allowed police to look for, “books, records, and papers and articles which are used in and are evidence of commission of Criminal Syndicalism or any other crime against the laws of the state of Oklahoma and of the United States.”<sup>33</sup> In 1919, the Oklahoma legislature outlawed Criminal Syndicalism and defined it as,

doctrine which advocates crime, physical violence, arson, destruction of property, sabotage, or other unlawful acts or methods, as a means of accomplishing or effecting industrial or political ends, or as a means of effecting industrial or political revolution or for profit.<sup>34</sup>

Authorities arrested several people during the raids, and when asked, an assistant prosecuting attorney, John Eberle, said, “Communists have increased their activities here a great deal recently. They have brought in outside workers, have been making

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<sup>31</sup> “Phillips Calls For Unity in Hour Of Grave Peril,” *The Daily Oklahoman*, June 11, 1940.

<sup>32</sup> Shirley A. Wiegand and Wayne A. Wiegand, *Books on Trial: Red Scare in the Heartland* (Norman, OK: University of Oklahoma Press, 2007), 3-4.

<sup>33</sup> James A. Robinson, *Anti-Sedition and Loyalty Investigations in Oklahoma* (Norman, OK: Bureau of Government Research University of Oklahoma, September 1956), 14.

<sup>34</sup> *Oklahoma Legislature Session Laws*, 1919, Ch. 70, § 1, P. 110.

a large number of contacts, and have had a lot of money to spend in their work here.”<sup>35</sup>

Police held the detainees without being charged until Moman Pruiett, an attorney, filed a writ of habeas corpus on behalf of nine of those in jail.<sup>36</sup> A week after the raids, police released three of the accused.<sup>37</sup> Two days later, Pruiett announced he planned to file a motion requesting the court drop the charges. He also doubted the necessity of the American Civil Liberties Union sending a representative to assist in the defense. However, the group sent a letter to Phillips protesting the raids and arrests earlier in the week. The governor instructed them to not send a lawyer to defend the group saying, “It’s lots easier to move the Communists out. The county attorney’s office has given us good law enforcement. They can take just so much from this talking bunch. I have seen things myself that would warrant prosecution.”<sup>38</sup> Of those arrested only four went to trial, Robert Wood, secretary of the Oklahoma Communist Party, Ina Wood, his wife, Alan Shaw, secretary of the Oklahoma City chapter of the Communist Party, and Eli Jaffe.

Robert Wood’s trial began on September 30, 1940. During jury selection the defense attorneys focused on the Bill of Rights to the United States Constitution asking jurors, “if they believed in constitutional privileges and the bill of rights which guarantees the right to free press, free assembly, and free speech.”<sup>39</sup> The

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<sup>35</sup> “Red Roundup Here Is Blamed On Influx of Party Agitators,” *The Daily Oklahoman*, August 21, 1940; Shirley A. Wiegand and Wayne A. Wiegand, *Books on Trial: Red Scare in the Heartland* (Norman, OK: University of Oklahoma Press, 2007), 9.

<sup>36</sup> “Writ Petition Reveals Names of Seized Reds,” *The Daily Oklahoman*, August 20, 1940.

<sup>37</sup> “Three Witnesses In Reds’ Case Freed,” *The Daily Oklahoman*, August 25, 1940.

<sup>38</sup> “Motion to Quash Red Charges Due,” *The Daily Oklahoman*, August 27, 1940.

<sup>39</sup> “Bill of Rights to Be Reds’ Defense,” *The Daily Oklahoman*, October 1, 1940.

prosecution introduced 269 books and pamphlets as evidence against Wood in the case, all seized during the raid on the bookstore.<sup>40</sup> After the prosecution rested its case, the defense tried to call one witness, John Romanyshyn, a student at the University of Oklahoma, to testify anyone might obtain copies of the books seized during the raid at the campus library. However, after an objection by the prosecution, the judge forbade the young man to take the stand. The defense rested their case without calling a single witness.<sup>41</sup> After closing arguments, the jury deliberated for an hour and returned with a guilty verdict. Attorneys for the defense claimed prosecutors used books, pamphlets, and other documents to convict a man, for the first time, without one effort to prove he advocated the violent overthrow of a government.<sup>42</sup> A month later, Wood, out on bail, assailed his conviction, claiming the jury based it on selling books and sending someone to jail solely on what they offered in their store, a mindset that led to book burnings such as Hitler ordered in Germany.<sup>43</sup>

The authorities convicted Robert Wood under a section of the criminal syndicalism law, which made it illegal for someone to possess, distribute or print literature advocating violence in the promoting of change in industry or government. Prosecuting attorney John Eberle, however, wanted to try Shaw under a section of the law making it illegal for anyone to associate with a group that

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<sup>40</sup> “State Will Rely on Literature To Convict Communist Officer,” *The Daily Oklahoman*, October 2, 1940.

<sup>41</sup> “Library Book Lists Barred From Red Trial,” *The Daily Oklahoman*, October 9, 1940.

<sup>42</sup> “Eberle to Push Other Red Trials, One Is Convicted,” *The Daily Oklahoman*, October 12, 1940, 2.

<sup>43</sup> “Wood Is Freed As Arnold Cuts Bond to \$15,000,” *The Daily Oklahoman*, November 9, 1940, 2.

advocated violence, in this case the Communists.<sup>44</sup> Delayed because of defense motions to stay any further trials until after the appeals court heard Robert Wood's case, Shaw's trial began with prosecutors claiming the Communist party favored violence and introduced the membership book showing the defendant's name as a registered member since December 1939.<sup>45</sup> When the trial ended December 9, 1940, the jury convicted Shaw of criminal syndicalism. Predictably, the attorneys for the defense claimed an unfair trial and biased jury while the prosecution claimed victory with smiling faces.<sup>46</sup> Later that month Phillips blasted communists in a speech given to the Oklahoma Junior Legislature, claiming 50 percent of all labor trouble was caused by the isms. The group of about 50 members heard the governor tell them he was glad they possessed no communist tinge, hoped they would work with all their efforts against Communism and renewed his promise to keep subversives off the state payroll, "No person in my knowledge or with my consent is going to take the taxpayers' money if he is going to work for the downfall of our way of life."<sup>47</sup> When asked about the convicted, Phillips said he knew not what to do with them because, "he didn't want to mix them with the patriotic McAlester penitentiary prisoners."<sup>48</sup> Eli Jaffe stood trial four months later.

The day before Eli Jaffee's trial began, Phillips spoke to a '89er celebration in Guthrie accusing communists of forcing workers to go on strike. The governor prophetically said America could no longer take the strikes lightly as it needed to

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<sup>44</sup> "Trial of Shaw on Red Charge To Start Today," *The Daily Oklahoman*, November 12, 1940.

<sup>45</sup> "Books Wheeled Into Courtroom For Red Trial," *The Daily Oklahoman*, November 21, 1940.

<sup>46</sup> "Communist Is Given 10 Years in Prison And Fine of \$5,000," *The Daily Oklahoman*, December 10, 1940.

<sup>47</sup> "Purge of Communists Is Urged On Youth Legislature," *The Daily Oklahoman*, December 28, 1940, 2.

<sup>48</sup> "A Silly Year, Indeed," *The Daily Oklahoman*, December 29, 1940.



withstand attack from any or all nations of the world.<sup>49</sup> The next day, Jaffe's trial began and Eberle also prosecuted Jaffee on his membership within the Communist party. District Court Judge Louis Babcock held up the admission of the books and pamphlets used in the conviction of Wood and Shaw until after he had studied them and issued a ruling allowing the prosecution to enter the books as evidence, and the trial ended much the same way as Wood's when the defense offered no evidence for their case.<sup>50</sup> After closing arguments, Babcock instructed the jury, they could not convict because the defendant possessed books advocating violence because it not necessarily construed the doctrines of the party or of an individual.<sup>51</sup> After two days of deliberations, the jury found Jaffee guilty. After the verdict, Eberle set the trial of Ina Wood, wife of Robert Wood, for June 2.<sup>52</sup>

The last of the criminal syndicalism trials offered as much excitement as the others. The Friday before the trial began, highway patrol officers pulled over Robert Croom, lead defense attorney, just outside of Bristow. The officers arrested Croom when he had failed to show ownership papers for the car and because they found communist literature in the vehicle. Highway patrol turned the case over to the FBI. After agents questioned Croom, they released the lawyer the next day. Upon his release, Croom issued a statement claiming Eberle, the prosecuting attorney, went through the former's files during the detention.<sup>53</sup> On Monday, the judge ruled for a motion by the defense, with the prosecution's agreement, to postpone the trial one-

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<sup>49</sup> "Phillips Brands Strikes Treason," *The Daily Oklahoma*, April 23, 1941, 1.

<sup>50</sup> "Defense Offers No Evidence In Jaffee Hearing," *The Daily Oklahoman*, April 27, 1941.

<sup>51</sup> "Babcock Holds No State Curb In Jaffee Case," *The Daily Oklahoman*, April 29, 1941.

<sup>52</sup> "Mrs. Ina Wood Will Face Red Trial June 2," *The Daily Oklahoman*, May 1, 1941.

<sup>53</sup> "Attorney for Reds Freed From Jail; Officials Are Mum," *The Daily Oklahoman*, June 1, 1941.

week because of Croom's incarceration.<sup>54</sup> After a failed attempt by the defense to move the trial and a weeklong jury selection, the prosecution rested their case on June 13.<sup>55</sup> Just like the previous three trials, the defense called no witnesses and also like the other trials, the jury found Ina Wood guilty.<sup>56</sup> A few days before Wood's sentencing, Germany invaded Russia and Americans shifted from comparing Hitler and Stalin to contemplating America's probable entry into the war side by side with the Soviet Union. The leaders of the Communist Party, including the heads of the Oklahoma chapter, copied this shift in perspective and pushed for American entry into the war. As a result, prosecutors put the remaining trials on hold. In 1943, the Oklahoma Criminal Court of Appeals overturned all four convictions.<sup>57</sup> Upon the court's ruling, the state dropped the charges against the remaining defendants and refused to retry the original cases for many reasons: Phillips no longer served as governor, Eberle practiced law privately, and with Russia as America's ally during World War II, the "hunt" for communists did not hold as strong an appeal to the public and politicians as before.

Two incidents occurred in late 1940 fanning the flames of communism speculation in Oklahoma. On November 15, 1940, a state conference of constitutional rights took place in Oklahoma City. This caused many, including the governor to warn and make threats. On October 28, Oklahoma City Manager W.A. Quinn instructed citizens, "not to stick your neck out," by attempting to organize a

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<sup>54</sup> "Mrs. Wood Trial Delay Ruling Is Due Today," *The Daily Oklahoman*, June 3, 1941.

<sup>55</sup> "State Completes Case Against Mrs. Ina Wood," *The Daily Oklahoman*, June 14, 1941.

<sup>56</sup> "Mrs. Wood Gets Maximum Term Of Ten Years," *The Daily Oklahoman*, June 19, 1941.

<sup>57</sup> Shirley A. Wiegand and Wayne A. Wiegand, *Books on Trial: Red Scare in the Heartland* (Norman, OK: University of Oklahoma Press, 2007), 169-70, 207, 211-2.

statewide civil liberties committee.<sup>58</sup> Two weeks later, Phillips joined the debate at a press conference, warning OU professors against attending the meeting in three days. The governor said, "They're hired to teach school down there in Norman, not to go around the state working on something which does not concern them," continuing Phillips wondered if, "they don't have enough to do down there."<sup>59</sup> The six professors scheduled to attend the conference included Dr. Charles M. Perry, Dr. John F. Bender, Dean Nicholas Comfort, Dr. Maurice Halperin, Dr. J. Rud Nielson, and Dr. Williard Z. Park.<sup>60</sup> The next day, the group threatened to send letters to Phillips protesting his negative view of professors attending their conference. In response the governor said he hopes they include a list of their names so he can include it with the other documents from subversive groups he sends to the FBI.<sup>61</sup> However, despite the warnings, the groups still held their meeting, and the faculty members from OU attended. A few days later when asked about the conference, Phillips, still waiting on a report of the gathering, said he remained agitated with professors from OU in attendance.<sup>62</sup> Two months later when the legislature met and finally held their investigation into subversive groups throughout the state, the inquiring committee subpoenaed most of the six professors in attendance at the constitutional rights conference.

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<sup>58</sup> Wayne A. & Shirley A. Wiegand, "Sooner State Civil Liberties in Perilous Times, 1940-1941, Part 1: The Oklahoma Federation for Constitutional Rights," *The Chronicles of Oklahoma* 84, (Winter, 2006-07): 453.

<sup>59</sup> "Phillips Hits At University Faculty Group," *Norman Transcript*, November 12, 1940; "Phillips Raps Six Profs In Rights Group," *Oklahoma Daily*, November 13, 1940.

<sup>60</sup> "Phillips Raps Six Profs In Rights Group," *Oklahoma Daily*, November 13, 1940.

<sup>61</sup> "Phillips Hits O.U. Faculty Group Again," *Norman Transcript*, November 13, 1940; "Charges Fly As Phillips, Faculty Spar," *Oklahoma Daily*, November 14, 1940.

<sup>62</sup> "Governor Phillips Is Philosophical," *Norman Transcript*, November 18, 1940.

On December 13, U.S. Representative Martin Dies of the House Un-American Activities Committee visited Oklahoma at the request of National Patriotic council, although Phillips was scheduled to introduce Dies, the governor was unable to attend the meeting due to injuries he had sustained in an automobile accident. Dies warned those in attendance of a fifth column in America saying, "We must find ways to stop the fifth columnists from using our free institutions to destroy those very institutions. The agents of Hitlerism and Stalinism are given free rein in countries like yours and mine."<sup>63</sup> The first month of 1941 served as a prelude in the "fight" against the communists.

When Governor Phillips addressed both the Senate and the House of the Eighteenth Legislature in a joint session on January 7, 1941, he wanted them to pass what he called "Defense Legislation." Phillips said,

You will probably consider further legislation concerning the disloyal, communistic, and unpatriotic few of our citizens. I renew to you now, and to the people of Oklahoma my determination to remove from the public payroll those individuals who are disloyal to the form of government under which we live. I am pleased with the activities of the law-enforcement agencies of the State in the several counties, in prosecuting such disloyal persons, and placing them behind bars, where they belong. I commend the American Legion and other patriotic organizations in their diligence in preventing such un-American individuals and associations from gaining a foot-hold in the State of Oklahoma.<sup>64</sup>

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<sup>63</sup> "Strong Fifth Column in America Must Be Stopped, Dies Warns, Or U.S. May Suffer France's Fate," *The Daily Oklahoman*, December 14, 1940, 1.

<sup>64</sup> "Message of Governor Leon C. Phillips of the State of Oklahoma, Delivered to the Senate and House of Representatives of the Eighteenth Legislature In Joint Session Assembled January 7, 1941," Box 13, Leon C. Phillips Collection, University of Oklahoma Western History Collections, Norman, OK, 33-4.

By the end of the first week, a legislator introduced House Bill 17, banning any member of the Communist Party from running for office in the state.<sup>65</sup> In an editorial discussing the proposed legislation, the *Oklahoman* said the real threat laid not in the communists who openly discussed their political views but the ones who managed to get on ballots as Democrats or Republicans, or as a member of the American Legion because the bills did not forbid them from entering a race or, if they are already in office, force them out of congress.<sup>66</sup> When the bill went before the full House of Representatives, it passed unanimously, 118 – 0 and then sent to the Senate until after the findings of the investigation.<sup>67</sup> Predictably, the Oklahoma Federation for Constitutional Rights passed a resolution demanding a public hearing on the bill, claiming, “the wording and punctuation is capable of so wide interpretation as to be undemocratic.” While this bill banned Communists from appearing openly on the ballot, another one forbid them from running as independents or holding an appointive office.<sup>68</sup>

Seeing a need for an inquiry, Senator Joe Thompson introduced Senate Resolution 15 on January 29, 1941, outlining an investigation into the activities of the Communist Party and other subversive groups throughout the state.<sup>69</sup> Two days later, the *Oklahoman* described the proposed investigation as a diversion because the first eighteen days of the session passed without incident, and the idea of an

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<sup>65</sup> *Journal of the House of Representatives Regular Session Eighteenth Legislature of the State of Oklahoma Session Convened January 7, 1941 and Adjourned May 23, 1941*, (Oklahoma City: Leader Press, Inc. 1941), 177-8.

<sup>66</sup> “Nothing But a Gesture,” *The Daily Oklahoman*, January 30, 1941.

<sup>67</sup> “Red’ Ballot Ban Is Voted,” *The Daily Oklahoman*, January 16, 1941, 4.

<sup>68</sup> “Bill’s Wording Protested,” *The Daily Oklahoman*, January 19, 1941.

<sup>69</sup> *Journal of Senate of the Regular Session and First Extraordinary Session of the Senate of the Eighteenth Legislature of the State of Oklahoma*, (Oklahoma City: Leader Press, Inc. 1941), 226-7.

investigation added a little excitement to the proceedings.<sup>70</sup> When asked about the probe, Bizzell claimed to welcome the hearing. OU's president said he diligently pursued communists and tolerated none in his faculty. Bizzell went on to say the institution hid nothing from the public and reported, "I feel sure that they will not find any Communists among the professors."<sup>71</sup> The next day many of the professors subpoenaed to appear before the committee also welcomed the opportunity to clear their names. However, Senator James Nance from Purcell, whose district including the university, warned that the probe not turn into a "fishing or smelling expedition against professors," because he wanted the university not viewed nationally as a "breeding ground for reds."<sup>72</sup> Even the OU Board of Regents joined the many who welcomed the investigation, passing a resolution stating their openness and also directing President Bizzell, "to render to the committee any and all assistance."<sup>73</sup> Later in the week, Bizzell told reporters the FBI visited OU many times during the last eight months, "They come and go as they wish. Sometimes I don't even know when they are here and learn of their visits later."<sup>74</sup> In defense of his own investigation and the professors on campus, the president claimed the FBI found no communists during their visits, at least none they told him about.<sup>75</sup> The resolution passed unanimously and the president pro tempore of the Senate sent the approved

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<sup>70</sup> "Red Hunt Gives Sober Senators Vent for Steam," *The Daily Oklahoman*, January 31, 1941.

<sup>71</sup> "Senate's 'Red' Probe Welcomed by Bizzell," *Oklahoma Daily*, January 30, 1941.

<sup>72</sup> "Faculty Is Anxious For Probe Here," *Oklahoma Daily*, January 31, 1941.

<sup>73</sup> "Red Probe Is Welcomed By Norman Board," *The Daily Oklahoman*, February 4, 1941; "Regents Give Full Support To Red Hunt," *Norman Transcript*, February 4, 1941.

<sup>74</sup> "FBI Here Since May," *Oklahoma Daily*, February 1, 1941; "Bizzell Gets Professionals To Hunt Reds," *The Daily Oklahoman*, February 2, 1941.

<sup>75</sup> "FBI Here Since May," *Oklahoma Daily*, February 1, 1941.

legislation to the secretary of state on February 3, 1941, the hearings began later in the week.<sup>76</sup>

The first meeting of the Committee on Privileges and Elections, the group designated to handle the probe, met on February 4 and issued thirty-five subpoenas including seven OU professors as well as Dean Nicholas Comfort and Reverend John Thompson from the Oklahoma School of Religion. Although not summoned to appear, Governor Phillips testified as the first witness before the committee. Because of the high profile witness, the first meeting moved to the Senate lounge because the crowd grew so large. As Phillips began his testimony he said, "This is a very proper activity for the senate. I pledge my personal support and the support of my office to your investigation."<sup>77</sup> The governor informed the committee he turned over many documents to the FBI over the last two years concerning Oklahoma-based communist activity. However, the next day's testimony attracted more attention than the state's highest executive. Robert Wood, secretary of the Oklahoma Communist party and convicted criminal syndicalist, testified before the committee and drew as large an audience as the governor. Wood said, to his knowledge, no members of the Oklahoma Communist Party taught at the University of Oklahoma. Wood told legislators his group received more publicity since August 17, 1940, the day of the raid on the bookstore, than all the literature they ever sold.

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<sup>76</sup> "State Senate Sets Up Its Own 'Dies Probers,'" *The Daily Oklahoman*, January 30, 1941; "Senate Resolution 15," Folder 2-1-2 1941 SR 15, Record Group 2 Senate Bills and Resolutions, State Archives, Oklahoma Department of Libraries, Oklahoma City, OK.

<sup>77</sup> Wayne A. & Shirley A. Wiegand, "Sooner State Civil Liberties in Perilous Times, 1940-1941, Part 2: Oklahoma's Little Dies Committee," *The Chronicles of Oklahoma* 85, (Spring, 2007): 16-7; The transcript of the testimony is in the State Archives of the Oklahoma Department of Libraries but it is not transcribed. Most of the testimony is located in the *Oklahoma Daily*, especially those of the OU professors.

Senator Thompson agreed with the latter statement as he reached across the table to light the witness' cigarette.<sup>78</sup> Even the senate discussed in private whether or not the state's Communist Party benefitted from the publicity.<sup>79</sup>

The next day, the committee called Roscoe Dunjee, editor of Oklahoma City's black newspaper, *The Black Dispatch*, and officer of the Oklahoma Federation for Constitutional Rights, as its next witness. During his testimony, Dunjee told the panel he did not get his civil rights and this response led to some spectators to erupt in cheers. The incident compelled Senator Paul Stewart to halt the questioning and inquire the name of one of those who cheered, Duane Spradling, a student from the University of Oklahoma, refused to answer since he received no subpoena which prompted Stewart to order the sergeant-at-arms to escort Spradling and twenty-nine others out of the room to serve them with subpoenas for the next day.<sup>80</sup> After the committee dismissed Dunjee, they called Dr. W.C. Randels, associate professor of mathematics, and questioned the professor on his affiliation with the Federation for Constitutional Rights. Randels declared his first interaction occurred November 15, 1940 when the federation met at the Skirvin Hotel in Oklahoma City, a meeting where the other participants elected Randels secretary of the organization. After Randels, the panel called Dean Nicholas Comfort. When asked about whether he knew of violations in regards to an individual's civil liberties in Oklahoma, Comfort

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<sup>78</sup> "Faculty Men, Pastors Get Hearing Calls," *Oklahoma Daily*, February 6, 1941; Wayne A. & Shirley A. Wiegand, "Sooner State Civil Liberties in Perilous Times, 1940-1941, Part 2: Oklahoma's Little Dies Committee," *The Chronicles of Oklahoma* 85, (Spring, 2007): 18.

<sup>79</sup> "Senate Worries in Secret About How Its Red Probers Are Doing," *The Daily Oklahoman*, February 7, 1941, 1.

<sup>80</sup> "Three Students Are Subpenaed (sic) At Red Hearing," *Oklahoma Daily*, February 12, 1941; "Three O.U. Students Are Ejected From Senate Hearing On Radicals," February 11, 1941.



replied with many instances including the arrest of the individuals connected with the Progressive Book Store. When the panel asked the dean if he sympathized with Communism, he answered with a resounding No!<sup>81</sup>

As a result of Dr. Randels testimony, Representative Claud Thompson of Antlers requested the university dismiss the professor. President Bizzell said he supported the instructor in spite of his position as secretary of the Oklahoma Federation for Constitutional Rights, and delayed firing Randels until proven a member of the Communist Party.<sup>82</sup> When Thompson asked Randels to produce examples of what he taught, the representative did not recognize the advanced mathematics, "it doesn't look like anything I ever studied; but I only went to the third grade."<sup>83</sup> The next day, J.W. Reed, the state grand dragon of the Ku Klux Klan, sat in the audience of the committee, passed out pamphlets, and afterwards told reporters the KKK possessed members at the University of Oklahoma and they reported on the actions of professors.<sup>84</sup>

The next week, the hearing resumed with the testimony of the students subpoenaed during Dunjee's questioning. Denying membership in any subversive group when asked, the students testified they only attended the hearings as interested parties. Also during this session, Senator Paul Stewart made the

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<sup>81</sup> "'Red' Probe Testimony," *Oklahoma Daily*, February 12, 1941.

<sup>82</sup> "Ouster Asked For Randels By Legislator," *Oklahoma Daily*, February 13, 1941; "Randels Heckler Gets No Support From Colleagues," *The Daily Oklahoman*, February 14, 1941.

<sup>83</sup> "Legislator Still Wonders What Randels Teaches After Seeing Prof's Works," *Oklahoma Daily*, February 15, 1941; James A. Robinson, "Loyalty Investigations and Legislation in Oklahoma" (master's thesis, University of Oklahoma, 1955), 66.

<sup>84</sup> "Klan breaks Into Red Probe Here," *Oklahoma Daily*, February 14, 1941; Wayne A. & Shirley A. Wiegand, "Sooner State Civil Liberties in Perilous Times, 1940-1941, Part 2: Oklahoma's Little Dies Committee," *The Chronicles of Oklahoma* 85, (Spring, 2007): 22.

comment, “that professors connected with the Federation for Constitutional Rights ‘are damn red’.”<sup>85</sup> The probe continued with their investigation in much the same way with the remaining professors summoned including Dr. Maurice Halperin, professor of Modern Languages. The last meeting of the committee met at the beginning of April with the questioning of Bizzell. The president of OU told the legislators he received a letter from a father convinced communists at the university influenced his son. When asked for the name of the father, Bizzell refused to divulge the information so the panel informed Bizzell, “to suggest to the father that made the complaint that he take his son out behind the barn and use a buggy tongue to counteract the radicalism, and maybe he will become a real American citizen.”<sup>86</sup>

On May 7, 1941, the Committee on Privileges and Elections gave their final report on their investigation to the Senate. In their findings, the group declared the Communist party active in the state and engaged in the field of propaganda and agitation. The panel declared the party possessed over thirty local chapters and a membership of roughly one thousand members but surmised possibly higher numbers than the witnesses admitted to and Communists worked in all sections of the state. The report went on to say the communists advocated the throw of any and all governments in an effort to form a Soviet Union of the World. The panel made eleven recommendations including: passage of all pending legislation restricting the activities of the Communist Party, the University of Oklahoma terminate the employment of Dr. Maurice Halperin and disassociate itself with the School of

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<sup>85</sup> “Stewart Says Faculty Group Is ‘Damn Red,’” *Oklahoma Daily*, February 19, 1941.

<sup>86</sup> James A. Robinson, “Loyalty Investigations and Legislation in Oklahoma” (master's thesis, University of Oklahoma, 1955), 69.

Religion under Dean Comfort, Senate commendation for John Eberle and Lewis Morris for their pursuit of subversives, and a vote of confidence and appreciation for the American Legion.<sup>87</sup> A week later, Governor Phillips signed House Bill 17, which forbid Communists from appearing as candidates on the ballot, and House Bill 18, which outlawed persons associated with the Communist Party from appearing on the ballot as independents, allowing both to become law.<sup>88</sup> As for the School of Religion, on June 11, the University of Oklahoma Board of Regents voted to restore the institution's relationship with the School of Religion.<sup>89</sup> However, the fate of Dr. Halperin took longer.

In three different July meetings of the Board of Regents, the members voted to defer the salary of Dr. Halperin until completion of further investigations.<sup>90</sup> On September 8, a resolution came in the form of a transfer, the University of Haiti offered Halperin an exchange professorship so the Board of Regents granted the instructor a leave of absence at half-salary and notified him the termination of his contract on June 30, 1942. However, a month later, Halperin turned down the appointment to accept a position as Latin American analyst with the Office of Strategic Services, the predecessor to the CIA.<sup>91</sup> The issue of Dr. Halperin resolved itself in February 1942 when the former professor issued a letter of resignation so

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<sup>87</sup> *Journal of Senate of the Regular Session and First Extraordinary Session of the Senate of the Eighteenth Legislature of the State of Oklahoma*, (Oklahoma City: Leader Press, Inc. 1941), 1506-15.

<sup>88</sup> *Journal of the House of Representatives Regular Session Eighteenth Legislature of the State of Oklahoma Session Convened January 7, 1941 and Adjourned May 23, 1941*, (Oklahoma City: Leader Press, Inc. 1941), 3607-9.

<sup>89</sup> Wayne A. & Shirley A. Wiegand, "Sooner State Civil Liberties in Perilous Times, 1940-1941, Part 2: Oklahoma's Little Dies Committee," *The Chronicles of Oklahoma* 85, (Spring, 2007): 26.

<sup>90</sup> James A. Robinson, "Loyalty Investigations and Legislation in Oklahoma," (master's thesis, University of Oklahoma, 1955), 76-8.

<sup>91</sup> James A. Robinson, "Loyalty Investigations and Legislation in Oklahoma," (master's thesis, University of Oklahoma, 1955), 78-9.

he could continue his work in Washington, D.C.<sup>92</sup> Decades later when American agents deciphered Soviet cables, they discovered Maurice Halperin belonged to the Communist party as early as December 1936 and, as an agent for the OSS, supplied the Soviet Union with documents from within the agency.<sup>93</sup> Although Phillips never named Dr. Halperin as communist, evidence proved, albeit later, the professor as the only exposed subversive working within the state.

Through three years of his term in office, Governor Leon Phillips pursued subversive elements throughout Oklahoma in an attempt to thwart the efforts of the New Deal. After the attack on Pearl Harbor and America's entry into World War II, the hunt for communists faded as the Soviet Union turned into an ally and Oklahoma mirrored this change. Although Phillips' shotgun approach to uncover subversives did find some unfavorable elements in the state, his tactics left much to be desired. Oklahoma and its governors seem to target schools when it comes to creating a balanced budget. While this "hunt" took place in the Senate, the citizens of Oklahoma passed a balanced budget amendment which greatly affected both of the state's universities, the University of Oklahoma lost 800,000 dollars of funding while Oklahoma A and M's budget was cut by 400,000.<sup>94</sup> To most political observers, it could seem the governor went after both universities hoping his accusations were found true so the institutions of higher education could not object to the

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<sup>92</sup> "Halperin Case Closed," *Oklahoma Daily*, March 1, 1942.

<sup>93</sup> Ted Morgan, *Reds: McCarthyism in Twentieth-Century America* (New York: Random House, 2003), 244-5.

<sup>94</sup> Bernson, *Oklahoma's Governors*, 116.

forthcoming budget cuts. However, since no one uncovered any radicals at either school, the governor looked to do nothing more than orchestrate a witch hunt.

## Chapter IV

### The Balanced Budget

Although the national trend favored big government spending and massive infusions of cash into New Deal programs, Phillips ran counter to this fad with his drive to balance Oklahoma's budget. During his gubernatorial campaign announcement, Phillips vowed to put every state department on a strict budget, prevent the threatening of educational institution heads for political purposes, and oppose an increase in the tax burden.<sup>1</sup> These three points proved to be incompatible during Phillips' crusade to pass a balanced budget amendment to the state constitution. When he took office in 1939 for governor, Oklahoma possessed a deficit of over 25 million dollars.<sup>2</sup> In delivering his State of the State addresses in 1939 and 1941, the chief executive outlined his plan for the legislature to submit and pass an amendment to the state's constitution forbidding deficit spending.<sup>3</sup> Despite their best attempts, the seventeenth legislature, convening from January 1939 until December 1940, failed to pass a balanced budget proposal. However, the eighteenth assembly submitted Enrolled House Joint Resolution 10 to the governor on February 11, 1941, informing the chief executive of the passage of the bill thereby sending it before Oklahomans in a special election set for March 11, 1941.<sup>4</sup>

The proposed resolution, amending Article 10 Section 23 of the Oklahoma

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<sup>1</sup> "Phillips' Hat Goes In Ring For Governor," *The Oklahoman*, January 20, 1938, 2.

<sup>2</sup> Leon Phillips, "Message of Governor Leon C. Phillips of the State of Oklahoma: delivered to the Senate and the House of Representatives of the seventeenth legislature assembled, January 10, 1939," (Oklahoma City, OK, 1939), 7.

<sup>3</sup> Phillips, "Message to 17<sup>th</sup> legislature," 3.

<sup>4</sup> "Chief Clerk of the House of Representatives to the Governor of Oklahoma, February 11, 1941," (Oklahoma City, OK, 1941), 94.

Constitution, required a simple majority, 50 percent plus one, by a vote of the people. The measure, which passed the senate and house with the constitutionally mandated two-thirds majorities, sent Phillips, with the help of various groups and individuals, campaigning across the state, on the radio, and through newspapers in an effort to get the debt limitation act passed, all the while facing opposition from state officials and organizations.

On January 7, 1941, Governor Leon Phillips gave his first speech to the eighteenth legislature of Oklahoma, assembled in joint session. He outlined what he wanted the Senate and House to do during their term in office, including the balanced budget amendment. At one point, Phillips told the legislators, "Even the youngest of our group has lived long enough to realize that no government can continually increase its debt without threatening its very existence," and he elaborated by adding, "You can expect, however, that this biennium will show another deficit, which will include the expense of the present session of the legislature and any special election which you may authorize, unless you so revamp our revenue program as to prevent a recurrence of that condition."<sup>5</sup> Believing further deficits would lead Oklahoma into disaster, the governor told the assembly it was within their power and their duty to make changes to the financial affairs of the state so no deficit occurs during the session but it may be necessary to enact special taxes to cover the expenses of the current fiscal year. The state's leader instructed

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<sup>5</sup> "High Spots of the Governor's Message," *Tulsa Tribune*, January 8, 1941; "Biennium" refers to a period of two years and relates to the time in which the Eighteenth Legislature convened, January 1941 to December 1942; Note to reader: Most newspaper articles were found in the Leon C. Phillips Archive in the Western History Collections at the University of Oklahoma and are available only as clippings, therefore page numbers were unidentifiable.

the gathering he wanted the proposal worded in such a way to eliminate the possibility of misinterpretation of its meaning among all three branches of government, legislative, executive and judicial, and to halt deficit spending.<sup>6</sup> The statement alluded to an Oklahoma Supreme Court decision handed down in 1940 in which the high court ruled there was no limit to government spending. In this finding, Justice Thomas Gibson of Muskogee, writing for the majority, stated, "The constitution fixes upon the legislature the responsibility of making appropriations...The courts will not usurp the high prerogative exercised by the legislature in making appropriations.....and the amount thereof is not limited."<sup>7</sup> The ruling negated the intentions of the constitutional delegates in which they placed a limit of indebtedness of \$400,000 except in cases of emergency when approved by a vote of the people. The decision produced the need for the state constitution to be revised to eliminate the possibility of the state's highest court questioning the wording.<sup>8</sup> Politicians believed they had found a way around this clause and compiled a debt of \$37 million with almost two-thirds coming from the Governor Marland, Phillips's predecessor.<sup>9</sup> One newspaper editorial applauded Phillips's move to balance the budget, saying, "It was the address of a strong and forthright executive who refused to temporize with the truth in order to court political harmony....Leon C. Phillips again stands forth as the best governor the State of

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<sup>6</sup> "The Governor's Message," *Tulsa Tribune*, January 8, 1941; "State Legislature Now In Session," *Edmond Sun*, January 10, 1941; "Phillips Stresses Balanced Budget," *Daily Oklahoman*, January 8, 1941, 2.

<sup>7</sup> Joseph E. Howell, "Supreme Court Decision Holding There Was No Limit on Debt Is Cause Behind Election," *Tulsa Tribune*, March 4, 1941; State ex rel. Phillips v. Carter, 1940 OK 97, 186 Okla. 571, 99 P.2d 1025 (Oklahoma Supreme Court, 1940).

<sup>8</sup> Howell, "Supreme Court Decision," *Tulsa Tribune*, March 4, 1941.

<sup>9</sup> "The Phillips' Proposed Amendments," *Enid Morning News*, January 8, 1941.



Oklahoma has ever had.”<sup>10</sup> The *Ada Evening News* also heaped praise upon Phillips and his idea to curtail deficit spending, “We applaud the governor for his insistence upon getting the money before it is appropriated. There is no sense in the state getting into debt....The federal government has set a poor precedent in piling up huge debts in peace time and we are glad that our state can avoid what we consider a calamity.”<sup>11</sup> Another newspaper editorial pointed out whenever an individual cuts an item from the budget there is protest; however, the people elected the governor on the promise of fiscal responsibilities, and the legislators were sent to the capital with a message from their constituents to support the chief executive in his endeavors.<sup>12</sup> An editorial in the *Shawnee Morning News* predicted the amendments recommended by Phillips would most certainly go before the people and the balanced budget amendment would protect the public from state debt, but if it failed, it would show Oklahomans have no regard for future fiscal policies.<sup>13</sup> Not all newspapers believed in Phillips’s ability to balance the budget with a constitutional amendment. The *Enid Eagle* described how Phillips’s first two years as governor produced \$7 million in debt and predicted for the next two proclaimed another six or seven million in deficit spending. The article said the only way to balance the budget involved tax increases which Oklahomans would go along with because it would ultimately lead to an overall tax reduction. The article concluded by

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<sup>10</sup> “The Governor’s Message,” *Tulsa Tribune*, January 9, 1941.

<sup>11</sup> “Citizens Will Approve,” *Ada Evening News*, January 9, 1941.

<sup>12</sup> “Balancing Budgets Is Unpopular,” *El Reno American*, January 10, 1941.

<sup>13</sup> Untitled Editorial, *Shawnee Morning News*, January 11, 1941.

highlighting Kansas and Nebraska, where the citizens paid half as much in taxes as Oklahomans and neither state possessed any debt.<sup>14</sup>

Three days after his address, Phillips went into a conference with administration leaders and attorneys to draft the amendment prohibiting the legislature from incurring future debt. Phillips believed the bill should simply state any appropriations in excess of the state's tax revenue be considered void. The group hoped the final draft might go before the general assembly within a week and be up for a special election of the people by the middle of February 1941.<sup>15</sup> On January 20, 1941, the committee of lawyers stood poised to submit their final bill to the legislature. If passed, the amendment could take effect on July 1, 1941, and forbid any appropriations in excess of \$500,000. Phillips went on record saying the committee agreed upon the amount so in the event of a budget shortfall, the state could run until the congress adjusted for the lack of revenue.<sup>16</sup> As the proposal underwent final re-vamping, the *Enid News* offered its opinion on the future amendment if it went before the Oklahoma Supreme Court, "It is hoped that the state's high court will, if it should be tested, give it more consideration than has previously been accorded the already plain wording of the constitution with regard to debt, which has been piling up under Murray, under Marland, and lately under Phillips."<sup>17</sup>

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<sup>14</sup> "The Phillips Program," *Enid Eagle*, January 14, 1941.

<sup>15</sup> "State Debt Act Considered By Phillips As Need," *Henryetta Free-Lance*, January 11, 1941; "Leaders Go Into Action To Draft Bill," *Sayre Headlight Journal*, January 11, 1941.

<sup>16</sup> "Debt Bar Law in Final Form," *Enid News*, January 21, 1941.

<sup>17</sup> "Limiting the State Debt," *Enid News*, January 28, 1941.

The Oklahoma House of Representatives took up the bill on January 27, 1941, and administration leaders predicted a fast victory for the measure among the lower chamber. Speaker of the House of Representatives Emanuel Blumhagen said he hoped the bill would pass the house without any amendments, "Ordinarily I do not believe any measure introduced is sacred. However, this was worked out very carefully by attorneys and I do not think there should be any change in the language."<sup>18</sup> As the house took up the bill, it encountered the first of many challenges; opponents of the amendment charged any official not operating within the confines of the budget limitations faced impeachment if the bill passed. Those in favor of the legislation quickly pointed out the "safety valve" in the debt limit of \$500,000 was created to eliminate the possibility of elected officials losing their jobs. Representative Holly Anderson of Tulsa said there may come a time when the board of equalization might not perform its duty, but she asked who might try to impeach them and closed, proclaiming, "I say we've had enough impeachments in this state."<sup>19</sup> As the debate continued on how the revenue estimates would be made, the House adjourned until the following day. However, Phillips and his administration took the time to rally votes for the bill, so it could quickly pass without further argument when the representatives reconvened.<sup>20</sup> Blumhagen cited the law as one of two important bills to come before the eighteenth legislature.<sup>21</sup> He was not the only one to hold this opinion. Dr. O. R. Whiteneck, a representative from Enid, called

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<sup>18</sup> "Budget Balance Bill to Pass Without Change," *Daily Oklahoman*, January 26, 1941, 30.

<sup>19</sup> "Impeachment Fear Injected Into Row Over Budget Bill," *Daily Oklahoman*, January 28, 1941, 6.

<sup>20</sup> "Budget Bill Vote Delayed, House Jumps Traces," *Daily Oklahoman*, January 28, 1941, 1.

<sup>21</sup> "House Takes Up Plan to Balance State Budget," *Okemah Leader*, January 27, 1941.

it the “most important proposal before the present legislature. Other legislation is important and necessary but even so, the ultimate success of many plans for various improvements in Oklahoma government may hinge upon this No. 1 measure.”<sup>22</sup> Whiteneck elaborated by stating, “The financial future of the state, the efficient operation of the institutions, the welfare of every taxpayer, depends upon a measure that will force the keeping of outgo within the state’s income.” Whiteneck finished his statement by adding, “The proposal is as yet in the senate, but eventually is expected to go to the voters.”<sup>23</sup> As January came to an end, the first few weeks of the legislative session illustrated how Phillips and his balanced budget amendment faced an uphill battle to obtain passage.

In the Oklahoma Senate, the bill faced another legislative opposition. While the Senate’s Revenue and Taxation Committee did not alter the bill as it passed through the House, Chairman James C. Nance said changes for the measure might come up while on the floor. He suggested the changes may include raising the limit from \$500,000 to \$1,000,000 and another allowed the issuance of non-payable warrants up to the full amount of appropriations, thereby nullifying the amendment entirely. Phillips countered by saying he was against raising the limit and originally favored leaving the limit at \$400,000, the amount originally set by the constitutional delegates.<sup>24</sup> Nance’s prediction of these changes introduced on the floor of the Senate proved to be untrue, on February 4, 1941, the upper house of the Oklahoma

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<sup>22</sup> “Most Important Legislation,” *Enid Eagle*, February 1, 1941.

<sup>23</sup> “Most Important Legislation,” *Enid Eagle*, February 1, 1941.

<sup>24</sup> “Budget Balancing Bill Threatened,” *Chickasaw Express*, February 4, 1941.

legislature passed the bill with only one dissenting vote.<sup>25</sup> However, the senate added other amendments to the bill, including setting the date of a special election as March 11, 1941, sending the measure back to the house of representatives seeking approval of the changes. If the amended bill passed the lower chamber of the Oklahoma legislature, it would go before the voters as State Question 298. Both Governor Phillips and Speaker Blumhagen predicted no opposition to the passage of the bill with the proposed alterations. Phillips stated, "We'll try to get the matter through the house immediately. I assume there will not be any trouble on it." Even the chief executive anticipated no trouble in the house, but opposition began arising in the educational bloc.<sup>26</sup>

A. L. Crable, Oklahoma's Superintendent, indicated he would fight the amendment, and resolutions might come from the Oklahoma Education Association after they met in Tulsa.<sup>27</sup> Preparing for a confrontation to get the amendment passed, the governor informed the public the current debt of about \$12,000,000 could not be funded without passage of the bill. Phillips referenced a clause in the proposed amendment allowing the legislature to pass bonds to pay the current debt, but no more deficit spending in the future. Phillips also challenged state teachers, who indicated their willingness to fight the bill, and referenced the, "loud talk of high-salaried superintendents." However, he was not talking about the state superintendent but the head of schools at Ada, "Let them see what the salary of [Dan Proctor, Ada's Superintendent] is and then compare it with the pay of the classroom

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<sup>25</sup> "The State Debt Measure Passes," *Enid Eagle*, February 5, 1941.

<sup>26</sup> "Rush to Finish Budget Balance Bill Due Today," *Daily Oklahoman*, February 6, 1941.

<sup>27</sup> "Rush to Finish Budget Balance Bill Due Today," *Daily Oklahoman*, February 6, 1941.

teachers.”<sup>28</sup> Governor Phillips said he could take his message to the radio to urge approval by voters.<sup>29</sup> However, other media outlets offered venues for both sides of the issue.

Newspapers around the state wrote editorials on the balanced budget act, even in towns possessing multiple papers with conflicting opinions. The *Enid Eagle* wrote the state’s debt was unconstitutional based on the wording of Article 10 Section 23, but the Oklahoma Supreme Court validated the deficit with its ruling in 1940. The newspaper endorsed the proposed amendment as necessary because the wording prevented any entity, including the state’s highest court, from misinterpretation and prohibited the future accrual of debt.<sup>30</sup> Across town, the *Enid News* presented their opposing viewpoint, “The governor says he will balance the budget, and doubtless does so in all honest intent. The individual representative or senator says he wants and will strive for balanced budget.” The article illustrated that newspaper’s opinion on how to balance the budget, “Naturally, the only way to balance the budget is to spend less than the possible revenues, or at least no more...For, if the truth be told, too many of the folks who raise cain about...budget balancing,...and are in favor of it on a statewide basis, still think that it can be accomplished without any cut ‘around close to home.” The article concluded that an effort to balance the budget might hurt communities around the state and politicians who wanted the balance might suffer at home among their constituents

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<sup>28</sup> “Budget-Balance on ‘Must List’,” *Chickasaw Express*, February 7, 1941; “Governor in Fight to Get Bill Passed,” *Ada News*, February 7, 1941.

<sup>29</sup> “Economy and Budget Balancing,” *Enid News*, February 8, 1941.

<sup>30</sup> “The State Debt Measure Passes,” *Enid Eagle*, February 5, 1941.

but the citizens could live with the idea they helped steer Oklahoma back to a cash-only basis.<sup>31</sup> In another editorial a few days later, the *News* told its readers the amendment prohibited deficit spending, but it could not limit taxation, “Appropriation measures beyond revenue estimates are supposed to have corresponding revenue – raising measures. That means increased tax rates or new taxes. There is no escaping it.” Predicting the amendment would pass, the newspaper offered its own solution to prevent higher or new taxes, in addition to balancing the budget, the legislature might also need to trim state expenses “to the bone” and closed the article offering this advice, “But as much as budget balance, the people of Oklahoma need a saving in state expenditure. Let that not be forgotten by the administration or the legislature.”<sup>32</sup> After the bill passed both houses of the Oklahoma legislature, the governor and his opponents took their messages to the voters.

With less than three weeks before the election, Phillips called a meeting at the state capital of over thirty executives and civic leaders to form a campaign organization to push for approval of the balanced budget bill and selected J. T. Griffin of Muskogee to head the group.<sup>33</sup> The next day, Crable “took the lead to rally school teachers, patrons and college faculty members” into opposition to the amendment. Crable admitted he favored a balanced budget but thought the debt limitation proposal would cripple and jeopardize Oklahoma public schools. Crable

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<sup>31</sup> “State Money Saving,” *Enid News*, February 5, 1941.

<sup>32</sup> “Economy and Budget Balancing,” *Enid News*, February 8, 1941.

<sup>33</sup> “Phillips to Start Drive for Support,” *Sayre Headlight-Journal*, February 21, 1941; “Phillips Gets Support for 3 Amendments,” *Henryetta Free-Lance*, February 21, 1941.

was not alone in announcing his opposition. During the same day, Representative George Miskovsky of Oklahoma City said he would make radio addresses and stump speeches against the change.<sup>34</sup> On February 27, Miskovsky made one of his radio speeches and told Oklahomans the proposed change might destroy safeguards, concentrate too much power in the hands of the executive branch of the government, and bring us close to a dictatorship.<sup>35</sup>

Fourteen days before the special election, Phillips took to the road to push for passage of the amendment, while his main opponent tried to organize groups to defeat it. The governor traveled to southern Oklahoma, seeking to rally teachers from nine counties in the town of Durant, to explain his debt limitation bill after hearing reports of widespread opposition to the measure. Meanwhile, Crable held a meeting with representatives from the Farmer's Union, Railroad Brotherhood, Oil Workers Union and Petroleum Marketers association to garner support for his campaign with schoolteachers against the proposed change.<sup>36</sup> Crable delivered an address on February 27 to the Wewoka Chamber of Commerce and in the evening gave another talk in Enid, condemning the debt limitation act in both speeches. On the opposing side, Phillips met with a group of county commissioners at the Oklahoma Historical Society to explain the amendment in an offer to enlist their support.<sup>37</sup> The governor promised legislation making more funds available to the

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<sup>34</sup> "Crable Starts Fight Against Amendments," *Tulsa Tribune*, February 23, 1941.

<sup>35</sup> "Legislator to Speak Against Two Petitions," *Enid Eagle*, February 27, 1941.

<sup>36</sup> "Fight for Amendments is Started," *Sayre Headlight-Journal*, February 25, 1941.

<sup>37</sup> "Legislator to Speak Against Two Petitions," *Enid Eagle*, February 27, 1941.



commissioners' respective counties in exchange for their endorsement.<sup>38</sup> At the meeting, the assemblage applauded Phillips numerous times and thanked him for his time, and the head of the group, Steve Willis, Kiowa county commissioner, said each individual would offer their support rather than the group as a whole.<sup>39</sup> In an effort to show their endorsement of the balanced budget amendment, Theater Owners of Oklahoma, Inc. announced they would show a trailer before movies explaining the bill, and the governor thanked the organization for their support.<sup>40</sup> The governor warned schoolteachers if the amendment failed, there might not be additional revenue for schools. Ironically, the same day the threat to the state's educators came out, Dr. H. G. Bennett, president of Oklahoma A&M, prepared a speech in favor of the balanced budget.<sup>41</sup> The following day, Pottawatomie County Superintendent, Arguyle Seikel, mailed letters to all county school boards members attacking the measure in which he accused the governor of taking "pot-shots" at public schools. The county official claimed the change could take power away from the people, remove government farther away, and force people to vote more ad valorem or sales taxes to avoid cuts in public education.<sup>42</sup>

In an effort to sway votes, both sides filled the ten days prior to the election with speeches, endorsements and accusations. On March 1, Phillips returned to Durant and delivered a speech to a group of teachers, who opposed the bill, promising a pay raise for teachers of \$10 a month if the bill passed and forewarned

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<sup>38</sup> "Governor Makes Bid for County Boards' Support," *Enid News*, February 28, 1941.

<sup>39</sup> "Governor Makes Bid for County Boards' Support," *Enid News*, February 28, 1941.

<sup>40</sup> "Murray Attacks One-Board Plan," *Oklahoman*, February 27, 1941.

<sup>41</sup> "Murray Attacks One-Board Plan," *Oklahoman*, February 27, 1941.

<sup>42</sup> "School Forces Open Fight on Phillips Bill," *Shawnee News*, February 28, 1941.

all of Oklahoma's revenue might go to meet debt charges within two years if it failed. If the proposal passed, the governor predicted the people of the state might not object to higher taxes because the balanced budget assured against extravagant spending with new tax money.<sup>43</sup> At the end of his speech, the governor said, "All right, that is my program. Are you for it?" and after a silent moment he added, "I guess not. Well, I still am."<sup>44</sup> The Oklahoma Education Association offered their support of the amendment at their Tulsa convention, provided the legislature brought a halt to earmark spending. With seven-tenths of the state's budget earmarked for various services, the school budget came from the remaining 30 percent, which is also where the cuts for the balanced budget were predicted to come from.<sup>45</sup> Crable distributed 100,000 leaflets, proclaiming schools could take 48 percent of the cuts if the measure passed because highway and tax commissions possess "earmarked" incomes. Supporters of the bill said passage of the bill might force the legislature to abolish or reduce "earmarks"<sup>46</sup>

On Monday, March 3, 1941, Phillips gave a statewide radio address imploring Oklahomans to vote for his constitutional amendments. The governor used newspaper quotes from the state's papers like the *Sulphur Daily News*, illustrating their support for the measure. The chief executive commented the measure went above partisan politics when he said that the Democratic State Chairman approved the Balanced Budget platform of the party in 1938 and that the Republican Party

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<sup>43</sup> "Phillips Urges School Support on Budget Plan," *Tulsa Tribune*, March 1, 1941.

<sup>44</sup> "Phillips Tells of Plans, But Group Silent," *Okemah Leader*, March 2, 1941.

<sup>45</sup> "Schools Will Be Helped By Budget Bills," *Shawnee News*, March 2, 1941.

<sup>46</sup> "1941 'Firebell' Campaign On," *Tulsa Tribune*, March 2, 1941.

Organization endorsed it. Phillips even quoted the state auditor, Frank Carter, when he threw his support behind the amendment calling it the most important decision for Oklahomans in the brief history of the Sooner State. Phillips asked voters to pass the measure by asking if they believe in a sound, economical, safe government, they should support the bill just as the members of the legislature and a majority of the state officers.<sup>47</sup>

One week before the election, both sides made pushes to get their side out to the public. Crable published his opinion of the bill in the *Okemah Leader*, saying current provisions of the constitution provided for a balanced budget but the proposed amendment could seriously cripple the public schools, colleges, and universities and force the raising of local ad valorem taxes. The state superintendent declared a vote for the amendment was, “simply a vote to either shift the responsibility of financing our public schools from the state to the sore backs of local taxpayers.”<sup>48</sup> The same paper, which Crable wrote his plea, printed the Farmer’s Union opinion of the bill. Z. H. Lawter, secretary of the union, said the passing of the amendment would increase taxes throughout the state, and the same day the state legislature declared a recess until March 13 to help the governor rally votes for the debt limitation act.<sup>49</sup> Phillips fired back at his opponents claiming they were, “a few disgruntled members of the legislature who are unhappy about some little job and a few state officers who would rather go on with their personal,

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<sup>47</sup> Leon C. Phillips, “Address of Governor Leon C. Phillips over Radio Stations KOMA & KTUL,” (radio address, Oklahoma City, OK, March 3, 1941), Leon C. Phillips Collection, 100 Years of Oklahoma Governors, Oklahoma Department of Libraries, Oklahoma City, OK, RG 8-K-2, Box 1, Folder 13.

<sup>48</sup> A. L. Crable, “Crable Tells His Story,” *Okemah Leader*, March 4, 1941.

<sup>49</sup> “Farmers Union Fights Phillips Bills,” *Okemah Leader*, March 4, 1941.

political plans.”<sup>50</sup> The governor claimed the “honest-to-God” schoolteachers of the state supported the bill while the measure drew the large opposition from the selfish interests in Oklahoma.<sup>51</sup>

With less than a week to go, both sides fired back and forth to prove their point. Phillips planned a speech in Ada on Tuesday, Tahlequah Wednesday, Tulsa Thursday, Weatherford Friday, and the Monday night before the election addressed the state again over the radio.<sup>52</sup> Republican and Democratic leaders lined up to support the governor on Wednesday, including T. R. Blaine of Kingfisher, the Republican state chairman, and Frances Paris of Tulsa, the Democratic state chairman. Blaine went on record stating no one had asked him for his support of the measure but after reading the amendment, he realized it was not a partisan issue but an act necessary to insure good government. The governor’s main opponent, Crable, accused Phillips of insincerity with the pay raise because the additional \$1,800,000 required to fund such an endeavor did not fit with the governor’s record and led the superintendent to doubt the seriousness of the promise.<sup>53</sup> In a letter sent to 20,000 of the state’s educators, Phillips again promised a \$5 to \$10 a month raise if the amendment passed and in a postscript. J. A. Rinehart, senate majority leader, and Harold Freeman, house majority leader, concurred with the governor.<sup>54</sup> The head of Oklahoma public schools announced the formation of a “people’s committee” headed by F. N. Shoemake of Muskogee in response to the “citizen’s

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<sup>50</sup> “Governor Urges Support of Voters for Amendments,” *Ada News*, March 4, 1941.

<sup>51</sup> “Phillips Raps Opponents of Budget Setup,” *Shawnee News*, March 4, 1941.

<sup>52</sup> “Governor Starts Four-Day Swing Over State on ‘Firebells’ Campaign,” *Enid Eagle*, March 4, 1941.

<sup>53</sup> “Cable Leading Opposing Forces,” *Chickasaw Express*, March 5, 1941.

<sup>54</sup> “Educators in Exodus from Crable’s Side,” *Tulsa Tribune*, March 7, 1941.

committee” created to seek votes for the measure.<sup>55</sup> As the election drew nearer, both committees promised free transportation to voters unable to get to the polls themselves.<sup>56</sup> Phillips retaliated by saying if Crable was sincere he would see some of the money going to school superintendents throughout Oklahoma go to classroom teachers.<sup>57</sup>

As the vote neared, more people and newspapers voiced their opposition to the balanced budget. The *Kiowa Chronicle* printed an editorial urging its readers to vote no on any changes to the state constitution. According to the paper, good honest and honorable men wrote the document without big oil companies or other selfish interests in mind and asked why the big push for change. The article closed with a call for the legislature to increase the tax on oil, at the time 3-cents-a-barrel and if it rose to 8-cents-a-barrel, there might not be a need for a balanced budget, claiming the increase might stop the state’s financial worries.<sup>58</sup> A state senator voiced his position on the debt limitation act. John Boyce McKeel appeared at a luncheon of the Ada Chamber of Commerce and told those present the balanced budget is merely a plan to raise taxes. If the people of Oklahoma pass the act and protest the rise, the legislature can tell them you gave us a mandate when you voted for this measure.<sup>59</sup> In Latimer County, a group of citizens, teachers, and members of the county school board met to discuss their stand on the amendment. The assemblage including E. T. Dunlap, county superintendent, E. Grady Stephens, H. O.

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<sup>55</sup> “Crable Leading Opposing Forces,” *Chickasaw Express*, March 5, 1941.

<sup>56</sup> “Educators in Exodus from Crable’s Side,” *Tulsa Tribune*, March 7, 1941.

<sup>57</sup> “Charges Rise as Vote Is Nearing,” *Okemah Leader*, March 5, 1941.

<sup>58</sup> “When in Doubt, Vote NO!,” *Kiowa Chronicle*, March 6, 1941.

<sup>59</sup> “McKeel Says Budget-Balance Amendment Would Raise Taxes,” *Kiowa Chronicle*, March 6, 1941.

Boggs, and L. O. Yandell. The gathering formed a committee directing a campaign to garner opposition to State Question 298.<sup>60</sup> An editorial written by John Lokey in the *Wilson Post-Democrat* called for the defeat of the bill because it was merely a stumble in the right direction not a step. Lokey advocated the real solution might be an overhaul of the state government, prosecute delinquent taxpayers, find a way to accurately assess property values, and halt the wasteful spending of some state agencies.<sup>61</sup>

The last week before the election saw many high profile Oklahomans voice their side of the issue. A group of educators, led by Dr. H. G. Bennett, president of Oklahoma A&M, abandoned the leadership of Crable and announced their support for a balanced budget. The head of college called for citizens to vote in favor of the amendment during a radio address on the evening of March 6. Originally sponsoring the state superintendent, Bennett told the listeners Oklahoma faced bankruptcy if the bill failed and said it could bring sound budgeting to the state, proclaiming it was the only way for the legislature to effectively control the state's expenditures.<sup>62</sup> Roscoe Divine, the Tulsa President of the Oklahoma Education Association, joined those leaving Crable's camp when he announced his intention to vote yes on March 11.<sup>63</sup> In Tahlequah, Jay Earp, superintendent of Jay schools, revealed the northeastern district of the O.E.A. had rejected a request from Crable for financial

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<sup>60</sup> "School Group Organizes to Oppose Two Amendments," *Latimer News Democrat*, March 6, 1941.

<sup>61</sup> John Lokey, "The Doghouse," *Wilson Post-Democrat*, March 6, 1941.

<sup>62</sup> "Educators in Exodus from Crable's Side," *Tulsa Tribune*, March 7, 1941.

<sup>63</sup> "Educators in Exodus from Crable's Side," *Tulsa Tribune*, March 7, 1941.

assistance in the fight against Phillips' amendment.<sup>64</sup> At the Tulsa Chamber of Commerce open forum E. W. Smartt, chairman of the state board of affairs, Representative W. F. Latting of Tulsa, and H. M. Curnutt, president pro tempore of the Senate, were scheduled to speak at the meeting voicing their approval of the measure. Across town, Senator Henry N. Timmons of Tulsa urged support at a breakfast meeting of the Green-T club claiming the amendment put Oklahoma on a cash-only basis.<sup>65</sup> He responded to the assertion public schools faced the majority of the budget cuts proclaiming they could be done across the board on a pro-rata basis. On the opposing side, an unidentified person distributed pamphlets printed by Crable on the steps of the Tulsa courthouse. The pamphlets called for a no vote on the amendment and stated Crable meant no personal attacks against the governor or the legislature.<sup>66</sup> The night before the election, Phillips appealed one last time to the voters of the state for his balanced budget. The governor again quoted the state auditor approving the bill as well as listed many groups and organizations in favor of the measure including the Farmer's Union, a large percentage of the Oklahoma Education Association, bankers, miners, newspapers, and manufacturers.<sup>67</sup>

On March 11, the people of Oklahoma went to the polls in a special election to vote on three constitutional amendments, one was State Question 298 otherwise known as the Balanced Budget Amendment, and the other two called for creating a board of regents for all the state's universities and permitting the state to cooperate

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<sup>64</sup> "Educators in Exodus from Crable's Side," *Tulsa Tribune*, March 7, 1941.

<sup>65</sup> "Educators in Exodus from Crable's Side," *Tulsa Tribune*, March 7, 1941.

<sup>66</sup> "Educators in Exodus from Crable's Side," *Tulsa Tribune*, March 7, 1941.

<sup>67</sup> Leon C. Phillips, "Address of Governor Leon C. Phillips over Radio Stations KOMA & Oklahoma Network Regarding Constitutional Amendments," (radio address, Oklahoma City, OK, March 10, 1941).

with the federal government on old age assistance. Less than one-third of the average number of people who vote in a normal election arrived at the polls to cast their decision.<sup>68</sup> When the final results came in, the bill passed with a margin of almost two to one, 163,886 to 85,752.<sup>69</sup> The bill would go into effect July of 1941, for the fiscal year ending June 1942. In response, the legislature increased taxes, insurance tax doubled to 4 percent, cigarette taxes rose to 5 cents a package, chewing and smoking tobacco rates increased to 20 percent, and gasoline had a one-and-a-half cent tax added to it. Automobile owners saw their fees to tag their vehicles increase as well, in some cases the increase was double the previous amount.<sup>70</sup> But these increases were not the only consequence of the bill's passage.

Within days of the special election victory, the House of Representatives took up a bill setting up a new state board of education with the members to be appointed by the governor as opposed to Crable, therefore stripping the latter of his patronage. The reorganization bill transferred the thirty-plus board members to other positions within the education department. The new board consisted of nine members, eight to be appointed by the governor and serve staggered terms, and the superintendent served as the ninth member and president. The House showed so much hostility towards the superintendent because of his actions during the campaign, that Speaker Blumhagen sent the bill to a special committee to allow the

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<sup>68</sup> "All Amendments Get Big Majorities; Pension Vote is Overwhelming," *The Oklahoman*, March 12, 1941, 1; "Claims Conflict Over Result of Election Today," *Henryetta Free-Lance*, March 11, 1941.

<sup>69</sup> "Election Officials Certify Approval of Amendments," *The Oklahoman*, March 15, 1941, 1; "Directory of Oklahoma, 1977," (Oklahoma City: Oklahoma State Election Board, 1977), 649.

<sup>70</sup> "Taxpayers Hit 13-Million Clip By Legislature," *The Oklahoman*, May 17, 1941, 2.



chamber to calm down. When it came back to the floor, the bill passed 79 – 20.<sup>71</sup> A month later, Phillips signed the bill and named the eight members of the board, only four of which served on the old board. *The Oklahoman* proclaimed, “Phillips approval of the bill will complete his victory over Crable who has been his arch political foe at the capitol and led the fight against the constitutional amendments adopted March 11.”<sup>72</sup>

The Great Depression devastated the nation and particularly Oklahoma. In response, President Franklin Delano Roosevelt enacted many new programs enticed to “jump-start” the economy but those initiatives ran up the national debt. Governors of the Sooner State and legislators mimicked the president’s efforts and racked up \$37,000,000 in debt. Leon Phillips ran on a campaign of fiscal responsibility and the cornerstone of his drive included a balanced budget. Two years into his administration, the chief executive passed his debt limitation act, thereby preventing future accrual of state debt. When Phillips left office in 1943, Oklahoma held a budget surplus of \$5,000,000, and his successor, Robert S. Kerr, used this excess to pay off a portion of the remaining liability, and, by the end of 1946, the state possessed no debt.<sup>73</sup>

The drive to put Oklahoma on a cash-only basis proved to be Phillips’s longest lasting mark in Oklahoma. The change in the state’s constitution could be seen as effective enough to not require further revision for the next twenty-seven

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<sup>71</sup> “Phillips Forces Push Through Tax Freezing,” *The Oklahoman*, March 21, 1941, 7.

<sup>72</sup> “Phillips Names Four New Men To School Board,” *The Oklahoman*, April 16, 1941, 1.

<sup>73</sup> Sara L. Bernson, “Leon Chase Phillips, Governor of Oklahoma, 1939-1943,” in *Oklahoma Governors, 1929-1955: From Depression to Prosperity*, ed. LeRoy H. Fischer (Oklahoma City, OK: Oklahoma Historical Society, 1983), 17-19, 30.

years. Through his twenty points, Phillips pledged to be fiscally accountable to the citizens of Oklahoma and with the passage of the balanced budget amendment, the governor made good on that promise and the state might very well be viewed as being in a better financial situation as a result.

## Conclusion

Running on a campaign focused on fiscal responsibility, Phillip's first two years as governor showcased his efforts: 2,000 less state employees, reorganized the highway department and eliminated its five million dollar debt, cut school funding by over a million dollars, cancelled a state office building saving the taxpayers another million dollars, and all without any new taxes.<sup>1</sup> Although Phillips failed in his attempts to prevent the Pensacola and Denison dams or to root out perceived subversive threats within the state's universities, he did persuade the state legislature to pass the constitutional amendment putting Oklahoma on a balanced budget. Prior to the Japanese bombing of Pearl Harbor, Phillips proved to be a thorn in the side of the federal government like many other anti-New Deal governors throughout the United States. After December 7, 1941, Phillips called for cooperation with the federal government, an action the governor promised in his campaign but did not follow through until after the attack.<sup>2</sup> December 1941 saw another issue come to bear on the chief executive, one that would occupy his time until he left office a little over a year later.

As the election drew near to pick his successor, Phillips refused to announce his preference for a candidate in the Democratic primary, and when Robert S. Kerr was selected, Phillips came out against Kerr and A. L. Crable for state superintendent of public instruction but stopped short of supporting the Republican candidates. In the race for United States Senate, on October 8, 1942, Phillips

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<sup>1</sup> "Sooner Strong Boy," *Time*, January 22, 1940, 20.

<sup>2</sup> "Phillips Asks for 'Careful Guard'," *The Oklahoman*, December 10, 1941, 7.

endorsed Edward H. Moore, an anti-New Deal Democrat running as the Republican candidate against the Democrat Josh Lee.<sup>3</sup> The next day the Democratic leaders read Phillips out of the party; the state chairman, France Paris, said it was typical of Phillips who never cooperated with President Roosevelt even though his gubernatorial campaign promised as much. Paris proclaimed the governor, “was president of the Republican club in the Oklahoma university; he was chairman of the Republican central committee of Okfuskee county (sic). He was born a Republican and ... is to this day an unreconstructed Republican.” Phillips went on to attack Kerr and Lee. When the election results came in, Kerr won the governorship but Lee lost to Moore.<sup>4</sup> At Kerr’s inauguration, the new governor promised full cooperation with the national administration and the end of the practice of personal attacks on those who disagreed with the governor’s administration. Although the outgoing chief executive heard his own term lambasted by inference, he told reporters, “I feel better than two fellows ought to feel. It’s a great feeling. I just plowed the last row clear to the end.”<sup>5</sup> Later that year, in a letter to a friend, Phillips proclaimed he would, “register as a Republican at the first legal opportunity, because it is the only party now organized that can effectively go into every part of the United States and fight the New Deal,” which, “has well nigh completed the destruction of our free

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<sup>3</sup> “Phillips Bolts, Backs Moore, Raps Kerr, Lee,” *The Oklahoman*, October 9, 1942, 1.

<sup>4</sup> “Democratic Chieftains Read Phillips Out of Party After Attack,” *The Oklahoman*, October 10, 1942, 4; “Moore Leads Lee By 19,027 Votes,” *The Oklahoman*, November 4, 1942, 1.

<sup>5</sup> “Kerr, Phillips Spend a Happy Day,” *The Oklahoman*, January 12, 1943, 1.

elections,” and just like he did in 1940, he would actively oppose a Roosevelt fourth term.<sup>6</sup>

After he left office, Phillips moved back to Okemah, where he practiced law until his death in 1958. On March 27, while waiting in the Okmulgee post office for a client whom he represented in bankruptcy court, Phillips suffered a heart attack and died. Although his political life ended after he left office, the former governor obliged reporters with, “sharp evaluation of present state political figures,” and, “salty comments on the condition of the state of Oklahoma.”<sup>7</sup> A state left in better shape by the rotund man, who stood up to the federal government when he concluded the state and its resources were in jeopardy, took on political rivals in court and in the press, and set a path of fiscal responsibility by not following the New Deal’s blueprint of deficit spending.

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<sup>6</sup> “Ex-Gov. Phillips Of Oklahoma To Quit Democrats,” *Chicago Daily Tribune*, June 13, 1943, 1.

<sup>7</sup> “Leon Phillips, Former Sooner Governor, Dies,” *The Oklahoman*, March 28, 1958, 1-2.

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