

ROBERT LATHAM OWEN, JR.: HIS CAREERS AS INDIAN
ATTORNEY AND PROGRESSIVE SENATOR

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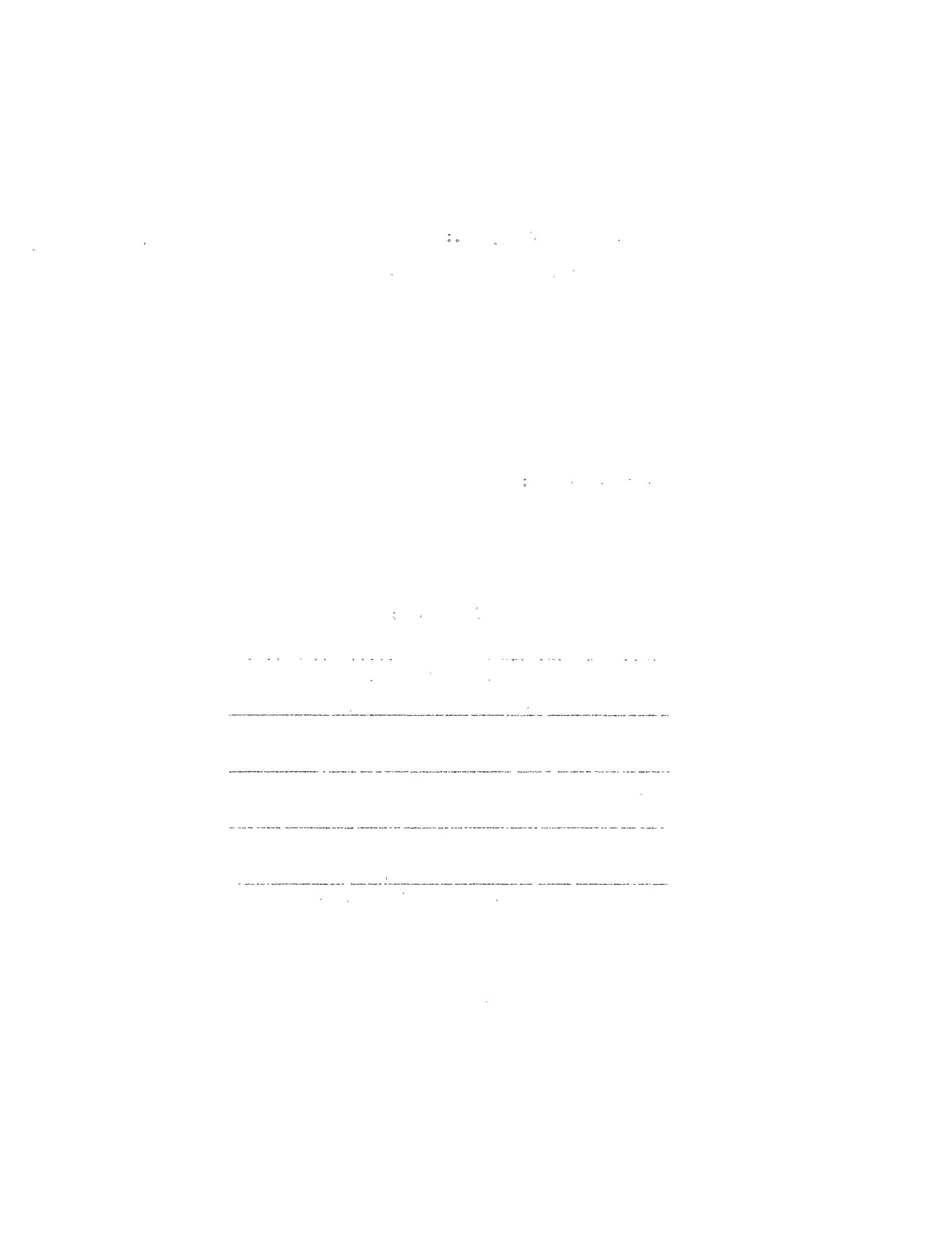
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PREFACE

This dissertation details the life of Robert Latham Owen, Jr., from his birth until his retirement as United States Senator from Oklahoma in 1925. No critical and analytical study had previously been written about Owen despite the fact that in the United States Senate he was one of the most important allies of President Woodrow Wilson. Owen is also deserving of a biography because he was one of the most significant and remarkable politicians produced by Oklahoma. Many facts about his place in the history of the state and the nation previously had not been presented. This dissertation is an attempt to fill that gap.

Born in 1856 in Lynchburg, Virginia, Owen received an excellent education before moving to Indian Territory in 1879. He first worked as an educator in the Cherokee Nation, then became a lawyer, and next served as Indian Agent to the Five Civilized Tribes from 1885 to 1889. After he resigned that position he became an enterprising businessman and very successful lawyer-lobbyist in Indian matters.

But his background as a conservative entrepreneur and opportunistic lawyer-lobbyist in Indian Territory contrasted greatly with his idealistic and advanced progressivism after he became senator in 1907. Owen's training, professional experience, and dogged persistence that he gained as a young man were valuable traits that made him particularly well-suited for his duties as senator. His populistic-oriented progressive rhetoric caused many political observers to label him as a



radical or even a socialist. This was far from the truth, for he seldom hesitated to compromise away the interests of "the people" for the sake of efficiency and stability for the economy.

Whereas Owen was the brash outsider during the administrations of Theodore Roosevelt and William H. Taft, he later became a stalwart supporter of Wilson's domestic and foreign policies. It was during Wilson's presidency that Owen performed his greatest service: his cosponsoring of the Federal Reserve Act in 1913. At the same time his crusading activity for popular government became less abrasive and less impassioned. During his last term in the Senate he became a staunch supporter of the League of Nations and a leading revisionist of the causes of World War I. He also joined other old progressives in the early 1920s in their unsuccessful attempt to revive the dying embers of their reform movement.

As a politician, Owen symbolized a great weakness of the progressive movement: he was often contradictory and not wholly committed to the cause. Owen, one of the most advanced of the progressives, was not all that progressive.

The debt I owe to numerous people for help with this dissertation indicates that all works of this type are, in reality, group projects. The past and present members of my doctoral committee--Dr. Joseph A. Stout, Jr., Dr. Norbert Mahnken, Dr. Douglas Hale, Dr. LeRoy H. Fischer, Dr. James Smallwood, Dr. George O. Carney, and Dr. Jerry Croft--have all been patient and supportive.

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Also, several student secretaries have provided much help with duplicating, running errands, and typing. These include Glenda Waugh, Tracie Burcham, Joyce Woodson, and Hayley Hatton. I owe a very special debt of gratitude to Andie Slaton, whose valuable proofreading and efficient help in organizing bibliographic citations has enabled me to finish. Dr. Danny M. Adkison, Instructor of Political Science, Oklahoma State University, frequently offered a place to stay in his home and gave much moral support.

I also want to thank my daughters, Stephanie, Amy, and Angela, for understanding why their daddy had to go to his office to work. Finally, of course, my wife, Diane, deserves love, admiration, and a vacation for her efficient typing of this dissertation and for her unending patience.

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CHAPTER I

PRIVILEGED CHILD AND DILIGENT STUDENT

Few senators knew what was coming. On February 25, 1908, Robert Latham Owen, Jr., their new Democratic colleague from the state of Oklahoma, rose to speak on the Aldrich currency bill. Owen was an unknown entity from a new state with a rough frontier image. As he began speaking, senators and even spectators listened with surprise. In a style sometimes eloquent and sometimes sarcastic, Owen attacked the Aldrich proposal, saying it favored large, monopolistic banks. One by one, the conservative supporters of the measure interrupted to debate, only to meet Owen's unexpectedly masterful rebuttals. Finally, Nelson W. Aldrich, Republican author of the bill, rose, debated, and attempted to answer one of Owen's questions. In reply Owen snapped back, "That is no answer. You are giving an explanation that doesn't explain."¹ The new senator was not only surprisingly capable, but he was also uncommonly rude.

This first dynamic performance revealed much about Owen. He was forceful, brash, and self-confident to the verge of conceit. His fierce opposition to the Aldrich bill also served notice that he would ally with the progressives in their popular struggle against special interests. This was surprising because of his previous conservatism on the local level as a businessman and attorney; there could have been some question about his sincerity. His former activities as a lobbyist

and manipulator in Indian land dealings indicated a strong tendency toward opportunism--quite a contrast to the high principles of progressive reform that he later espoused.

Owen's performance as a progressive was mixed. While his rhetoric was liberal and often radical, his actions were usually conservative. Despite these inconsistencies, Owen was conspicuously capable and industrious. His most notable effort was during President Woodrow Wilson's administration as cosponsor of the Federal Reserve Act, which reformed the national banking system. In general, his record as a political figure was similar to most politicians: it was a mixture of successes and failures, persistence and compromise, principles and self interest.

Owen was born in Lynchburg, Virginia, on February 2, 1856, to Robert Latham and Narcissa Clark (Chisholm) Owen. Lynchburg was an appropriate setting for the birth of a man who would become a vigorous entrepreneur and a forceful senator specializing in banking and monetary affairs. The town was thriving in the 1850s with a population of approximately 8,000. Surrounded by picturesque scenery, Lynchburg rested on rolling foothills adjacent to the James River, with the Blue Ridge Mountains a few miles to the west. The vicinity was originally settled in the mid-1700s by Quakers, who officially established the town in 1786.²

From the beginning, Lynchburg dominated the area as a tobacco trading center and regional marketplace for southwestern Virginia. The city's economic position was strengthened with the building of the James River and Kanawha Canal in the 1830s and then reinforced with the establishment of the Virginia and Tennessee Railroad in the 1850s. At

the time of Owen's birth the town ranked near the top in Virginia as a trade center for tobacco, provided headquarters for the Virginia and Tennessee Railroad, and boasted of several new foundries and shops that produced railroad cars and a variety of machinery. The people of Lynchburg were particularly proud of the town's designation in 1860 as the second wealthiest city per capita in the United States (New Bedford, Massachusetts, being first).³

The first members of the Owen family to arrive in Lynchburg were a part of the elite, professional class. The future senator's great-grandfather, Owen Owen, a physician, arrived with his wife, Jane, from Augusta County, Virginia, in the early 1790s. They operated Lynchburg's first library from their home, and Mrs. Owen opened a private school that provided basic education for many of the town's children. Their son, William, who was only a few years old when the family arrived, became a medical doctor, thus continuing a tradition among the Owens of Lynchburg. William's sons were William Otway, born in 1820, and Robert Latham, born in 1825. William Otway became a third-generation physician. Robert Latham, the future senator's father, had an aptitude for mathematics and became a civil engineer for the railroads. He helped survey and supervise the building of the Virginia and Tennessee Railroad from Lynchburg to Bristol, Tennessee, and later supervised the construction of several railroads in eastern Tennessee.⁴

During the time the future senator's father worked as civil engineer in Tennessee, he met his wife, Narcissa Clark Chisholm. Born on October 3, 1831, at Webber's Falls, Indian Territory, she was the daughter of mixed-blood Thomas Chisholm, one of the last hereditary chiefs of the Cherokees. Narcissa's prominent father lived near Hunts-

ville, Alabama, until land-hungry whites forced him off his land in 1819 after the Cherokees had agreed to give up part of their domain. He joined other tribesmen, known as Western Cherokees, in Arkansas, and he later moved to Webber's Falls after the Treaty of 1828 gave the Cherokees a permanent home in present-day Oklahoma.⁵

In 1833, the family settled at Beattie's Prairie in present north-eastern Oklahoma. When the chief died there one year later, Narcissa's brothers and sister were sent to school at Dwight Mission about sixty miles to the south. At age five Narcissa joined them and boarded with the prominent Bushyhead family--one of several contacts that would later prove useful to her son. After a few years at Dwight Mission she returned to Beattie's Prairie and went to a small country school there. She later attended a private school in Fort Smith, Arkansas, then a women's college at New Albany, Indiana, and finally completed a finishing course for young ladies at Miss Sawyer's Female Seminary at Fayetteville, Arkansas, in June 1850.⁶

The following year Narcissa taught music classes for Miss Sawyer, then in 1852 moved with a friend to Jonesboro, Tennessee, to teach at the Masonic High School. It was in 1853 at Jonesboro that Narcissa met Robert Latham Owen, Sr., who was in the area surveying railroads. When he arrived in town by stagecoach, Narcissa and her friend, by chance, were watching from an upstairs veranda as Owen stepped out of the coach and entered the boarding house with his valet.⁷ Instantly noting the stranger's handsome frame, Narcissa said, "Titia, did you see that gentleman? . . . He is my sweetheart."⁸ If Narcissa was anything, she was determined. She married Owen on October 4, 1853, in Jonesboro.

The Owens had two sons. William Otway, named for his uncle, was

born on July 6, 1854, in Broylesville, Tennessee. Robert Latham, Jr., the future Oklahoma senator, was born on February 2, 1856, at his great uncle's house in Lynchburg. The family moved about during the next few years, living in eastern Tennessee at Rogersville, Tazewell, and Evan's Bridge on the Clinch River. Owen, Sr., supervised the construction of railroads in the region. In 1860 he became president of the Virginia and Tennessee Railroad, and the family returned to Lynchburg.⁹

The section of Lynchburg where the family first lived was a mixture of business, industrial, and residential structures unseparated into distinguishable sectors, and all sloping sharply downhill to the river and canal. The pungent odor of the nearby tobacco warehouses permeated the air. Near this new home, young Owen met his first playmates of the town, including little Carter Glass--who coincidentally became a congressman and cosponsor of the Federal Reserve Act with Owen.¹⁰

While Owen's father was president of the railroad, the family's economic and social position continued to improve and the Owens became solidly entrenched among the elite. In 1862 the family moved to "Point of Honor," the town's most prestigious mansion located on Daniel's Hill and surrounded by a large acreage. The estate was a fitting setting for people of prominence. The house was a two-story dwelling with a high basement and built in the "Federal" style popular in Piedmont Virginia in the early nineteenth century. The interior woodwork was ornate, and the exterior grounds were graced by stately oaks, lavish gardens, and gravelled walks. Completing the scene were several slaves who tended the grounds and worked as servants in the home.¹¹

The Owens treated their slaves with a paternalistic regard typical

of other slaveowners with genteel awareness. Personifying this attitude was "Uncle" Humphrey Shelton, a faithful, long-time servant, and a favorite of the family. "Uncle Humphrey," Mrs. Owen explained, "was a family pet, bossing the garden and grounds at his own free will."¹² After the war ended and the slaves were freed, the old servant faithfully remained with the Owens. When he died late in 1866, the family realized that they had no picture of him. They quickly commissioned a local artist to make a charcoal sketch. When the artist arrived, they sat the deceased servant up leaning on a walking stick with his head slightly bent as if asleep. During Senator Owen's last years the drawing hung above his bed as a keepsake of his childhood.¹³

Neither Owen nor his family recorded events of his youth in a formal or systematic way, but years later he and his friends had a small assortment of his recollections that they sometimes narrated. Most of these seemed calculated to illustrate his apparently inborn qualities of leadership. Owen sometimes recounted one such anecdote that revealed not only that he swam well at an early age but also that he coveted the attention of his friends. When only six years old he learned the trick of oxidizing his blood by deep and rapid breathing; then he would dive into the James River and remain underwater for more than one minute. This usually worried onlookers and impressed young playmates.¹⁴

Also Owen at times described his childhood reaction to the Civil War. When he was about seven or eight years old, he organized a group of neighborhood boys and drilled them, imitating the adults around him. "Unless I can be captain," the youngster once told his mother, "I won't go to war."¹⁵ Another story that Owen's admirers and friends later

circulated also focused on an incident during the Civil War. Feeling sympathy for a wounded Confederate soldier, young Owen shot blackbirds for his mother to make a pie for the recuperating stranger. The man was Captain James E. Reynolds of Arkansas, who later became one of Owen's business partners in Indian Territory.¹⁶

Despite making a profound impression on Owen's young mind, the war apparently created neither strong animosities nor deep emotional scars in the boy. The war, however, did disrupt his family and community. Owen's father, who was commissioned as a colonel in the Confederate army, with the assignment of overseeing the Virginia and Tennessee Railroad, struggled continuously to keep trains on schedule and repair damage to bridges and track inflicted by Union troops. As headquarters for the crucial railroad, Lynchburg became a major training ground and staging area for troops from all over the South. After the fighting began in earnest, the tobacco warehouses and other buildings were converted into hospitals. Owen's mother volunteered often, sewing uniforms and caring for soldiers' families. The town itself was threatened only once when Union Major George C. Hunter's men approached the outskirts of town in June 1864. When the war ended at nearby Appomattox, Lynchburg was quickly occupied. As one of the leaders of the community, Colonel Owen approached the commanding Union officers out of courtesy, and his wife became hostess to the officer's wives periodically during the occupation. The Owens apparently displayed little bitterness that would have affected their young son's attitude about the war.¹⁷

Whatever impact the Civil War had on Owen, his mother's influence on his life was far more significant. A highly socially con-

scious woman, she was well aware of her family's prestigious position. With little effort she correctly identified the "best" families in any social setting; with great enjoyment she held impressive social gatherings in her home; and with much ostentation she frequently informed others of her family's aristocratic Virginia roots (such as later giving the name "Monticello" to her ranch house in Indian Territory). She made sure her family attended Saint Paul's Episcopal Church regularly and for ten years gave her own time to the choir.¹⁸

Of particular importance in Owen's later political career were his mother's lessons on the evils of alcohol. "I recall," she wrote in her Memoirs, "showing to my boys while they were young revolting individual cases of the imbecility and degradation of drunkenness."¹⁹ From her, Owen also learned to be proud of his "royal" Indian ancestry and his Cherokee name that she gave him--"Oconostota" (a historic war chief). Because of her influence he also came to appreciate music and developed a fine tenor singing voice. Young Owen acquired a deep and sincere admiration for his mother, which later in life he frequently described in interviews and letters.²⁰

Throughout his life Owen displayed the aristocratic and somewhat pretentious manner his mother instilled in him. On the other hand, he acquired more practical attributes from his father. Owen recalled that his father valued diligence and promptness, and particularly abhorred procrastination. "If it were lawful," his father once said, "I would brand upon the backs of my two sons the words, 'Do it now'!"²¹ Owen admired his father's sociable manner and ability to make strong friendships. The elder Owen was an exceptionally handsome man, and young Owen inherited his tall, athletic build and striking features.²²

Both of Owen's parents wanted him to have an excellent education. Along with about thirty other neighborhood children, he attended a local school taught by Mary Jane Acton.²³ If the only remaining essay from Owen's childhood was representative of his training, Acton did her job well. Written at age ten and entitled "Life of a Newspaper," the composition shows a great deal of imagination as well as a high level of competence. The young author wrote the essay in autobiographical style as if he were the newspaper. The newspaper begins as cotton in Georgia. After being sent to a cotton mill, it is made into a shirt and given to a soldier. "At a great battle," the essay explains, "a ball passed through me and my poor master. After I had laid there a good while a company of villians came along and robbed the dead and took me."²⁴ The shirt is then converted into rags, taken to a paper mill, and transformed into paper. A printer later buys the paper and converts it into a newspaper. The composition continues: "At night a servant tore me up to light the gas with. I am now in ashes."²⁵ The story ends with the hope that the ashes will become cotton once more and may someday again be transformed into a newspaper. In this essay young Owen revealed a sense of place and time, an understanding of economics and production, and an awareness of life and death.

In December 1866 Owen's parents sent him and his brother William to a classical preparatory school, known as Merillat Institute, at Govanstown, Maryland, on the outskirts of Baltimore. Strict discipline was imposed at the school by Dr. J. C. M. Merillat, a scholar with training in linguistics, botany, and medicine.²⁶ Soon after arriving, Owen wrote a letter to his grandfather in Lynchburg, detailing the rules for the students:

First come down in time for prayers, not leave clothes on the floor, empty your basin, not romp in the house, behave like a gentleman at all times, not use nicknames or bywords, not go in another boys room, not speak in school or study hour, not climb trees or use a ladder without special permission, be ready with your bible at prayers, speak French at the table, be neat in your person, clean your teeth, comb your hair, not send messages by the day scholars, or speak to the servants unless necessary, not go in the kitchen, pantry or diningroom, not leave the lot or use tobacco in any way.[sic]²⁷

Young Owen accepted the stringent guidelines of the institute with stoic fortitude. "I think they are splendid rules for boys," he wrote.²⁸ The rigorous regimen was probably necessary because of the demanding five-year classical curriculum, which included Latin, Greek, French, German, Anglo-Saxon, English, and mathematics. It was excellent preparation for Owen's later work in college.²⁹

As Owen and his brother were finishing their preparatory program in 1871, their father faced dire financial problems. Still president of the Virginia and Tennessee Railroad, he oversaw repairs to the war-damaged bridges and track, and he traveled to New York and Philadelphia to find new investors in an effort to keep the company fiscally sound. He soon faced a more serious challenge, however, in his fight with former Confederate General William Mahone, a scrawny but combative little man who became a leading political figure in postwar Virginia. After the war Mahone gained control of both the Norfolk and Petersburg and the South Side Railroads in southern Virginia. He hoped to consolidate the Virginia and Tennessee Railroad into his system to prevent northerners from gaining control.³⁰

The people of Lynchburg and the stockholders of the Virginia and Tennessee Railroad opposed Mahone's plan, fearing that the town would be relegated to a minor station instead of remaining headquarters for

an independent system. Mahone prevailed in his designs. Investors from Norfolk and Petersburg purchased controlling interest in the Virginia and Tennessee Railroad and forced Owen to resign as president. He then ran for the state senate and was elected in the first legislature under the new constitution that ended Virginia's reconstruction. He served on the Committee on Roads and Internal Navigation and the Committee on Banks, but was unable to block a railroad consolidation bill passed in June 1870, which implemented Mahone's plan.³¹

Owen, Sr., was bitter over the ordeal and declined reelection. Heavily in debt due to the war, poor investments, and generous loans to friends, he sold "Point of Honor" and purchased a farm near Norfolk. On June 2, 1873, he died suddenly in Norfolk. In subsequent years the family was very vague when referring to the circumstances of his untimely death at the age of forty-eight. The elder Owen's financial demise was closely related to the disastrous economic conditions of Reconstruction and was also probably affected by the same economic disruptions that led to the Panic of 1873. In the 1930s when Owen was a leader among inflationists, he explained that his father's decline had caused him, as a young boy, to ponder the causes of panics and motivated him later to investigate the reasons for economic disturbances.³²

Following her husband's death, Owen's mother suffered a breakdown due to "nervous prostration." She still owned property in Virginia and Tennessee, but it was heavily mortgaged. She eventually sold most of it to pay off her husband's debts. Reduced to teaching music again, she remained in Norfolk and offered lessons in her living quarters in the basement of the home of James Holt, a hotel owner.³³

Meanwhile, young Owen returned to Lynchburg after graduation from

Merillat Institute in 1871. With the family's finances in such poor condition, he stayed with his uncle to study medicine. There were no prospects for college. In 1874, however, Owen's mother, who was still in Norfolk, convinced her landlord's sister-in-law to give one of the family's four college scholarships to her son Robert. It provided one year's tutiton for young Owen at Washington and Lee University.³⁴

In September 1874 Owen joined several other young men from Lynchburg on their trip via packet boat on the canal and then across land to Lexington, about fifty miles to the northwest. Situated atop the hilly Blue Ridge Plateau, Washington and Lee University was known for its scenic surroundings. Red colonial-style buildings with large white columns amid large trees and shady walks greeted the scholars as they arrived. Only a few years before Owen enrolled, the school's name had been changed from "Washington" to "Washington and Lee" in honor of Confederate hero, Robert E. Lee, who was president of the college the last five years of his life. Because of his prestige and capable administration, Lee had made Washington and Lee one of the leading schools in the South. In particular he led the way for changes in the curriculum that converted the coursework from one of purely classical studies to a more practical orientation and a limited elective system.³⁵

With his excellent preparatory background, Owen immediately undertook his studies with serious resolve. Fellow student George Chamberlain, who later became Owen's colleague in the United States Senate, belonged to the boat club, baseball team, debating society, and scholarly fraternity. Not so with Owen. In his first year he joined only the Alpha Tau Omega fraternity and took part in little else. As a re-

sult, he made excellent grades and ranked high in his classes. Out of nine courses in his first year, he ranked first in Applied Mathematics and Drawing and second in Chemistry. He also scored well in his other courses, which included French, German, and Intermediate Mathematics. Toward the end of the year, he applied for but failed to get a mathematics scholarship. To his surprise, however, the faculty awarded him the President's Scholarship--given to the most diligent student. With this and aid from his mother, he was able to continue in school.³⁶

In his second year (1875-76) Owen again worked diligently, studying Latin, Moral Philosophy, History, and Senior Mathematics. At the end of this term he saw few prospects of financing another year at the school. When the summer holidays arrived, he traveled with his mother to Morristown, Tennessee, to help her attend to some property. While there, he received a letter from Miller Williams, the brother of Owen's former roommate. Williams was overseeing a scholarship and he offered it to Owen. At first Owen declined, but another letter from Williams and the additional arguments of his mother convinced him to accept. He returned to school immediately to study Greek during the summer session.³⁷

During the regular term of 1876-77, Owen's grades and ranking declined slightly probably due to his quest for a debater's medal. In November 1876 he joined the Washington Literary Society, one of two debating groups on campus that provided some of the most stimulating experiences in the college environment. Owen joined this debating society to overcome a self-perceived bashfulness. He succeeded. In future years he seldom hesitated to speak before audiences and often would speak for hours at a time. As a new member of the organization,

Owen soon debated such topics as "Is it probable that the United States will become the greatest of Nations?" and "Should there be a protective tariff?"³⁸

He soon realized that the leading contender for the society's medal was George J. Denis of New Orleans. In his first encounter with this adversary, Owen rose to speak after Denis had delivered the first argument. "Mr. President and gentlemen," he began as he faced what appeared to be the entire student body. Then he froze with fear. Owen later recalled, "Some sinner over in the corner of the great hall with a prolonged emphasis on the 'e' called out 'Spee-ee-ch!'"³⁹ When others in the crowd began teasing the frightened novice, it provoked sympathetic applause from most of the audience. He soon overcame his momentary stage fright and spoke for almost an hour before the timer and the listeners realized that his allotted twenty minutes had passed.

Other turbulent debates followed, and for his persistence Owen won the debating medal for the year. But he really believed that Denis was the better debater. Years later he admitted that the partisan enthusiasm of his supporters probably won him the medal during the society's spirited voting for the award. The acting president of the college, James J. White, reached the same conclusion. In his annual report to the Board of Trustees in 1877, he criticized the method of choosing winners of the debater's medal, saying that it caused strife among students and hindered study.⁴⁰

The debater's medal was not Owen's only achievement in 1877. He graduated with a Master of Arts degree (rather than the typical Bachelor's) and was elected valedictorian by his fellow students. During the next two years, Owen took charge of his mother's business affairs,

helped finance his older brother's medical training at the University of Virginia, and taught school at Lynchburg and then in Maryland for his old mentor Merillat. In 1879 Owen was passing through Washington, D.C., and happened to meet William Penn Adair, Cherokee delegate and later assistant chief. Adair described the opportunities for a young man in Indian Territory and suggested that Owen go there. Even though he was only one-sixteenth Cherokee, he was entitled to citizenship. As usual Owen sought the advice of his mother, who encouraged him to move and decided to go with him. Soon Owen received an appointment as principal teacher at the Cherokee Orphan Asylum, and he and his mother made plans to leave.⁴¹

When Owen left Virginia he was well prepared to attain leadership and influence in his new home. He came from a family of prestige. His father became a member of the new managerial and entrepreneurial class fast rising to prominence as a result of the expansion of railroads and industry. The energy and ability displayed by the elder Owen would characterize the younger Owen's business dealings in Indian Territory.

Owen's education was superior to most. The classical training he received at Merrillat Institute enabled him to receive a Master's degree rather than the typical Bachelor's at Washington and Lee University in only three years. At college he performed with the conspicuous competence that became characteristic of his later careers. With his ability reinforced by his mother's status consciousness, Owen also affected an aristocratic air that immediately marked him apart from those of lower standing. Accompanied by his mother and her steady influence, he soon turned his analytical mind to a new environment. Over the next few years he performed with noteworthy competence and at

the same time acquired a definite tendency toward opportunism.

FOOTNOTES

¹New York Times, March 1, 1908, sec. 5, p. 3.

²Narcissa Owen, Memoirs of Narcissa Owen, 1831-1907 (Washington, D. C.: Author, 1907), 63, 116; S. Allen Chambers, Jr., Lynchburg: An Architectural History (Charlottesville: The University Press of Virginia), 131-132, 1-2, 9-10.

³Chambers, Lynchburg, 6-7, 101-104, 148-156, 199.

⁴Robert L. Owen to Mrs. E. Alban Watson, July 1, 1936, in "Collection of Articles on the Owen Family," Scrapbook, Virginia Room, Jones Memorial Library, Lynchburg, Virginia; [Margaret Anthony Cabell], Sketches and Recollections of Lynchburg by the Oldest Inhabitant (Richmond, Virginia: C. H. Wayne, Publisher, 1859), 145-151; Janet Shaffer, "Narcissa and Robert Owen: The Point of Honor Years," Virginia Magazine of History and Biography 89 (January 1980): 156-157.

⁵Shaffer, "Narcissa and Robert Owen," 154-155; Narcissa Owen, Memoirs, 43-47.

⁶Narcissa Owen, Memoirs, 19-20, 52-57.

⁷Ibid., 59-60.

⁸Ibid., 60.

⁹Narcissa Owen, Memoirs, 63, 116; Shaffer, "Narcissa and Robert Robert Owen," 158.

¹⁰Chambers, Lynchburg, 15-16; Shaffer, "Narcissa and Robert Owen," 154; Oklahoma News (Oklahoma City), January 29, 1939, Magazine section, p. 8; Lynchburg News, October 11, 1936, sec. G, p. 12.

¹¹S. Allen Chambers, Jr., Point of Honor: Its Past and Its Potential (Lynchburg, Virginia: Lynchburg Historical Society, 1967), 1, 10-12; Rex Harlow, Oklahoma Leaders: Biographical Sketches of the Foremost Living Men of Oklahoma (Oklahoma City: Harlow Publishing Company, 1928), 440; Narcissa Owen, Memoirs, 74-77.

¹²Narcissa Owen, Memoirs, 77.

¹³Narcissa Owen, Memoirs, 76; "Railroad President of Civil War Days," Norfolk and Western Magazine, January 1947, 54.

¹⁴O. P. Sturm, "Oklahoma's Accomplished Senator," Sturm's Oklahoma

Magazine, November 1907, 35.

¹⁵New York Post, August 19, 1944, Magazine section, p. 1.

¹⁶Rosa Ayleene Nance, "Captain James E. Reynolds," Chronicles of Oklahoma 32 (1954): 213.

¹⁷"Railroad President of Civil War Days," 15; Shaffer, "Narcissa and Robert Owen," 158-159; Chambers, Lynchburg, 201-204; Narcissa Owen, Memoirs, 72-75, 81.

¹⁸Narcissa Owen, Memoirs, 57-58, 69, 112-119.

¹⁹Ibid., 117.

²⁰Narcissa Owen, Memoirs, 63; Harlow, Oklahoma Leaders, 443; Lerona Rosamond Morris, Oklahoma: Land of Opportunity (Guthrie, Oklahoma: Co-Operative Publishing Co., 1934), 14; New York Post, August 19, 1944, Magazine Section, p. 1.

²¹"Railroad President of Civil War Days," 54.

²²Ibid., 53-54.

²³Narcissa Owen, Memoirs, 85; Lynchburg News, July 20, 1947, 1.

²⁴Robert L. Owen, "Life of a Newspaper," (essay dated April 30, 1866), Xerographic copy of original, Robert L. Owen File, Miscellaneous Files, Special Collections, Washington and Lee University Library, Lexington, Virginia (hereafter this repository cited as WLU).

²⁵Ibid.

²⁶Narcissa Owen, Memoirs, 85.

²⁷R. L. Owen, Jr., to William Owen, December 17, 1866, Xerographic copy of original letter, Robert L. Owen File, Miscellaneous Files, WLU.

²⁸Ibid.

²⁹Harlow, Oklahoma Leaders, 443-444.

³⁰"Railroad President of Civil War Days," 15, 53; Narcissa Owen, Memoirs, 82-83; Nelson Morehouse Blake, William Mahone of Virginia: Soldier and Political Insurgent (Richmond, Virginia: Garrett & Massie, Publishers, 1935), 72-87.

³¹Blake, William Mahone of Virginia; Robert Maurice Ours, "Virginia's Funding Legislation, 1869-1875: Its Background, Principal Features, Related Measures, and Effects" (Ph.D. diss., College of William and Mary in Virginia, 1974), 50-61.

³²Narcissa Owen, Memoirs, 82; "Railroad President of Civil War Days," 54; Robert L. Owen, Foreward to Money Creators: Who Creates

Money? Who Should Create It? by Gertrude M. Coogan (Chicago: Sound Money Press, Inc., 1935), vi-vii; Oklahoma News, January 29, 1939, Magazine section, p. 8.

³³Narcissa Owen, Memoirs, 85-86.

³⁴Narcissa Owen, Memoirs, 85-86; Sturm, "Oklahoma's Accomplished Senator," 35; Harlow, Oklahoma Leaders, 444.

³⁵Lynchburg News, July 20, 1947, 1; William W. Pusey III, The Interrupted Dream: The Educational Program at Washington College (Washington and Lee University), 1850-1880 (Lexington, Virginia: Liberty Hall Press, 1976), 9-10, 17-25.

³⁶Southern Collegian (Washington and Lee University), April 3, 1875, 5, May 15, 1875, 5, July 17, 1875, 1, 6, January 9, 1875, 3; Grades Register for Washington and Lee University, 1874-75, WLU; Sturm, "Oklahoma's Accomplished Senator," 35.

³⁷Grades Register for Washington and Lee University, 1875-1876, WLU; Sturm, "Oklahoma's Accomplished Senator," 35-36; Narcissa Owen, Memoirs, 86-87.

³⁸Grades Register for Washington and Lee University, 1876-77, WLU; Sturm, "Oklahoma's Accomplished Senator," 36, 38; Ring-Tum Phi (Washington and Lee University), June 20, 1908, 4.

³⁹Sturm, "Oklahoma's Accomplished Senator," 36.

⁴⁰Sturm, "Oklahoma's Accomplished Senator," 36, 38; James J. White, "Annual Report to the Board of Trustees," (Manuscript, Washington and Lee University, June 25, 1877), Board of Trustees Papers, WLU.

⁴¹Narcissa Owen, Memoirs, 87; Sturm, "Oklahoma's Accomplished Senator," 38.

CHAPTER II

RISING TO PROMINENCE AS EDUCATOR, LAWYER, AND EDITOR

Upon entering Indian Territory, Owen and his mother went first to Camp Creek near Muldrow, a few miles west of Fort Smith, Arkansas. Jane Bruton, Narcissa's sister, lived there. After a visit of a few days, Owen and several of his relatives gathered in wagons and on horseback for a trip north along the Arkansas boundary line to Prairie City, where Emma Breedlove, Narcissa's half sister lived. Despite a distance of about 100 miles, the cross country trek was leisurely, with picnicking and enjoyable conversation along the way. Narcissa learned from her niece at Prairie City that the Cherokee Board of Education had offered her a position at the Female Seminary near Park Hill. Because no official notice arrived and because she needed to work to support herself, Narcissa decided to go back to Lynchburg until the matter could be straightened out. She would remain there until she was officially hired to teach at the seminary the next year. There was no doubt about young Owen's appointment as principal teacher of the Orphan Asylum; so he headed off on horseback once more to Grand Saline, approximately sixty miles to the southwest on the Grand River.¹

The countryside that Owen saw probably did not remind him of Virginia, but it resembled sections of the Cherokees' old home in northern Georgia and eastern Tennessee. The main portion of the Cherokee Nation

was about four and one half million acres in size. The Ozark plateau with its rolling hills, sometimes choppy terrain, and thick oak-hickory forest encompassed the eastern one third of the Nation. The southwestern area of the Cherokee domain was covered with scrubby and densely packed oaks known as the "Cross Timbers," while to the northwest were open prairies. The Arkansas River formed part of the southern boundary of the Cherokee Nation, and into it drained the clear-flowing Illinois, Grand, and Verdigris rivers, all following roughly a north-south direction. Most of the Cherokees lived in the eastern part of their nation along the rivers or their tributaries. All land was held in common by the tribe, but individual citizens could select land for their use and could own the improvements on such claims.²

To the west of the Cherokee Nation was a sixty-mile wide tract of land known as the Cherokee Outlet. It was originally intended to be a perpetual hunting ground for the Cherokees, but the Reconstruction Treaty of 1866 forced the tribe to allow other Indians from Kansas and other areas to settle there. In the northeast corner of present-day Oklahoma were several small woodland tribes such as the Miamis, Quapaws, and Senecas. To the south and southwest were the homes of the Choctaws, Chickasaws, Seminoles, and Creeks (who with the Cherokees were known as the Five Civilized Tribes). Still farther to the south and west in Indian Territory were the reservations of several additional woodland and the southern plains Indians. Indian Territory was a hodgepodge receptacle into which were emptied various tribes from virtually every part of the United States.³

Although lagging behind the adjacent states, the Indian country was in the process of significant economic development. The first

railroads had entered the territory in the early 1870s, and this in turn led to the rapid exploitation of coal mines, cattle, and agricultural products. With only limited success the Indian governments attempted to control this economic growth. They were fighting the same economic juggernaut of industrialism that was overtaking virtually all other areas in nineteenth-century America.⁴

By the 1880s and 1890s the demands of railroad executives and white farmers led to the opening of the Unassigned Lands and several reservations in the central and western half of the future state of Oklahoma. Meanwhile thousands of whites were silently migrating into the nations of the Five Civilized Tribes. The economic expansion, speculation, and population growth of Indian Territory offered abundant opportunities for energetic young men.⁵

After arriving in 1879, Owen quickly became involved in this rapid economic development, but during his first few years in the territory, he was primarily an educator. In his original position as principal teacher of the Orphan Asylum, he became part of a surprisingly advanced school system. The Cherokees had long provided for their orphans in Indian Territory, placing them in private homes, subsidizing them with governmental funds, and educating them in local schools. In 1871 the National Council passed legislation to establish a boarding school for homeless Cherokee children, and for this purpose the Board of Trustees purchased the old home of Lewis Ross at Grand Saline.⁶

Built in 1842, the red brick and white cut stone house was refurbished by 1875 with wings added onto each side. Two rows of sugar maples lined the wide, graveled walk that led to the stately front porch with its columned portico. A woodshed, a springhouse, a wash

house, and other outbuildings surrounded the imposing main structure. The school also included 340 acres, consisting of bottom land, prairie, and an orchard.⁷

Owen received \$700 a year as principal teacher under the direction of Superintendent Walter Adair Duncan, a mixed-blood Cherokee and long-time educator among his people. Owen oversaw the work of several other instructors, while also teaching such courses as history and rhetoric. The curriculum was broad-based with courses in biology, art, literature, and manual arts.⁸

To be entitled to remain a teacher and to insure his rights as a Cherokee, Owen had to acquire official recognition as a citizen. In November 1879 a friendly legislator introduced a bill in the Cherokee National Council admitting him to citizenship, but it was later withdrawn by the author without action. Early in 1880, however, the Cherokee Citizenship Commission admitted Owen along with his mother and brother.⁹

The young Virginian quickly impressed the people of the area. New acquaintances considered him a "gentle, polite, and polished" young man who welcomed visitors at the school with a "broad, honest smile on the face," and a "good old pump handle shake of the hand."¹⁰ The editor of Tahlequah's Cherokee Advocate was impressed when Owen gave the only correct answer to a riddle to win a year's subscription to the newspaper.¹¹ Soon after his arrival, the school began publishing the Cherokee Orphan Asylum Press. In the first issue, student William Baldridge described Owen with a sense of awe. "He is a good looking man," wrote young Baldridge, "and has beard that covers his mouth and his eyes are as black as a crow's and he is about 7 feet high, his

teeth are as white as pearl ain't they?"¹²

The young student's estimation may have been exaggerated, yet even adults were often quite expressive in describing Owen's keen features. Years later a newspaper reporter described him as one of the "handsomest" young men in the territory. And years beyond that an Oklahoma politician once commented that Owen resembled a Greek god. His appearance was indeed striking. His black hair, dark eyes, and swarthy complexion were enhanced by a dignified bearing and by the latest in well-tailored clothing.¹³

Despite his impressive appearance and admirable manners, Owen taught for only eighteen months at the asylum because a member of the Cherokee Nation Board of Education apparently took a disliking to him and kept him from being reappointed. The unshakeable young Owen soon retaliated. The members of the board were already under attack for failure to pay bills held by local merchants against the schools. The purchases had been made contrary to law by various local school officials. The board therefore refused to spend unauthorized money, much to the displeasure of local businessmen. Owen, who had begun studying law, joined in the attack on the board. The members were soon dismissed, and the ambitious young Owen was then named temporary secretary of the board in June 1881. When the Cherokee National Council met in November, it approved a three-year appointment for him. His mother's previous contacts probably helped Owen land the position because Dennis W. Bushyhead, a member of the family Narcissa had boarded with as a child, was chief and had made the appointment that the council had confirmed. Owen soon moved to Tahlequah, where the secretary's office was located.¹⁴

The Cherokee Board of Education consisted of three paid members, one of which was president and another secretary. The board was the principal governing body for the entire Cherokee educational system, which at this time included about eighty-five common day schools, male and female seminaries (high school boarding schools), and the orphan asylum. As secretary, Owen had the most extensive duties of the three members at about the same salary he had received at the orphan asylum. He communicated continuously with teachers about textbooks, schedules, salaries, and rules of conduct. He traveled to every corner of the nation speaking with teachers and inspecting schools. He kept financial records, helped oversee yearly teachers' institutes, and attended special functions and celebrations at various schools. In conducting these duties, Owen once again displayed conspicuous efficiency and vigor. The quality and number of public announcements in the Cherokee Nation's newspapers increased after he took office, and the local press usually referred to him as the "efficient" secretary. He reorganized the office at Tahlequah, and brought logical order to its books and papers.¹⁵

Even beyond this noteworthy performance of his regular duties, the young secretary traveled frequently and took action that substantially improved Cherokee education. A few months after taking office, he went to Carlisle, Pennsylvania, to study conditions at the highly acclaimed Indian school to find ways of increasing instruction in trades and domestic science in the Cherokee schools. On September 29, 1884, Owen helped organize and was elected treasurer of the first educational convention in Indian Territory, a gathering held at Muskogee with delegates from all the Five Civilized Tribes.¹⁶

Also in 1884, Owen took a group of Cherokee teachers to a chautauqua (a summer educational encampment) in eastern Tennessee. While there, he met Arthur Grant Evans, an India-born Englishmen, whom he persuaded to come to Indian Territory to teach in the Cherokee schools. Evans became a community leader and accomplished educator. Several years later he served as president of Henry Kendall College in Muskogee and later as president at the University of Oklahoma at Norman.¹⁷

Generally, Owen and the board were quite successful in conducting business and improving educational conditions in the Cherokee Nation. Not all went smoothly, however, as vexing problems sometimes confronted them. In the spring of 1883, Francis M. English, the highly qualified, Oxford-educated principal of the male seminary near Tahlequah, abruptly resigned after serving less than one term. Owen was forced to fill the vacancy for a few months while still serving as secretary. At another time he faced a more serious challenge when Isaac Mode, a school teacher at Honey Creek, accused the board of selling positions. Mode claimed that an employee of the board sent him a letter demanding a fee of five dollars as a bribe in return for his appointment as teacher. With resolute action Owen investigated the accusations. He rode to Mode's home with a rifle and pistol strapped to his horse and another handgun buckled around his waist. Owen asked to see the alleged letter, but Mode refused to produce it either because he had lied or because he feared Owen would destroy it. Evidently nothing resulted from the accusation.¹⁸

Another less dramatic criticism of Owen came from the editor of the Cherokee Advocate in September 1883. Owen had published a notice in the Vinita Indian Chieftain announcing the opening of the new school

term. At the end of the advertisement was a note instructing the Cherokee Advocate at Tahlequah to copy the information. As was the custom, the two newspapers exchanged issues, but the copy of the Chieftain was delayed through the mails and arrived too late for the announcement to be published in the Advocate. The editor of the Advocate admonished Owen to transact business directly to insure prompt service.¹⁹

Owen's slippage in efficiency was probably due to his increasing preoccupation with other pursuits while he was still secretary of the Board of Education from 1881 to 1884. During the same period he also worked as a lawyer, served as president of the Indian International Fair, edited a newspaper for a few months, and speculated in cattle and oil. While doing this he lived first at Tahlequah from 1881 to 1883, then moved to Vinita. From these two towns he traveled extensively throughout the Cherokee Nation conducting business in his various capacities. Although loaded down with time-consuming and tedious obligations, Owen's industriousness eventually paid handsome dividends. He made important contacts and learned much about the economic and political structure of Indian Territory. The insight he gained, combined with his ambition, ability, and opportunistic stripe, made him a leader among the Five Civilized Tribes.

Of all of his activities during this busy time, Owen's law practice was probably most valuable. He had studied law on his own while teaching at the orphan asylum and soon was allowed to practice in the Cherokee National courts and at the United States District Court at Fort Smith. After he had moved to Tahlequah to take up duties as secretary of the Board of Education, he had also opened a law office. An

advertisement in the Cherokee Advocate described his practice:

"R. L. Owen, M. A., Attorney at Law, will practice in all courts of the Cherokee Nation and the U. S. District Court at Ft. Smith. Collections and citizenship a specialty."²⁰

As the advertisement indicated, much of his legal counseling involved people who wanted to be recognized as citizens or others who wanted to make claims against the government, railroad companies, or other citizens. These cases varied in importance and complexity, but Owen usually displayed his advanced ability and often showed the sarcasm and wit that became important weapons for him later as a politician. In November 1883 he was representing his uncle, N. B. Breedlove, who had for some time been trying to collect a claim for damages from the Atlantic and Pacific Railroad. The Department of the Interior had delayed ruling on the claim, prompting Owen to write to the Commissioner of Indian Affairs asking for a settlement. "He is growing old waiting for it," Owen wrote caustically.²¹

An example of a slightly more good-natured wit came during Owen's attempt to collect a claim in 1884 after he had moved to Vinita. Mrs. Jemima S. Blythe claimed fifty dollars against the estate of a deceased member of the Watie family. Attorney J. M. Bell, as administrator of the estate, had approved payment but was tardy in actually paying. Mrs. Blythe, who had hired Owen to collect from Bell, became impatient and constantly badgered Owen. "Sister Blythe has been shinning me up with a sharp stick," Owen frantically wrote Bell. "If with any convenience you can settle her blessed a/c, please do so. I seriously apprehend having my hair lifted."²² Owen went on to offer a small bribe, saying that whenever Bell was next in Vinita a comfortable bed

would await him at Owen's house.

The offer of a good bed reflected the frontier atmosphere of Indian Territory. The courts themselves sometimes took on similar qualities with colorful presentations, heated arguments, and even periodic fisticuffs. In at least one instance, Owen was involved in a little "personal encounter business." In a case before the Delaware District Court, Owen and an attorney began brawling after a heated argument. Doc Cunningham, a deputy sheriff, rushed to break up the fight and was promptly hit in the back of the head with a lamp. After the judge restored order, he promptly fined both combatants, and the trial resumed.²³

Although Owen dealt with some unsophisticated and trivial cases, he gained valuable experience with many others that were more important. He often appeared before the Cherokee Supreme Court, where in one case he represented Chief Bushyhead against an irate citizen whose valuable walnut logs had been confiscated by the tribe. He learned quickly and became recognized as an efficient and competent expert on Indian matters, gaining the respect of such people as Isaac Parker, the noted "hanging judge" at the United States District Court at Fort Smith. The important contacts he made during this early apprenticeship proved very valuable during his remaining career.²⁴

The demanding duties as lawyer and simultaneous tasks as secretary of the Board of Education were made more burdensome due to the extensive travel involved, particularly after he moved to Vinita in 1883. Perhaps unwisely, Owen took on an additional obligation in 1883 and 1884 as president of the Indian International Fair at Muskogee. Begun in 1874, the annual celebration attracted thousands of participants

and spectators. Fruit, grain, livestock, farm implements, domestic crafts, and other exhibits familiar to any county fair were combined with robes, furs, blankets, moccasins, scalpbelts, and other artifacts of the plains tribes. Bands, parades, horse races, and colorful delegations of various tribes created a festive atmosphere for the small town of Muskogee. The "Indian" label for the celebration was misleading, for the full bloods of the various tribes usually participated only in a limited way and enjoyed the festivities mostly as spectators. Whites and mixed bloods, such as Owen, controlled the annual fairs, making them more commercial promotions than true Indian events.²⁵

When Owen was first elected to head the celebration in February 1883, he accepted the position with some misgivings because of his already busy schedule. Once he took charge of planning, he realized his doubts were well founded. The fairgrounds were in need of repair; there was no money in the treasury; and the fifty-five directors of the Indian International Agricultural Society, which conducted the fair, were so apathetic that no quorum was present at the meetings. Owen resorted to a dramatic circular letter on July 1, 1883, that suggested postponing the fair for one year to raise revenue and plan more efficiently. He politely threatened to resign if the directors remained complacent. The appeal succeeded in motivating the directors, and Owen remained president of the event in 1884.²⁶

Although the tasks as head of the fair were time consuming and frustrating, Owen gained much from the experience. He wrote frequently to the chiefs and other leaders of the Five Civilized Tribes and familiarized himself with the issues and temperaments of the people. For example, he clearly came to understand the issue of the "boomers"--

white farmers who agitated for the opening of certain Indian lands. He wrote to Chief Bushyhead about displaying a boomer flag that had somehow fallen into his hands and requested permission "to exhibit the notorious rag which floated as a mock of the American Flag over David Payne."²⁷ He believed the flag would remind the people of the constant threat of white settlement and would stiffen their opposition to it.

About the same time Owen accepted his election as president of the fair, he also began publishing and editing the Vinita Indian Chieftain. He was editor and co-owner from January until September of 1883 and moved to Vinita about the time he took charge of the newspaper. The Indian Chieftain was a typical small town newspaper. The experience made him even better known in the territory, while also improving his grasp of the principal political issues of the day. A four page weekly tabloid, the outside pages were prepared by a large publisher who provided national news, human interest stories, and items of general concern. The two inside pages contained local news, advertisements, and editorials. The variety and quality of editorials compared favorably with the best newspapers in the territory.²⁸

Each week Owen offered his subscribers detailed analyses of such issues as the laws passed by the Cherokee National Council, the conditions of the schools, and the problems with the federal government's Indian policy. During the election for chief in 1883 the Indian Chieftain provided the most complete analysis in any territorial newspaper of the two candidates and their parties.²⁹ The newspaper was neutral in politics. "It has been our endeavor," he wrote in his final issue, "to encourage feelings of amnity and friendly discourse between those of

different political parties and to soften and change partisan bigotry and rancor to honest and kindly consideration.³⁰ He believed that the parties should be run on principles rather than personal issues--an idealistic position very similar to bipartisan statements he made later as senator.

While editor, as would be the case in his senatorial career Owen sometimes failed to live up to such high political ideals. On the question of leasing the Cherokee Outlet, for instance, he injected himself into the extremely politicized controversy in a very partisan way. At the same time he tried to manipulate events so he could benefit personally from the policy that was adopted.

Sections of the Cherokee Outlet had been sold under terms of the Treaty of 1866 to the Osages, Kaws, Pawnees, Otoes, Missouris, Poncas, and Tonkawas. The land sold to those tribes made up only a portion of the Outlet, but their reservations were located in the eastern part, thus separating the remaining six million acres of the Outlet from the principal Cherokee domain. Because few Cherokees ventured into the Outlet to farm or graze cattle, the vast area was left for intruding white cattlemen to take advantage of its plush grasslands. Some of these graziers entered the area along the Chisholm and Dodge City Trails in the 1870s and simply squatted on the land. Others in Kansas allowed their herds to drift southward into the unused Outlet. By the late 1870s the Cherokees tried to levy taxes on these intruders. Despite widespread hostility and evasion, in 1882 the cattlemen paid taxes totaling more than \$41,000--a sum still far below the true value of the pastureland. The situation was further complicated when many cattlemen began fencing large sections of the Outlet late in 1882.³¹

That same year Secretary of the Interior Henry M. Teller ruled that the fences should be dismantled and even the taxpaying intruders should be removed. This decision alarmed the cattlemen and spurred them to action to protect their grazing claims. It also upset many Cherokees who believed that they should control the Outlet without interference from Secretary Teller. The question of fencing the Outlet and the possibility of leasing it to cattlemen became the principal political issue among the Cherokees.³²

Like other mixed bloods, Owen supported leasing the region to ranchers and allowing them to put up fences. In a detailed editorial in his newspaper on February 9, 1883, he outlined his arguments in favor of leasing. He explained that leasing and fencing the Outlet was economically efficient. Fences allowed the cattlemen to save money because they eliminated the usual semi-annual roundups, lessened theft, controlled disease, and kept out intruding cattle that drifted in from Kansas. Owen also contended that a lease would strengthen Cherokee title to the land because fences and conspicuous use of the land would weaken claims to the Outlet made by others. "So with us," he argued, "if we have this land in use, under fence, no man will have the face, not even the brazen-jawed Oklahoma Payne himself, will have the cheek to dispute our right."³³

Finally, Owen theorized that cattlemen could become powerful allies in keeping the Outlet under the control of the Cherokees. If the government tried to take the land, the ranchers would fight alongside the Cherokees, out of self interest, to insure continued Cherokee ownership. These arguments were not unique, for other prominent tribesmen also made the same contentions.³⁴

While the Cherokees debated fencing and leasing the Outlet, the white ranchers acted. Motivated by the Secretary Teller's hostile orders against fencing, several of the cattlemen formed the Cherokee Strip Livestock Association at Caldwell, Kansas, in March, 1883. In many ways this organization resembled similar groups that sought cooperative action in rounding up cattle, recording brands, and guarding against rustlers. On the other hand, the association was unlike others in its main function--contending with the federal and Cherokee bureaucracies that were threatening the interests of ranchers. In the spring of 1883 when the Cherokee National Council met at Tahlequah, representatives of the association lobbied successfully for legislation giving them a five-year lease of the Outlet for \$100,000 per year. Chief Bushyhead, a stalwart supporter of the arrangement, was authorized by the law to work out final details, which were completed on July 5, 1883.³⁵

Not everyone was pleased with the arrangement, for many mixed-blooded Cherokees, including Owen, had envisioned that the lease might go to a company organized by Cherokees. Owen had been in Indian Territory for about four years, but his actions at this point revealed that he had come to understand the complexities of the legal system and bureaucracy of his new home. About the time the lease was approved, he approached Cherokee National Treasurer D. W. Lipe, who had authority to issue permits for grazing in the Outlet. Owen convinced Lipe to issue a permit covering a tract of 250,000 acres in Owen's name. Although other cattlemen already claimed the area, Owen perhaps hoped to pressure the Cherokee Strip Livestock Association to recognize his permit. Then he could have made a profit by subletting to those who wanted to

use his pasture. He also had another option; he could have set up his own cattle operations with other Cherokees who were evidently backing him in his maneuverings. The situation offered several possibilities for profit.³⁶

In July 1883 John F. Lyons, a Cherokee lawyer and lobbyist for the Cherokee Strip Livestock Association, first learned that Owen and a "little ring" of Cherokee speculators had acquired several permits from Lipe. Lyons acted quickly to counteract Owen and the others. He first spoke to Chief Bushyhead about these eleventh hour licenses, and the chief assured him that he would invalidate them because they were issued after the livestock association's letter of acceptance for the large lease.³⁷

Lyons then wrote Charles H. Eldred, a director of the association, and reassured him that the conspirators would fail. Lobbyist Lyons also explained to Eldred that Owen had made a brash demand of Bushyhead. Owen had ordered Bushyhead to put him in possession of his land with the use of federal troops. "The indications are," Lyons wrote satirically, "that he will get them, if he will only wait until a commission can be arranged to enter into a contract with the King of Dahomey for the loan of his household troops."³⁸ The lobbyist further assured his clients that Owen was a "little off" and could not be taken seriously. Lyons's satire was designed to comfort the cattle-men who were paying him to oversee their interests; Owen was serious about his permit, however, and he persistently continued to press his claims with Bushyhead.³⁹

At this time Owen was still owner of the Indian Chieftain, and he used its editorial page to reinforce his position. On August 24,

1883, an editorial appeared that tried to paint the issue as one of the lawless code of the West versus justice for the legal license holder. Cattlemen had traditionally solved the problem of who controlled the range by giving it to the prior occupant or by conceding it to the rancher who was powerful enough to force all others from the range. "This idea makes a man bulldoze his way to a range and by violence and force repel all others who are weaker," explained the Chieftain.⁴⁰ But when the cattlemen did this in the Cherokee Outlet and denied the rights of legal licensees, they were going too far. The editorial did not mention that Owen was one of the licensees for whose rights it was crusading.⁴¹

Owen's manipulations failed. Chief Bushyhead continued to honor the lease with the livestock association and refused to accept any permits issued after the agreement had been made. Even Lipe abandoned the scheme, claiming that Owen was going too far in his demands.⁴²

Elias C. Boudinot, a prominent Cherokee attorney and lobbyist, suggested one possible recourse to overrule the lease. He decided to complain to governmental officials in Washington, D.C., and he led a group of disgruntled Cherokees who attempted to have the lease nullified. Boudinot approached Owen to get him to join the effort. Owen quickly refused because he knew that appeals to Washington tended to weaken the sovereignty of the Cherokee government. At this point in his life and in this instance he wanted to avoid hurting the tribe; thus he accepted the decision of the National Council.⁴³

Nonetheless, the whole episode revealed Owen's insight into how a situation held the possibility of being molded to his benefit. It also illustrated that he was a progressive or modernizer among the

Indians. The progressives were usually mixed bloods who favored economic development, argued that white civilization was unstoppable, and tried to manipulate the system for themselves. They were opposed by the conservatives or traditionalists, mostly full bloods, who favored the traditional way of life and accused the progressives of being greedy opportunists.⁴⁴

Owen's maneuvering also resembled similar actions of white cattle-men throughout the Great Plains during the era. These ranchers frequently manipulated federal land laws to gain questionable control of thousands of acres of grazing lands. Owen simply was playing out a similar drama when he tried to bend Cherokee laws to his designs.⁴⁵

His resourcefulness, however, was not limited to the cattle industry. Late in 1883 he joined others in an ingenious scheme to monopolize the oil reserves of the Cherokee Nation. The plan was actually initiated by Dr. Hiram W. Faucett, a New York investor backed by the Northern Pacific Railroad. Faucett entered Indian Territory in 1883 with the hope of leasing as much of the Indians' land as possible. He first approached Chief Allen Wright of the Choctaws and Chief Bushyhead of the Cherokees with proposals to lease tribal lands. In the Cherokee Nation Bushyhead then joined with Owen and businessman James S. Stapler in a shrewd attempt to accommodate Faucett by offering to form a native company that could then lease the land to him. Cherokee law, however, strictly forbade subletting mineral rights to outsiders, thus necessitating the passage of an act to permit such an arrangement. This was accomplished with an act passed in December 1883, which permitted non-citizens to associate with Cherokees in mining operations if necessary to raise sufficient capital for the project.⁴⁶

Immediately after the approval of this law, Owen, Stapler, and Bushyhead formally established their mining company and filed a request with the Cherokee National Treasurer for a lease of all of the Cherokee Nation between the Grand River and the eastern boundary (about one half of the Cherokee Nation). Bushyhead desired to leave no doubt concerning the legality of the application for a lease. In the role of chief, he issued an executive statement officially sanctioning transactions between Cherokees and noncitizens in mining ventures.⁴⁷

Opposition to the proposed lease arose quickly. William P. Ross, a former chief and Owen's successor at the Indian Chieftain, editorialized on January 18, 1884, that the change in tribal policy was a mistake. According to Ross, the new law allowed the introduction of capital and business from outside the territory with the stipulation that all actions would conform to Cherokee laws. There were no such laws to cover the situation, however, because the Cherokees previously had prohibited such activities; thus, too much would be left to chance.⁴⁸

Ross also lashed out at Bushyhead for issuing his official interpretation of the law, normally a judicial function, and for making an official pronouncement from which he might personally benefit. But even more important Ross argued, the enormous size of the lease would make it a monopoly. "The whole scheme smacks of speculation and the speedy domination of the territory left us, by the Standard Oil Company or some other giant corporation," he wrote.⁴⁹ This was particularly true since the law indicated that a lease would include all minerals, not just oil.

Already toughened by similar debates, Owen quickly responded to

Ross's criticism in a letter to the Indian Chieftain. Owen explained that he, Bushyead, and Stapler were waiving their claims to all minerals except oil. He also defended Bushyhead's action of interpreting the law with the argument that the construction of laws was a proper and inescapable function of any executive. Owen's strongest rebuttal was typical for a progressive mixed blood. He insisted that the only way to pay for the expensive drilling process was through outside investors, who naturally expected an exclusive franchise lest a competitor would move in to reap the benefits. "Sinking a well is like buying a lottery ticket costing \$5,000," wrote Owen. "Who would buy such a ticket with no reasonable chance of enjoying the prize in case he drew it?"⁵⁰

Owen's views prevailed. Opponents continued, however, to criticize the vagueness of the proposal and forced the passage of another act on December 13, 1884. Similar to legislation passed by the Choctaws, this law specifically authorized the formation of the Cherokee Oil Company with Owen and Stapler as owners. (Bushyhead withdrew to avert criticism.) The outcome ironically was quite favorable to the new company because it allowed even a larger lease than the earlier request for mineral rights. The company was given exclusive rights on petroleum throughout the entire Cherokee domain east of the ninety-sixth meridian and would receive ten percent of the royalties. The Cherokees would retain five percent, which would be applied to the school fund unless otherwise specified by the National Council. Owen and Stapler could enter into a contract with outsiders. Soon after signing the bill, Bushyhead promptly sent Owen and Stapler authorization to take action, and they immediately signed an agreement with Fau-

cett. At about the same time Faucett concluded his contract with Choctaw investors, giving him control of an incredible 13 million acres. On July 25, 1885, Owen met with Choctaw speculator E. N. Wright to combine their royalties and share profits.⁵¹

Provisions in both the Cherokee and Choctaw laws required that Faucett drill within one year of passage. Bothersome investigations of the lease by the federal government and problems with gathering equipment and workers delayed Faucett. He met the deadline in the Choctaw Nation but failed to get underway in the Cherokee domain. Late in 1885 the Cherokee National Council accordingly repealed the agreement. Faucett's New York investors reacted by withdrawing their support, necessitating him to reorganize with backers from St. Louis. In 1886 Owen, who had become Indian Agent for the Five Civilized Tribes, persuaded the Cherokee government to renew its approval. All of these persistent efforts failed, for Faucett contracted typhoid fever and died in 1888 before his company found significant amounts of oil.⁵²

Although unsuccessful, the venture was one of the first attempts to exploit the then unmeasured oil resources of Indian Territory. Owen's involvement was another example of his ingenuity in using his position as a citizen for his own benefit. Similar to his actions with the Outlet lease, his dealings in oil leases were typical of the enormous energy and imaginative designs of nineteenth century economic development. Opportunities abounded in a variety of enterprises throughout the bustling and growing nation. Owen was one of thousands who tried to take advantage of local conditions for personal gain.⁵³

He displayed yet more of this resourcefulness in 1885 when he captured the top federal governmental position in Indian Territory--Indian

agent at the Union Agency, which oversaw the Five Civilized Tribes. The opportunity arose when John Q. Tufts decided to resign that position. In April 1885 he informed friends that he planned to quit, thus motivating at least a half dozen aspirants to apply for the position. The field soon narrowed to two--Owen and Dew M. Wisdom, a transplanted Tennessean who lived at Fort Smith. Wisdom received the endorsement of several politicians from Tennessee and Arkansas, as well as the approval of some minor Indian leaders. Owen garnered the endorsements of senators from Virginia, South Carolina, Texas, and Arkansas. Owen's impressive educational background, endorsements from four of the chiefs of the Five Civilized Tribes, the recommendation of Eliphilet Whittlesey of the Board of Indian Commissioners, and the strong approval of Judge Parker of Fort Smith enabled him to receive the appointment. There was little visible bitterness after the contest, for everyone ended up with governmental positions. Owen took charge of the agency on September 11, 1885; former Agent Tufts became the new United States Commissioner at Muskogee conducting preliminary hearings on cases for the court at Fort Smith; and Wisdom settled for the clerk's position under Owen.⁵⁴

Confirmation of Owen's appointment did not come from the United States Senate until the spring of 1886. In the meantime, most people in the territory praised his selection. A few months after taking office, however, Secretary of the Interior L. Q. C. Lamar summoned Owen to Washington to answer charges that many Choctaws opposed his appointment because he would show favoritism to Cherokees. Owen somehow convinced Lamar that he would be impartial, and his position was strengthened a few months later with the endorsement of the Interna-

tional Convention of the Five Civilized Tribes and by resolutions praising his appointment that were passed by various individual tribal governments. But critics renewed the charge several times later, forcing Owen periodically to answer complaints that his "Indianness" affected his decisions as agent.⁵⁵

Regardless of the controversy surrounding his appointment, Owen had reached a new milestone when he took office in September 1885. In approximately five years since he had arrived in Indian Territory, he had also been a teacher, secretary of the Board of Education, a lawyer, an editor, president of the Indian International Fair, and an enterprising speculator. His education and training had been transformed into action with impressive results. He performed with efficiency and displayed the conspicuous competence that would mark his later careers.

In a few short years Owen had learned many of the intricacies of the legal system of the Cherokees. Using this knowledge, he began manipulating events with a brash forcefulness with the goal of gaining economic advantages in the cattle and petroleum industries. Although still in his twenties, he displayed remarkable assertiveness and leadership, and he revealed a tendency toward opportunism. He had not only adapted in his new environment, but he also had thrived. He would soon face new and greater opportunities for prestige and power.

FOOTNOTES

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¹²Cherokee Orphan Asylum Press, October 14, 1881, 1, quoted in Garrett, Cherokee Orphan Asylum, 18.

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CHAPTER III

EFFICIENCY, FRUSTRATION, AND OPPORTUNISM

AS INDIAN AGENT

Owen's new job necessitated that he move to Muskogee, where the Union Agency for the Five Civilized Tribes was located. He had lived at Vinita since early 1883 after he had taken charge of the Indian Chieftain. His mother, who had been teaching school at the Female Seminary near Tahlequah, joined him at Vinita in 1884 to live close by and help him set up a home.¹ After her son received the agent's appointment in the fall of 1885, Narcissa once again, but begrudgingly, moved with him. She later explained, "I was compelled to give up my home in Vinita, which I had gone to considerable expense to establish. Robert was not married then, and I went with him in order to see that he had a comfortable home."² This was perhaps wise, for Muskogee was still a small town with few places to live. In fact, Owen arrived in town late the night before he took charge of the agency, only to find that the one hotel was booked. Despite his aristocratic pretensions, he was reduced to sleeping on a counting table in the railway station with a black man and Indian boy beneath him. Joined by his mother later, Owen soon found a comfortable dwelling.³

Muskogee became Owen's permanent and official home until he was elected to the United States Senate in 1907. It was located on the eastern edge of the Creek Nation, just southwest of the Three Forks of

the Verdigris, Grand, and Arkansas Rivers and near the site of some of the earliest white settlements in Indian Territory. Across the Arkansas River to the northeast was Fort Gibson, the first military post of the territory, and about three miles northwest was the old Creek Agency. When the Missouri, Kansas, and Texas Railroad built through the area in 1871, Muskogee was established as a railroad town. Soon businessmen from the Creek Agency moved their stores to the new settlement. The federal government insured its continued existence in 1874 when it unified the five separate agencies of the Civilized Tribes and designated Muskogee as headquarters for the Union Agency. By 1885 when Owen took office, the business district was a patchwork collection of rock and wooden buildings surrounded by a scattering of residences and all divided by dirt streets. Muskogee was growing, however, and the population would reach 1,200 by 1890. At the turn of the century it would be the largest and most important town in Indian Territory.⁴

There was no territorial government for Indian Territory. As Union Agent, therefore, Owen was the principal federal official overseeing an area of approximately 19.5 million acres in the eastern half of present-day Oklahoma. Within this jurisdiction each of the Five Civilized Tribes had its own reservation and its own government. The population of the tribes ranged from only about 3,000 Seminoles to approximately 22,000 Cherokees. But regardless of size all of the tribes were being greatly affected by development of railroads, coal mines, and large cattle ranches. New bustling railroad towns replaced the older established villages, and so many whites flooded into the territory that they would outnumber the Indians more than two to one by 1890. Facing these transitions, the Five Civilized Tribes struggled

vainly to retain their independence. Their highly advanced constitutional governments, their impressive school systems, in fact, all of their societal institutions were destined to be overwhelmed by white settlers. Indian progressives also helped speed up the process as they came to dominate the tribes and control most of the wealth under the Indians' unique communal land-holding system.⁵

In the midst of these dramatic changes, Owen took charge of Indian affairs for the territory. His duties were numerous. He was responsible for implementing all governmental policies and rules, and communicated frequently with the principal chiefs and leaders, interpreting policy and responding to inquiries. Other than the United States Deputy Marshals operating out of Fort Smith, he was the principal law enforcement officer in charge of a grossly inadequate Indian police force. He frequently arbitrated disputes among Indians or between United States citizens and Indians. These tasks were often complicated by the split judicial jurisdiction of the territory, because Indian courts and the United States District Court at Fort Smith shared conflicting authority. He also struggled with an inefficient governmental bureaucracy that included both the Commissioner of Indian Affairs and his superior, the Secretary of the Interior. These two officials, burdened with numerous other duties, often ignored problems, delayed rulings due to indecisiveness, or contradicted each other in their decisions.⁶

The first task confronting Owen was the annual report for the year ending August 31, 1885. His predecessor had failed to write the document, thus Owen had only a few days to prepare it. With time so short, he decided to highlight the Cherokees because his knowledge

of their affairs was most complete, but he still gave an amazing amount of details on the other tribes and made several perceptive recommendations about the problems of Indian Territory. He suggested the establishment of federal courts in the territory, an increase in pay for the Indian police, and the speedy disposal of many citizenship cases that remained undecided. Owen's subsequent annual reports were even more detailed than the first; in fact, he produced the most indepth and informative reports of any man who held the position of Union Agent.⁷

Each of Owen's annual reports and a great deal of his day to day correspondence dealt with problems caused by the rapidly increasing white population of Indian Territory. Thousands of whites flooded into the territory legally by purchasing annual permits. Indian traditionalists usually objected to this influx, but most progressives favored the system, arguing that only white workers could provide the labor necessary for ranching, farming, coal mining, and other economic enterprises. Many whites evaded paying for the permits, sometimes with the collusion of Indian landlords, who made illegal contracts with them. Under these agreements the workers would make improvements on a farm and hand it over to the Indian landlord after using it for a number of years. With the Indians' communal land ownership, the Indian landlord owned only the fences, houses, barns, and other improvements but not the land. Owen frequently settled arguments arising from this situation. In some cases an Indian would violate a contract by throwing out the white lessee, or in other disputes the lessee would insist on keeping the improvements beyond the time stated in the original agreement.⁸

Far more troublesome for Owen were the clearly illegal intruders who often disregarded Indian laws and committed criminal acts. Owen

deplored these troublesome interlopers. "There are quite a large number, cowmen, squatters, coal and timber thieves, tramps, vagrants, refugees from justice, whisky peddlers, prostitutes, and lunatics," he wrote in one of his annual reports.⁹

The procedures for dealing with these undesirable residents were awkward and time-consuming, partly because the regulations were designed to protect the rights of due process of the intruders. Typical ouster proceedings began when a local Indian officer sent a complaint to the chief of his tribe informing him that an intruder was living at a specified location. The chief then notified Agent Owen, who in turn mailed a letter to the accused party ordering him either to leave or to prove his right to remain in the territory. Many intruders claimed Indian citizenship or used other excuses that forced Owen to hold time-consuming hearings. If Owen ruled that a noncitizen should leave the territory, the intruder could appeal to the Commissioner of Indian Affairs. If the commissioner upheld Owen's decision, the Indian police then escorted the guilty party out of the territory. Often ousted intruders would return in a short time to a new location and concoct a new claim of citizenship to start the entire process in motion again.¹⁰

Owen had the option of requesting United States Army troops to help eject intruders, but the expense and the logistics of such action made it impractical. "The United States is available for this purpose," Owen wrote in 1885, "but it is like using a sledgehammer to fan away the flies with--strong enough to crush the fly but not nicely adjusted to the business."¹¹ Throughout his term, Agent Owen continued to battle against intruders by using a frustratingly inept bureaucracy.

The number of intruders varied from tribe to tribe. The Seminoles and Creeks had relatively little problem probably because their lands were less attractive to potential white squatters. The Chickasaws, with a population of about 5,000, experienced the largest influx of whites, but the Chickasaw laws governing intermarriage and issuance of permits were so liberal that whites could easily settle among them and utilize their land. Intruders, therefore, had little need to claim citizenship.¹²

The Choctaws were more concerned than the Chickasaws and strongly resisted those who claimed questionable citizenship. In 1882 before Owen was agent, they agreed with the Commissioner of Indian Affairs on a procedure to settle outstanding cases. Claimants for citizenship would first apply to the Choctaw National Council and, if rejected there, could appeal to the Union Agent. The commissioner would then review the agent's decisions and make a final judgment. Former Agent Tufts had failed to examine approximately 130 cases.¹³

In October 1886 Owen went to Tuskahoma, the Choctaw capital, to review the claims. Most of these disputed cases involved white men who had become citizens by marrying Choctaw women. Later the women died, and the men next married white women but continued to claim citizenship. Some even asserted that children born to their second wives should be considered Choctaw citizens. Owen ruled against these claims because Choctaw law stipulated that citizenship ended when the white men married non-Indians. The Commissioner of Indian Affairs supported these decisions, but some applicants took their cases to the courts, where they were under litigation for years. The Glenn and Tucker families, who claimed descent from an alleged half-breed Choctaw woman born

in 1760, appealed Owen's ruling and managed to delay their removal until 1896.¹⁴

Claims of citizenship in the Cherokee Nation likewise exemplified the frustrating delays and ineffectiveness of governmental policy. Unlike the Choctaws, the Cherokees refused to agree to any official arrangement that would give the agent or the Department of the Interior even a share of power in deciding cases. They feared that if they compromised away their sovereignty on this matter, it would lead to the erosion of their independence on other issues. Accordingly, the Cherokees formed several tribal commissions to rule on the status of those claiming to be citizens. When these judicial bodies ruled against certain claimants, tribal officials requested Owen to oust the intruders. The Department of the Interior, however, refused to approve such action against intruders who had documents showing prima facie evidence that they were citizens. Departmental officials would determine these cases regardless of what the Cherokees had ruled.¹⁵

Owen sided with the Cherokees. He argued that the prima facie documents allowed many intruders to prolong their stay. In fact, an enterprising resident of Baxter Springs, Kansas, printed bogus documents of citizenship for sale to people who wanted to enter the Cherokee Nation. Partial relief came to the Cherokees with the decision on Eastern Band of Cherokee Indians v. the United States and the Cherokee Nation. In this case the United States Supreme Court ruled on March 1, 1886, that the Cherokee government had the right to decide who were citizens. Chief Bushyhead, with Owen's support, then appealed to the Secretary of the Interior, who ordered Owen to discontinue the honoring of prima facie certificates as of August 11, 1886.¹⁶

Despite this order, problems continued for the Cherokees. The Secretary of the Interior later ruled that those holding prima facie documents prior to August 11, 1886, would still be protected. Hundreds of intruders, therefore, remained until their cases could be heard. This took years. In 1896 Cherokee officials complained that not one intruder who had chosen to contest his ejection had been thrown out.¹⁷

Owen also dealt with another frustrating question of citizenship involving former slaves of the Five Civilized Tribes. In 1866 as punishment for their alliances with the Confederacy, the Five Civilized Tribes were forced to accept Reconstruction Treaties that included provisions requiring them to extend citizenship to freedmen. The Creeks and Seminoles adopted their former slaves with almost full rights, and few difficulties arose. But the Cherokees, Choctaws, and Chickasaws were more reluctant to live up to the treaties. The Cherokees accepted the freedmen as citizens, but refused to include them in annuity payments, seldom provided them with schools, and relegated them to a second class status. Owen and his superiors persistently insisted that the Cherokee freedmen should be given full rights.¹⁸

In 1883 the Choctaws agreed to a limited adoption in order to receive payment for the sale of the Leased District, an area in present-day southwestern Oklahoma that they forfeited in their Reconstruction Treaty. After Owen became agent he helped establish a policy insuring that Choctaw freedmen would be given their civil rights. Some of the former slaves left the Choctaw Nation, and, as the Reconstruction Treaty had stipulated, they received \$100 apiece for departing. It fell to Owen to identify those who left and to pay them the money, with the understanding that they would not return to live among the Choc-

taws.¹⁹

Owen's most difficult task, however, involved the Chickasaw freedmen. The Chickasaws refused to adopt their former slaves even in a limited way; thus the freedmen were left in a legal limbo without rights as either United States or Chickasaw citizens. These ex-slaves therefore formed an organization to procure their rights, and they petitioned Owen to meet with them and review their grievances. Owen agreed to hold a conference with several of their leaders at Tishomingo, the Chickasaw capital, on September 14, 1887. At this meeting he found that they were getting along "tolerably well" as farmers and stockmen. Many of them, however, were poverty stricken, and their children could not attend schools. He sympathetically concluded that they should be removed to the unassigned lands in present-day central Oklahoma or that they at least should be provided with schools.²⁰

Former slaves from other states, like their white counterparts, often entered Indian Territory with fraudulent claims of citizenship. Whether black or white, such intruders sometimes committed crimes and otherwise added to the agent's burdens, while the complex judicial system provided only slight relief. The Indian courts would not hear criminal cases involving these outsiders because they did not recognize them as Indian citizens. The United States District Court also rejected many of these cases because the accused parties offered evidence that they were in fact Indian citizens. The federal court had jurisdiction only over United States citizens or crimes that violated federal law.²¹

The great distance and cost of travel to Fort Smith also encumbered justice. Judge Parker of the United States District Court and

his deputy marshals were quite efficient, but witnesses were reluctant to report crimes due to the inconvenience and expense of trips to Fort Smith. Citing an extreme example, Owen wrote:

Recently a man named Hill cut his wife's throat and gave her mother a terrible cut in the head, 10 miles north of Muscogee [sic]. It was impossible to get a doctor to dress her wounds, though payment was guaranteed,[sic] for fear of being summoned to this court as a witness.²²

The situation involving civil cases was also unsatisfactory. Only Indian courts could rule on these matters; the federal court had no jurisdiction at all. This set of circumstances created the opportunity for United States citizens to break contracts and perpetrate frauds on Indians, and for Indians to do the same against United States citizens. As each year passed, more and more civil disputes were brought to Owen to settle. He constantly arbitrated a wide variety of cases involving divorce settlements, probate matters, livestock ownership, coal mining rights, and other issues. The process was both inefficient and extra-legal; therefore, Owen frequently urged that a federal court be established in Indian Territory with jurisdiction over civil and criminal cases. Many Indians opposed the proposal because it would further erode the sovereignty of the tribal governments. Owen ignored these arguments. He even lobbied congressmen on the issue in 1888 while in Washington on official business.²³

Regardless of where the courts were located, the pursuit and arrest of criminals for trial was no easy matter. The reputation of Indian Territory after the Civil War was one of widespread lawlessness. By the time Owen was Indian Agent, Judge Parker and his diligent deputies were controlling most problems, but the agent still played a role in law enforcement. Under Owen's command were forty regular Indian po-

lice, two lieutenants, and one captain, all of whom were scattered throughout the Five Nations. Owen frequently issued orders for these men to expel intruders, arrest lawbreakers, or assist deputy marshals in their duties.²⁴

One of the most important problems for the Indian police was the sale of intoxicating beverages, an activity strictly forbidden by federal law. "About 90 percent of the crimes committed by Indians can be traced to whisky," Owen wrote in one of his annual reports. "The Indian sober is friendly, patient, kind; drunk, he seems to be animated with a wild drive to cut anybody's throat who intimates he is of less consequence than Napolean Bonaparte."²⁵ To stop the illicit traffic, Owen issued orders to the Indian police to watch for drunk people and to record carefully the time, place, and witnesses present. This information would be presented to a grand jury in Fort Smith for possible prosecution. Long-time residents and the press praised Owen's dedication and tenacity in dealing with the trafficking of whiskey. Although somewhat successful, he failed to stop the profitable trade completely, and some observers hypothesized that this was because grand jurors in Fort Smith were reluctant to hand down indictments that often involved their friends and neighbors.²⁶

Whether tracking down whiskey peddlers or other law breakers, the Indian police performed admirably, especially considering the amount of territory assigned to each officer at wretchedly low pay. Owen continuously urged an increase in the extremely inadequate salary of \$8 per month, "out of which, each man must furnish his own horse, saddle, and bridle, pay his own expenses, and care for his family in a luxurious manner, if he chooses to do so."²⁷ Often one of the consequences

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of the low salaries was the hiring of uneducated and poorly trained men, who frequently submitted unintelligible and woefully brief reports. For example, one note tersely said: "Dear Sir: Burglars robbed Overstreet's store last night. I followed 'em and killed one. Yours Truly."²⁸ Despite such handicaps, Owen believed that the Indian police provided invaluable service because of their dedication and their intimate knowledge of the countryside and the people.

Not everyone held the Indian police in such high esteem; some people actually despised them. This led to serious problems. In May, 1886, Lieutenant Thomas R. Knight, an Indian police officer, attempted to disarm a well known desperado while ejecting cattle from the Chickasaw Nation. Albert St. John, the troublemaker, resisted Knight; they struggled; and Knight shot and killed him. Several months later a jury at Fort Smith convicted Knight of manslaughter, ruling the killing could have been avoided. The services of Knight's defense lawyer cost him about three years salary. A sympathetic Owen then spent a great deal of effort seeking a pardon for the unfortunate officer.²⁹

While Knight's case was pending, worse incidents occurred, further frustrating the Indian police and lowering their morale. In September, 1886, several young drunken Cherokees wantonly shot at three Indian policemen, including Captain Samuel Sixkiller and two officers who served simultaneously as United States Deputy Marshals. According to Owen, the assailants later explained that they did not know that two of the men were deputy marshals; they thought they were "only shooting at Indian police."³⁰ After the incident Owen promptly urged a change in the law to make violent crimes against Indian police a federal offense.

The suggested legislation came too late, for on December 24, two

of the same young men murdered Sixkiller as he walked out of a store unarmed and carrying Christmas packages for his children. Several months later another Indian officer was killed in the line of duty. Owen was angry. His strong protests led to new tough legislation in 1887 and 1888, which gave more protection to the Indian officers.³¹

The abuse of the police and the murder of dedicated officers were probably the most frustrating problems Owen faced, and like the never-ending struggle with intruders, no solution seemed possible. Despite such constant difficulties, Owen generally continued to carry out his duties with efficiency and tact. An apparent change in his behavior developed, however, which indicated a shift in Owen's attitude toward his job. In his first year and half as agent he seemed to believe that he could improve conditions, but bureaucratic red tape, unreliable communication with Washington, and the conflicting goals of the federal government usually thwarted Owen's attempts to serve effectively. Particularly upsetting were the troublemakers who diverted attention from their own transgressions by accusing Owen of malfeasance or misconduct. As if gradually awakening to the futility of his efforts, Owen seemed to become somewhat jaded, and he became more willing to use his official position for personal gain. Early when he was agent, there were two particularly frustrating problems that helped make Owen more cynical about his job--a land swindle involving the Black Bob band of Shawnees and the illegal intrusion of cattlemen into the Chickasaw Nation.

In dealing with the unfortunate Black Bobs, Owen was apparently sincere in his desire to help. The Black Bobs were a segment of the fragmented and constantly migrating Shawnees. In the 1820s they had moved from Missouri to the Shawnee reservation in eastern Kansas, a

sanctuary of 1.6 million acres. In 1854 the government pressured the tribe to cede most of its domain except for 200,000 acres, which was divided into two tracts, one for Longtail's band and one for Black Bob's band. Each member of the Black Bob band was allotted a pro rata share of 200 acres, but the land was held in common temporarily. In the 1870s land-hungry whites harassed the Black Bobs into relocating on the Pottawatomie reservation in present-day central Oklahoma, and they abandoned their land with its status uncertain and with white trespassers claiming it.³²

In 1885 land dealers from Kansas approached Owen, seeking his approval for real estate deeds they had made with the Black Bobs. Although Owen had no direct jurisdiction over the Indians in question, his endorsement evidently would have carried considerable weight. The purchase price in these transactions was a paltry \$3 per acre. Owen knew little about land values in Kansas, but he was certain that the fertile land was worth far more than the speculators were willing to pay. He recommended to Washington that a special investigator be appointed to determine the worth of the land and to see if the deeds had been acquired honestly. Eugene E. White was sent as a special agent to investigate the matter, and he found that the land was worth from \$19 to \$29 per acre. Meanwhile, Owen also learned that the white land dealers had bribed some of the Black Bobs with small amounts of cash to get them unwittingly to sign the deeds.³³

Despite Owen's intervention, the Department of the Interior failed to act. White trespassers continued to use the lands, but the Black Bobs received absolutely no money for it. Later, Congress passed legislation allowing the county court in Johnson County, Kansas, to

quiet titles to the land. Thus, the Indians still received nothing, not even the \$3 per acre offered by the land grafters. Owen had learned a bitter lesson: despite good intentions and elaborate safeguards, the system failed to protect the Indians.³⁴

At about the same time that Owen attempted to help the Black Bobs, he also struggled to oust intruding cattlemen from the Chickasaw Nation. His experiences in this controversy reconfirmed his realization that the government was inept in protecting the Indians. The episode began in the fall of 1885 when Owen received complaints that white ranchers had brought approximately 150,000 head of cattle into the Chickasaw Nation. They had located their herds there to defy creditors in Texas who held liens on their cattle. The intruders also refused to pay grazing taxes to the Chickasaws.³⁵

Owen worked systematically to deal with the problem. First, on April 15, 1886, he issued a proclamation that forbade the cattlemen from leaving without first paying fees. His proclamation likewise prohibited them from driving off Chickasaw-owned cattle with their own herds and warned that such actions would lead to fine and imprisonment. He then went to the Chickasaw Nation with virtually his entire force of Indian police. There soldiers from Fort Sill and Fort Reno joined his men to help round up cattle belonging to the outsiders. Most of the intruding stockmen reacted with deep concern, and some with fear. A group of them went to Owen's camp to find out what he intended to do. "Parties that have conversed with Mr. Owen," said one rancher, "are favorably impressed with him, and think he is not inclined to be arbitrary or tyrannical, but believe him to be a firm man and will carry out his instructions to the letter."³⁶

The task of rounding up and expelling the cattle was extremely difficult. Only 40,000 head were found, rather than the estimated 150,000 but these were scattered throughout the 4.7 million acres of the Chickasaw Nation. Also, anxious creditors in Texas had promised rations and ponies for the roundup, yet they failed to provide them at the last minute.³⁷ After about a month of locating the cattle, Owen and his forces were ready to begin driving them out. By then, however the cattlemen had already made their predictable countermove--they had appealed to the Secretary of the Interior. Just as Owen was about to act, the Commissioner of Indian Affairs notified him to delay his actions for forty days. "This order broke up all I had done," Owen said in his annual report. "I was compelled by my other duties to return home. The cowmen had time to adjust their affairs, and so they made bogus sales to various Indian citizens of their cattle."³⁸ Owen reported that approximately 25,000 head were manipulated by this method.

Several months later Owen attempted to oust similar intruding cattlemen from various parts of the Cherokee Nation. Once again the evasive tactics of the ranchers thwarted his efforts. They even resorted to casting accusations at Owen, saying he was biased and without integrity. It was a disheartening experience, the type that produces cynicism. "I met with an astonishing amount of fraud and deception in dealing with these men," Owen wrote. "Men of otherwise decent reputation, apparently without a thought of their personal honor, not only lied to me, but swore thereto."³⁹

After the frustrations of his first year and a half as agent, Owen seemed less committed to protecting the rights of Indians and more willing to manipulate the system for his own benefit. He remained

efficient and carried out his duties competently, but throughout 1887 and 1888 his opportunistic streak definitely returned.

Probably the most extreme example of this was his speculation in a townsite on the Kansas and Arkansas Valley Railroad, which was under construction through parts of the Cherokee and Creek nations. Early in 1887 Owen received inside information on the railroad's survey, evidently, from James Brizzolara, a prominent attorney from Fort Smith who was right of way agent for the K. & A. V. Owen then approached Frederick B. Severs, a leading businessman and adopted Creek citizen from Muskogee and told him that he knew where the K. & A. V. would cross the Missouri, Kansas, and Texas Railroad. Since Severs was a Creek citizen, he could stake a townsite at this junction. Perhaps because the venture was of questionable legality under Creek law, Severs showed only mild interest in the scheme. Late in April, 1887, as a surveying party approached the site and threatened to reveal the location to others, Owen hurriedly sent a message to Severs: "The Ark. Valley road will cross at Wagoner. Things are getting hot, you must make haste."⁴⁰ Severs, not wanting to take the time, ignored this and other entreaties.

Owen acted anyway. On May 6 he went with Brizzolara and a few employees of the K. & A. V. Railroad to Wagoner, and they began marking off about 680 acres using stakes labeled with Severs's name. About 80 acres were set aside exclusively as railroad property. The flurry of activity excited local residents who arrived on the scene to watch. Anticipating that these spectators might also try to claim the property, Owen and Brizzolara hastened to nearby Gibson Station, purchased fencing materials, hired about a dozen workers, and returned that night

to Wagoner.⁴¹ "Agent Owen had the inevitable six-shooter buckled around him and worked his men all night so that when other parties arrived on the ground the next morning Owen had staked and wired some hundreds of acres," reported the Eufaula Indian Journal.⁴² When other people began putting up stakes inside this fenced area, Owen ordered them to stop because he intended to protect "Severs's" claim.

That same day citizens complained to Creek Chief Joseph M. Perryman. The chief immediately traveled to the site with Leo E. Bennett, editor of the Indian Journal, and with Severs, who had just returned from a business trip in Texas. Severs explained that he had authorized Owen to stake only a small plot but not the whole countryside. Perryman ordered all activity to cease because Creek law forbade such town-site claims.⁴³

In the weeks that followed, editor Bennett chastised Owen for acting outside his proper sphere as agent. The pressure lessened somewhat when Severs inexplicably changed his story and said that Owen acted in his behalf and with his permission. Also an anonymous friendly letter, signed "B" (probably Brizzolara) was published in the Indian Journal. It defended Owen's actions with the rationalization that he had acted in the capacity of a private citizen and not as agent.⁴⁴

Owen's cordial affiliation with the K. & A. V. continued over the next several months. He defended the railroad when the Cherokees complained that its workers had illegally cut timber for railroad ties. He also praised the railroad as a great benefit to the tribe. Not surprisingly Owen joined Brizzolara's law firm for a time after he resigned as Indian Agent. Also he was more successful in acquiring

lots in railroad towns in the Cherokee Nation, where he purchased land at Nowata and Lenapah.⁴⁵

During this time, townsite speculation of this sort was typical both in Indian Territory and in the country as a whole, for most railroads sought to control important locations with similar schemes. But Owen's involvement raised serious questions about the propriety of his actions and clearly revealed his opportunistic inclinations. The controversy, however, did little to keep him from entering into similar enterprises; in fact, during the same time that he was manipulating events at Wagoner, he also was beginning to get established in the cattle business. Considering his recent frustrating experiences with ranchers in the Chickasaw Nation, he had perhaps developed a join-them-if-you-can't-beat-them attitude. To get started in this new enterprise, Owen approached Jacob Bartles in the spring of 1887 and asked him if he knew where a ranching operation might be for sale. Bartles, a noted entrepreneur who lived in the northwestern part of the Cherokee Nation, recommended a small place in that region on the Little Caney River. The owner of the ranch had just died, and the administrator of the estate was eager to sell it for only \$250. Owen agreed to that price. The place included a small house, well, outbuildings, and fences. Under Cherokee law he did not receive title to the land but merely owned the improvements.⁴⁶

Over the next few years Owen added adjoining holdings until he controlled an estimated 10,000 acres. Although he never permanently resided on the ranch, he rented much of it to white tenants. He grazed Texas cattle on other portions and developed his own herd as well. When the Indian lands were allotted prior to statehood in 1907, he

managed to purchase or lease most of his ranch. He controlled or owned it for approximately 30 years, and it was frequently the focus of controversy throughout that time.⁴⁷

A few months after Owen acquired his ranch, the first controversies over it arose. A widow from Caney, Kansas, complained to the Secretary of the Interior that she was the true owner of the improvements and that Owen had refused to pay her. At about the same time, F. H. Wasson, a Cherokee living close to Owen's ranch, filed a petition with the Commissioner of Indian Affairs, charging that Owen had illegally introduced Texas cattle into the area. Wasson claimed that these cattle really belonged to Texas ranchers and that they had transmitted Texas fever to his herd. Owen answered the widow's and Wasson's complaints to the satisfaction of the commissioner, but his involvement in the cattle business raised more questions about the propriety of an Indian agent entering into such ventures.⁴⁸

Again, criticism and controversy failed to deter Owen, for he soon plunged full force into the emotionally charged issue of renewing the lease of the Outlet to the Cherokee Strip Livestock Association. His actions in this imbroglio were actually a continuation of his involvement four years earlier when he at first had supported the concept of a lease but later plotted to control 250,000 acres of the area for himself.

With their first five-year lease due to expire in October, 1888, the directors of the Cherokee Strip Livestock Association decided to start early in their attempt to acquire a second agreement. They arrived in Tahlequah when the National Council convened in November, 1886. Later that month Owen received complaints that the representa-

tives of the association were bribing members of the council with money and whiskey. He went to Tahlequah immediately to investigate and learned that Charles Eldred, John F. Lyons, and Thomas Hutton had been freely distributing whiskey and cash to legislators who promised to vote for renewal of the lease. Owen recommended no immediate punishment for these men but merely suggested that thereafter they should be prohibited from lobbying in person. They could submit proposals in writing, which the agent and the Indian office would then evaluate. Owen also suggested that he should give his personal guidance to the Cherokees to insure that they would make the best possible deal--an action that not all of his tribesmen appreciated.⁴⁹

During the Cherokee political campaign of 1887, the Outlet lease became a major issue again. Favoring a new agreement with the Cherokee Strip Livestock Association, the National Party won a majority in the National Council. But the Downing Party candidate, Joel B. Mayes, won the chief's election, and he wanted competitive bids for leasing the Outlet. The controversy created so much animosity that the Nationals attempted to block Mayes from becoming chief. After a compromise engineered by Owen, Mayes took office; the disquietude continued as the legislature began taking up the lease issue. Owen, who supported Chief Mayes on competitive bidding, injected himself into the proceedings. In February 1888 while addressing a public gathering in Tahlequah, he argued that the Cherokees should require bids in order to get the highest possible price. If necessary, he suggested, the various pastures could be individually leased to smaller companies. Owen carefully pointed out that his comments were unofficial, strictly personal suggestions.⁵⁰

The National Council ignored this advice and passed a bill renewing the agreement with the Cherokee Strip Livestock Association at \$125,000 per year. Chief Mayes promptly vetoed it, pointing out that other large companies offered several thousand dollars more. Owen sided with Mayes and his veto so openly that the National Council then turned against Owen. On July 3 the council passed a resolution addressed to officials in Washington condemning Owen for illegally introducing Texas cattle on his own ranch and calling for his dismissal under the charge that, by law, Indian agents were prohibited from engaging in commerce among the tribes they represented. Chief Mayes quickly vetoed this resolution. He argued that Owen was given no chance to answer the charges and that the council had no power to pass the resolution because it was in a special session authorized only to consider issues germane to the lease.⁵¹

On July 4 in a prompt written response to the National Council, Owen explained that he was a Cherokee citizen and therefore had violated no laws. To remind the legislators of their earlier praise for him when he had been appointed agent, he quoted their laudatory resolution of December 15, 1885. He also mentioned that other tribes had passed similar legislation when he became agent. "Don't you think it will look a little weak and silly to present Resolution No. 2 of July 3, 1888 . . . on top of these resolutions?" he asked contemptuously.⁵² Finally, he accused them of merely attempting to retaliate against his stand on the lease question.

Unimpressed, the National Council refused to consider Owen's explanation and instead added a new charge, accusing him of being a silent partner in some of the companies wanting to bid on the Outlet.

The legislators found some evidence for this on July 10, 1888, when the Cherokee Senate Committee on Public Domain held hearings on the lease. One witness was John B. Wilson, a representative of the North and West Live Stock Company of Dallas, Texas, a corporation that had offered to lease the Outlet for a yearly fee of \$150,000.⁵³ A committee member asked Wilson if Owen was connected with his company, or if he would be allowed to join the group if they acquired the lease. Wilson answered somewhat evasively, "He may be--he ain't now." The questioner then probed further asking if Wilson had met with Owen to discuss his company's bid. "Oh yes several times," Wilson replied.⁵⁴

As the accusations multiplied Owen answered his critics with characteristic sarcasm in a letter to the Muskogee Phoenix:

I observe my critics have accused me of being a silent partner . . . on making bids on the Cherokee Outlet. For fear somebody might think I did not have this magnificent privilege, I want to publicly declare that I have as much right to bid and to be treated with contempt by the Cherokee National Council . . . as any other man.⁵⁵

Owen's official explanation to the Commissioner of Indian Affairs was less frivolous. In late August after the commissioner received the official complaints from the Cherokee delegation in Washington, he requested that Owen answer them. Owen replied that the whole episode centered around his opposition to the Cherokee Strip Livestock Association, which wanted to continue renting the Outlet at a price far below its real value. He alleged that L. B. Bell, a Cherokee Senator and delegate to Washington, was behind the charges, and that Bell was an embezzler employed by the Cherokee Strip Livestock Association. Owen welcomed an investigation because he believed it would uncover a conspiracy by Bell and his friends: "It will make a revelation of affairs in this country, in my opinion, that will be instructive to the Indian

Office and to the people of the United States."⁵⁶

Only one newspaper in the territory opposed Owen in the controversy. The Secretary of the Interior likewise sided with him by returning the charges to the Cherokees with the explanation that they were too vague. Owen's involvement, nonetheless, raised questions concerning the propriety of an agent being too involved with the internal affairs of the Indians. His response to his critics also illustrated that he could handle them quite adeptly; in fact, he seemed to thrive on their criticism. Finally, the controversy indicated that Owen was still inclined to try to control affairs concerning the Outlet. In this instance he failed, and the Cherokee Strip Livestock Association finally received the lease in December 1888.⁵⁷

The dispute did little to dissuade Owen from taking sides on other issues involving the cattle industry. Over the next several months he intervened vigorously to protect Charles McClelland, a Cherokee citizen who had been charged with violating quarantine laws by introducing Texas cattle into the same district where Owen's ranch was located. In supporting McClelland, Owen was in conflict of interest because he too was introducing cattle in the same manner. He was not an impartial official.⁵⁸

Although Owen manipulated events to his personal advantage and financial benefit during his last two years as agent, he continued to conduct most official business efficiently and as the Indian Office ordered. He continued to solve problems judiciously involving intruders, freedmen, and law enforcement officers. His annual reports increased in detail, and with his small clerical workforce he expeditiously handled increasingly voluminous correspondence. Perhaps most

admirable were his actions in two potentially violent crises involving contested elections of the Cherokee principal chief and the Chickasaw governor (whose position was equivalent to chief). Both episodes were not unique, for other tribes experienced similar problems before and after Owen's term as agent.⁵⁹

The Cherokee difficulties arose following the election for principal chief in August 1887 when the lease of the Outlet was an important campaign question. After Downing Party candidate Joel B. Mayes defeated National Party nominee Rabbit Bunch, both sides claimed fraud in the voting, but the official returns indicated Mayes was the victor. Rumors soon spread that the National Party, which had a majority in the National Council, planned to throw out enough votes to deny the election to Mayes; therefore, he and about 100 supporters stormed the capitol on December 7, 1887. They broke into the locked executive office, forced former Chief Bushyhead to leave, and took charge of the ballot boxes. Bushyhead, a member of the National Party, immediately telephoned the agency at Muskogee to request Owen's aid in restoring him to office.⁶⁰

With the situation volatile, Owen arrived in Tahlequah on December 10 to confer with leaders of both parties. On December 12, he told a crowd of 500 listeners that he intended to keep order, that he was embarrassed for his friends on both sides of the question, and that they should amicably resolve their differences lest the federal government use the situation as an excuse to attack their sovereignty. Several days later a special investigator arrived from Washington and soon ruled in favor of Mayes. After some stern advice from Owen, the leaders of both parties drew up an agreement to allow Mayes to become

chief. Many observers gave Owen much credit for averting armed conflict. The praise was short-lived, however, for it was just after this incident that opponents attacked him in the controversy over the lease of the Cherokee Outlet.⁶¹

Another contested election occurred in September 1888 among the Chickasaws. The National Party of that tribe, which also controlled its National Council, threw out enough votes to oust newly reelected Governor William M. Guy of the opposing Progressive Party. William L. Byrd, the National Party candidate, therefore became governor. But Guy had powerful allies among the Chickasaw light horse police; they marched on Tishomingo, the capital, forcing Byrd and his supporters to flee. Later, when the police left, Byrd returned to take charge of the government again. In December 1888 Owen accompanied a special investigator to Tishomingo to investigate. In contrast to what happened with the Cherokees, this inspector ruled in favor of the legislature, allowing Byrd to remain governor. Owen's arrival on the scene also had a sobering effect, and the crisis ended.⁶²

Whether he solved problems judiciously or opportunistically, Owen was generally held in high social esteem and was recognized as part of the territorial elite while he was agent. Although improving, the physical environment of Muskogee was primitive, unsanitary, and unhealthy, prompting Owen at one time to issue an order for residents to clean up the garbage and refuse. As a rough frontier town, Muskogee likewise had only limited social opportunities. Nevertheless, Owen participated in what was available and, along with his mother, became a leader in providing new activities. He joined the local lodge of the Masons, and he and his mother attended local churches despite the ab-

sence of an Episcopal parish. Shortly after setting up residence in Muskogee, the Owen home became one of the centers of entertainment and social uplift. Narcissa held parties and informal concerts in their house, participated in the Muskogee Literary Society, and helped organize a fair for women's domestic arts. Owen sometimes lent his fine tenor voice to concerts organized by his mother, whether for a musicale for the ladies of the Presbyterian Mission or before a scant crowd during the Indian Territorial Fair.⁶³

Owen also reserved some time for romantic concerns. Local residents noticed his strong interest in Alice Robertson, a teacher among the Creeks and a member of a prominent family of missionaries. Owen first met "Miss Alice" while he was secretary of the Cherokee Board of Education. She later worked as a stenographer for him periodically while he was Indian agent. They frequently were seen together, and on at least one occasion they took a short trip to Chouteau properly chaperoned by his mother. Evidently the relationship ended about the time he resigned as agent, yet old rumors and reminiscences about the romance revived decades later when Miss Alice was elected as Oklahoma's first congresswoman in 1920.⁶⁴

Despite a busy schedule of social activities and official duties, Owen also remained active in business. In addition to his ranching operations and townsite speculations he made new mining investments. His success and prominence in turn began drawing some of his relatives to Indian Territory. William Owen, his first cousin and the first to arrive in the mid-1880s, helped operate the ranch for a time and then became a prominent businessman in his own right at Muskogee. Agent Owen's brother, William Otway, who had entered the army as a surgeon,

was temporarily in charge of the post hospital at Fort Gibson during the late 1880s. He likewise began investing in several family enterprises.⁶⁵

The social standing and the business opportunities that the position of agent offered were more than offset by the frustrating nature of the work and the apparent inability of the agent to effect change. Near the end of his service as agent, however, Owen saw with gratification that he had not been totally ineffective. On March 1, 1889, Congress finally passed a bill establishing a United States District Court for Indian Territory at Muskogee. Owen's constant pleas to the Department of the Interior and his periodic personal lobbying among congressmen had finally borne fruit. He had even been allowed to write some of the provisions of the legislation. The new tribunal had jurisdiction over minor criminal cases and all civil cases in excess of \$100, giving United States citizens civil law in Indian Territory at last. Major criminal cases still went to Fort Smith, but that court now shared jurisdiction with others at Paris, Texas, and Wichita, Kansas.⁶⁶

Others had worked for the bill also, particularly citizens of Muskogee, who were excited that the new court would be located in their town. Flags and festive bunting decorated the crowded streets when the court officially opened on April 1, 1889. On the next day, the first attorneys were admitted to practice before the court. Owen was one of them, and he also became a charter member and first secretary of the Indian Territory Bar Association, organized on April 3.⁶⁷

The opening of the court was one of the last major events of Owen's term as agent. In March 1889 he had tendered his resignation

with the realization that he would be dimisssed by newly inaugurated President Benjamin Harrison, who naturally would replace him with a Republican appointee. Owen asked to be relieved by April 1, but typical delays would require that he remain until May 17, when his successor, Leo E. Bennett, took charge of the office.⁶⁸

In the meantime, anticipation of his pending departure seemed to have a liberating effect on Owen. In some of his last letters to the Commissioner of Indian Affairs, he became quite sarcastic and quarrelsome.⁶⁹ With little to lose he could dispense with his composure; no longer did he have to reply politely and tactfully to aspersions on his character. For example, in February 1889 when Commissioner John H. Oberly accused him of intentionally neglecting his duties on an intruder case, Owen responded, "Your presumption of my official misconduct, and your gratuitous supposititious reprimand is entirely uncalled for, and not in accordance with that official courtesy I have a reasonable right to expect from your office."⁷⁰ Owen had been on good terms with former Commissioner John D. C. Atkins, but Oberly was peeved. "Mr. Owen is of Cherokee blood," he wrote the Secretary of the Interior, "and while he may have endeavored to administer the affairs of his Agency without partiality for his own tribe, yet I am compelled to say, that I do not think he has succeeded in so doing."⁷¹

Oberly's assessment was simplistic and only partially accurate. Rather than showing favoritism to the Cherokees, Owen more often had been guilty of enhancing his own individual interests. Self-serving actions, such as speculating in townsites and protecting his cattle operations, were typical with both the Indian service and the territorial governments of the West. Within the Union Agency itself, one

agent had been dismissed in the 1870s for misapplication of funds. Owen was never accused of misconduct of that sort; on the contrary, United States Indian Inspectors gave him positive assessments each year in both handling of finances and operating of the office.⁷²

Regardless of his successes or failures as agent, Owen gained valuable experience. Perhaps more than any other man, he had come to understand the structure of government in Indian Territory and the nuances of how the system functioned. He also had developed a broad range of contacts with important people in and out of the territory. Thus he exited his position as agent with great opportunities. He knew the system, he knew how to use it, and he knew the people who could help him.

FOOTNOTES

¹Vinita Indian Chieftain, January 18, 1884, 3; Narcissa Owen, Memoirs, 96.

²Narcissa Owen, Memoirs, 96.

³Muskogee Daily Phoenix, May 21, 1912, 1.

⁴Foreman, Muskogee, 12-19, 26, 72-74, 84.

⁵Debo, And Still the Waters Run, 6, 12-13, 18; Hale, "The People of Oklahoma," 36.

⁶Mary Ethel Whittenberg, "The History of the Union Agency and Federal Administration" (Master's thesis, Oklahoma State University, 1949), 10-13; Grant Foreman, Robert Latham Owen (Muskogee, Oklahoma: First National Bank and Trust Company, 1947), 6-8; Report of the Commissioner of Indian Affairs for 1885 (Washington, D.C.: Government Printing Office, 1885), 103-108 (Owen's annual reports, in letter form, were included in the Commissioner's annual reports to the Secretary of the Interior in 1885, 1886, 1887, and 1888; hereafter cited as Commissioner's Report, followed by the year).

⁷Commissioner's Report, 1885, 103-108; Foreman, Muskogee, 68.

⁸Debo, And Still the Waters Run, 12, 16; Commissioner's Report, 1887, 111-112.

⁹Commissioner's Report, 1888, 132.

¹⁰Ibid., 132-133.

¹¹Commissioner's Report, 1885, 107.

¹²Debo, And Still the Waters Run, 13, 16; Arrell M. Gibson, The Chickasaws (Norman: University of Oklahoma Press, 1971), 285-286.

¹³Angie Debo, The Rise and Fall of the Choctaw Republic (Norman: University of Oklahoma Press, 1961), 182; Robert L. Owen to J. D. C. Atkins, August 1887, Senate Committee on Indian Affairs, Intruders into the Choctaw and Chickasaw Nations, 51st Cong., 1st sess., S. Ex. Doc. 219, 103-109 (hereafter cited as S. Ex. Doc. 219).

¹⁴Robert L. Owen to J. D. C. Atkins, March 31, 1886, August 1887, and J. D. C. Atkins to Secretary of the Interior, October 4, 1887, S. Ex. Doc. 219, 16, 103-109, 110-111; C. B. Neal, Before Hon. Robt. L.

Owens[sic], United States Indian Agent, Indian Agency [legal brief], (n.p., 1886), 1-5 (copy in Hargrett Collection, Library, Thomas Gilcrease Institute of American History and Art, Tulsa, Oklahoma, hereafter this repository cited as Gilcrease); Debo, Choctaw Republic, 182-183.

¹⁵Morris L. Wardell, History of the Cherokee Nation, 265-268; Margaret Louise Barnes, "Intruders in the Cherokee Nation, 1834-1907" (Master's thesis, University of Oklahoma, 1933), 75-78.

¹⁶Commissioner's Report, 1886, 156; Barnes, "Intruders in the Cherokee Nation," 79-87.

¹⁷Daniel F. Littlefield, Jr., The Cherokee Freedmen: From Emancipation to American Citizenship (Westport, Conn.: Greenwood Press, 1978), 126-127; Wardell, History of the Cherokee Nation, 283-284.

¹⁸Debo, And Still the Waters Run, 10-11; Wardell, History of the Cherokee Nation, 223-240; Littlefield, Cherokee Freedmen, 138-139.

¹⁹Debo, Choctaw Republic, 105-107; Commissioner's Report, 1886, 155, and 1887, 114.

²⁰Daniel F. Littlefield, Jr., The Chickasaw Freedmen: A People without a Country (Westport, Conn.: Greenwood Press, 1980), 146-148; Robert L. Owen to J. D. C. Atkins, September 17, 1887, Senate Committee on Indian Affairs, Freedmen in the Chickasaw Nation, 50th Cong., 1st sess., S. Ex. Doc. 166, 8-9.

²¹Commissioner's Report, 1885, 106-107.

²²Ibid., 1887, 115.

²³Commissioner's Report, 1885, 106-107, and 1888, 134-136; Musko-gee Phoenix, March 15, 1888, 3.

²⁴Commissioner's Report, 1885, 107, and 1887, 118.

²⁵Ibid., 1886, 156.

²⁶Indian Journal (Muskogee), November 5, 1885, 1; G. B. Hester to L. Q. C. Lamar, December 28, 1885, Robert L. Owen File, Appointments Files, Appointments Division, RG 48, NA; Musko-gee Phoenix, August 16, 1888, 1.

²⁷Commissioner's Report, 1886, 160.

²⁸Ibid., 1888, 131.

²⁹Commissioner's Report, 1886, 160, and 1887, 118; Robert L. Owen to J. M. Perryman, August 6, 1887, Pardons Files, Records of the Creek Nation, AMD, OHS; Robert L. Owen to D. W. Bushyhead, August 6, 1887, Federal Relations Files (Tahlequah), Records of the Cherokee Nation, AMD, OHS.

³⁰Commissioner's Report, 1887, 118.

³¹Foreman, Muskogee, 70-71; Commissioner's Report, 1887, 118, and 1888, 130-131; Wardell, History of the Cherokee Nation, 309-310.

³²Wright, Indian Tribes of Oklahoma, 242-244; House Committee on the Territories, Statehood for Indian Territory and Oklahoma: Remarks of Robert L. Owen, 58th Cong., 2d sess., 1904, Congressional Committee Hearings Supplement HT 58-Q, p. 6 (hereafter cited as Statehood for Indian Territory).

³³Commissioner's Report, 1886, 161; Statehood for Indian Territory, 6-7.

³⁴Statehood for Indian Territory, 6-7.

³⁵Commissioner's Report, 1886, 157; Robert L. Owen to A. B. Upshaw, October 5, 1885, S. Ex. Doc. 219, 22; Indian Journal (Muskogee), April 29, 1886, 4.

³⁶Indian Journal (Muskogee), April 22, 1886, 4, April 29, 1886, 4; J. D. C. Atkins to Robert L. Owen, April 16, 1886, S. Ex. Doc. 219, 17; Indian Journal (Muskogee), April 13, 1886, 4.

³⁷Commissioner's Report, 1886, 157; Muskogee Indian Journal, May 6, 1886, 4.

³⁸Commissioner's Report, 1886, 157.

³⁹Ibid., 157-158.

⁴⁰Indian Journal (Eufaula), May 26, 1887, 4; Debo, Road to Disappearance, 213, 287.

⁴¹Indian Journal (Eufaula), May 12, 1887, 4, May 19, 1887, 4.

⁴²Ibid., May 19, 1887, 4.

⁴³Debo, Road to Disappearance, 287; Indian Journal (Eufaula), May 12, 1887, 4.

⁴⁴Indian Journal (Eufaula), May 26, 1887, 4, June 9, 1887, 2.

⁴⁵Commissioner's Report, 1888, 127; Robert L. Owen to the Commissioner of Indian Affairs, August 18, 1887, 22097-87, January 7, 1889, 938-89, Special Case 146, General Records, 1824-1907, RG 75, NA; Musko-gee Phoenix, March 6, 1890, 5; Receipts for town lots in Nowata, Nowata Town Lots Files, file 41, box 18, Cherokee Nation Papers, WHC.

⁴⁶Miner, The Corporation and the Indian, 44-45; Debo, Choctaw Republic, 124; Robert H. Wiebe, The Search for Order, 1877-1920 (New York: Hill and Wang, 1967), 18; Robert L. Owen to J. D. C. Atkins, October 15, 1887, 27859-87, Letters Received, General Records, 1824-1907, RG 75, NA.

⁴⁷Margaret Withers Teague, History of Washington County and Surrounding Area, 2 vols. (Bartlesville, Okla.: Bartlesville Historical Commission, 1957), 1:169; Debo, And Still the Waters Run, 98; Robert L. Owen to Franklin K. Lane, June 14, 1913, 53683-08-311 Cherokee, Central Classified Files, 1907-1939, RG 75, NA; Robert L. Owen to F. S. Barde, December 30, 1912, Barde Collection, AMD, OHS.

⁴⁸Mary Howard to Secretary of the Interior, August 27, 1887, 24258-87, and Robert L. Owen to J. D. C. Atkins, September 17, 1887, 19229-87, Letters Received, General Records, 1824-1907, RG 75, NA.

⁴⁹Savage, Cherokee Strip Livestock Association, 99-104; Robert L. Owen to J. D. C. Atkins, April 29, 1887, Senate, Alleged Bribery of Cherokee Council, 50th Cong., 2d sess., S. Ex. Doc. 136, 2-4.

⁵⁰Savage, Cherokee Strip Livestock Association, 104-106; Commissioner's Report, 1888, 136-138; Cherokee Advocate, March 7, 1888, 1, 2.

⁵¹Savage, Cherokee Strip Livestock Association, 106; Vinita Indian Chieftain, July 12, 1888, 2; J. B. Mayes to National Council, July 4, 1888, Cattle and Pastures Files (Tahlequah), Records of the Cherokee Nation, AMD, OHS.

⁵²Robert L. Owen to the Senate and Council of the Cherokee Nation, July 4, 1888, Cattle and Pastures Files (Tahlequah), Records of the Cherokee Nation, AMD, OHS.

⁵³Miner, The Corporation and the Indian, 138.

⁵⁴Hearings before the Cherokee Senate Committee on the Public Domain, July 10, 1888, Cherokee Strip Files (Tahlequah), AMD, OHS.

⁵⁵Muskogee Phoenix, August 2, 1888, 3.

⁵⁶Robert L. Owen to A. B. Upshaw, August 20, 1888, 21346-88, Letters Received, General Records, 1824-1907, RG 75, NA.

⁵⁷Muskogee Phoenix, August 16, 1888, 8, September 6, 1888, 4.

⁵⁸Commissioner's Report, 1888, 138; Robert L. Owen to Joel B. Mayes, June 9, August 29, 1888, Cattle and Pastures Files (Tahlequah), Records of the Cherokee Nation, AMD, OHS.

⁵⁹Debo, Road to Disappearance, 281-284; Debo, Choctaw Republic, 169-174.

⁶⁰Wardell, History of the Cherokee Nation, 343-344.

⁶¹Commissioner's Report, 1888, 136-138; New York Times, December 12, 1887, 1; Vinita Indian Chieftain, December 15, 1887, 2; Cherokee Advocate, December 14, 1887, 2.

⁶²Gibson, The Chickasaws, 299; Muskogee Phoenix, December 6, 1888, 5; New York Times, September 8, 1888, 8, October 3, 1888, 5, November

23, 1888, 3.

⁶³ Indian Journal (Muskogee), July 8, 1886, 4; Foreman, Muskogee, 76, 92-93; Narcissa Owen, Memoirs, 96-97; Muskogee Phoenix, January 31, 1889, 5, March 21, 1889, 5, May 3, 1888, 3, August 23, 1888, 5, October 5, 1888, 5.

⁶⁴ Joe Powell Spaulding, "The Life of Alice Mary Robertson" (Ph.D. diss., University of Oklahoma, 1959), 55; Robert L. Owen to General Whittlesey, April 19, 1889, 10882-89, Letters Received, General Records, 1824-1907, RG 75, NA; Muskogee Indian Journal, July 1, 1886, 5, September 29, 1887, 5; Muskogee Phoenix, November 14, 1920, 1.

⁶⁵ Cherokee Advocate, July 11, 1888, 1; Gideon, Indian Territory, 617-618; Muskogee Phoenix, August 23, 1888, 5, March 14, 1889, 4.

⁶⁶ Grant Foreman, "Oklahoma's First Court," Chronicles of Oklahoma 13 (1935):457; Muskogee Phoenix, April 2, 1905, 1; Debo, Road to Disappearance, 326-327; Debo, Choctaw Republic, 185-186.

⁶⁷ Muskogee Phoenix, April 4, 1889, 1; Foreman, "Oklahoma's First Court," 457-461.

⁶⁸ John H. Oberly to Secretary of the Interior, March 19, 1889, Robert L. Owen File, Appointments Files, Appointments Division, RG 48, NA.

⁶⁹ Robert L. Owen to John H. Oberly, February 20, 1889, in Muskogee Phoenix, March 14, 1889, 1; Robert L. Owen to John H. Oberly, April 15, 1889, in Muskogee Phoenix, April 18, 1889, 1.

⁷⁰ Robert L. Owen to John H. Oberly, February 20, 1889, in Muskogee Phoenix, March 14, 1889, 1.

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⁷² Paul Stuart, The Indian Office: Growth and Development of an American Institution, 1865-1900 (Ann Arbor, Mich.: UMI Research Press, 1979), 89-95; Howard Roberts Lamar, The Far Southwest, 1846-1912: A Territorial History (New Haven, Conn.: Yale University Press, 1966), 146-153, 460-153; Whittenburg, "History of the Union Agency," 5; Robert S. Gardner to Secretary of the Interior, April 3, 1886, Frank Armstrong to Secretary of the Interior, November 19, 1886, T. D. Marcum to the Secretary of the Interior, June 1, 1887, M. A. Thomas to Secretary of the Interior, June 8, 1888, Indian Inspectors' Reports, Letters Received, Records of the Indian Division, Records of the Secretary of the Interior, Record Group 48, National Archives Microfilm Publication M 1070, Roll 55.

CHAPTER IV

A DECADE AS LAWYER-LOBBYIST

The ten years following Owen's term as Indian Agent were prosperous for him. As that decade began, he was keenly aware that the controlling power over Indian Territory resided not in the territory itself; instead, political control came from Washington, D.C., and financial domination was centered in midwestern and northern cities. Astutely aware of this, Owen spent as much of his time in Washington and St. Louis as he did in Muskogee. Through his actions in all three places, he became the most important lawyer-lobbyist in the territory, achieved financial independence, and initiated his political career. His ethics and motives were frequently questioned, but both friends and enemies acknowledged that he was a master at manipulating events.

Prior to resigning as Indian Agent, Owen had already begun laying the foundation for his lucrative and productive future. In January 1889 several leading Choctaws agreed to appoint him fiscal agent for the distribution of their Net Proceeds fund. This term referred to the money that the federal government collected from the sale of the old Choctaw lands in Mississippi, minus the expenses incurred by the government while collecting it. The federal government had awarded this money to compensate certain Choctaws for losses during their removal in the 1830s. The litigation over this payment had begun in the 1850s and continued for years. In the 1870s the Choctaw government created a

special Board of Chief Commissioners which identified the claimants and their heirs and determined the amount to be paid. The government did not appropriate the money, however, until 1888. Because some money had already been distributed, about \$2.7 million remained.¹

By chance, Choctaw elections fell just after Congress appropriated the fund in 1888; the result was a bitter contest over what party would control the distribution of the money. National Party candidate Benjamin Smallwood won the election for chief, but the opposing Progressive Party held the majority in both houses of the Choctaw General Council. In January 1889 Smallwood called a special session of this tribal legislature to make arrangements for dispensing the money, and despite his party's minority status, he and his allies gained control of the distribution. Almost 50 percent of the money went to a horde of attorneys and Choctaw officials (or their heirs) who had promoted the claim. Even Chief Smallwood received \$5,500 for merely calling the special session. Ultimately, about \$1.5 million remained to be given to the Choctaws who had suffered during the removal process, or to their descendants.²

It was this remaining money that Owen was called upon to distribute. After posting a \$1 million bond, he began the dispersal of funds at McAlester in March 1889, actually before he left his agency position. He continued the process throughout the summer and fall at various locations, but apparently conducted most business at Atoka. To authenticate claimants, the Choctaw Council had appointed commissioners John M. Hodges, Isaac Walker, and Peter Noel, who were assisted by E. Poe Harris as clerk. When a claimant appeared before these commissioners, they checked the lists that the old Board of Chief Commissioners

had prepared in the 1870s. In some cases they also interviewed witnesses or required depositions. When they became satisfied that a claimant was authentic, they signed a certificate authorizing payment. Owen countersigned the certificate as fiscal agent, and then the applicant could present it to the United States Treasury branch at St. Louis. This procedure provided an opportunity for lawyers to acquire much of the money by representing claimants, but Owen and the commission apparently allowed only a select group to do so. Dr. D. M. Hailey, Richard Lock, Sr., Alex Durant, and perhaps one or two others made numerous lucrative contracts that gave them 35 percent of the money received by their clients. Also these same lawyers apparently cashed the warrants for the Indians because most of the certificates were actually issued to these men rather than to the claimants.³

Choctaws who had been excluded from the distribution of the money accused Owen, the commissioners, and the lawyers of defrauding many of the claimants. These critics said that lawyers had canvassed the east side of the Choctaw nation and purchased claims for only ten cents on the dollar. Such accusations forced the General Council to establish a special committee to investigate. In December 1889 the committee passed a resolution condemning Owen and the commissioners. Owen's allies, however, defeated this resolution in the Choctaw General Council, and in its place they passed one praising Owen's "accurate, honorable, and speedy settlement" in distributing the funds. This same resolution awarded him 3.5 percent of the \$1,430,000 that he had paid out, or a total of \$50,260.⁴

For many years Owen's enemies continued to assert that he had made even more than this lucrative fee and that he had helped the lawyers

abscond the money from the claimants. In 1908 Green McCurtain repeated many of these accusations for the Oklahoma City Times, a Republican newspaper that was publishing an exposé on Owen. When he was interviewed McCurtain was a Republican, and he had been a member of the opposition party at the time of the distribution, and at one time he had been chief of the tribe. McCurtain said that he had attempted to represent several of the claimants, but Owen and the commissioners had refused him permission. He also claimed that two of the commissioners were "ignorant Indians" and were "pretty drunk all of the time." Supposedly, Owen and the others kept these two supplied with liquor to make them docile and agreeable to the dishonest dealings.⁵

A story similar to McCurtain's was also told by Charles LeFlore, a prominent Choctaw merchant from Limestone Gap, who likewise gave an interview to the Oklahoma City Times in 1908. Perhaps the most credible testimony, however, came from Oklahoma Corporation Commissioner James J. McAlester, founder of the town bearing his name and a member of Owen's own party. "I sent to St. Louis for some money," McAlester recalled, "with the intention of turning an honest penny by discounting the warrants paid to the Indians. But that gang which hung around the identification committee was too rough for me."⁶

Both the accusations in 1889 and those in 1908 may or may not have been accurate, but they were symptomatic of the political environment of Indian Territory prior to statehood. Power frequently switched hands, and new parties or factions within tribes gained control of new funds to be distributed. After the Net Proceeds payment Owen joined in several more of these contests. When he won, his enemies again accused him of misconduct; when others won, he attacked them in similar fash-

ion.⁷

Even if Owen received only the legitimate fee as Net Proceeds agent, it made him financially secure enough to marry. Within a week after the approval of the fee, he married Daisy Hester. Born on January 28, 1865, she was the daughter of George B. Hester, a transplanted Georgian and owner of a trading house at Boggy Depot, Choctaw Nation. Her mother, Elizabeth Fulton, was also from Georgia and had come to Tishomingo as a Methodist missionary in 1856. Daisy grew up in the colorful crossroads settlement of Boggy Depot, which was a trading center for both Choctaws and Chickasaws as well as a major stopping place at the juncture of the Butterfield Trail and the Texas Road. It was a rough frontier environment very different from the one that her husband experienced as a youth, yet the Hesters were prominent and well-to-do. Much of Daisy's childhood was spent pestering clerks at her father's store or riding horseback in the vicinity. The experience of several years at boarding school gave her a great deal of social refinement, particularly in music.⁸

Owen had first met Daisy about 1885 at a dance in Maytubbee Springs, a local recreational spot near her home. Over the next few years they met coincidentally when he was on business or when she visited Harrell Institute in Muskogee, a Methodist girls school that her father helped oversee; and just before the marriage, Owen became a frequent visitor at the Hester home. They were married there on December 31, 1889. After the wedding they went immediately to nearby Atoka to catch a train to Muskogee, and after a brief visit with well-wishers there, they continued to St. Louis and then to Washington, D.C. The new bride adjusted well to the social circles in Muskogee, St. Louis,

and Washington, and she became an asset to Owen's later political career.⁹

The financial independence that allowed Owen to marry also gave him funds for several new business ventures. In fact, his trip to Washington in January 1890 was for both honeymooning and business. Among other things, Owen hoped to acquire a charter for a new national bank he was trying to organize. He had launched this new venture in April 1889 at a meeting with several business leaders in Muskogee. When they filed an application, however, the United States Comptroller of the Currency questioned the legality of a national bank in Indian Territory and referred the matter to the United States Attorney General. Although Owen rallied for support from Indian leaders, the Attorney General ruled against the charter. Even so, Frederick B. Severs began constructing a building. He and other investors had faith in Owen's ability to alter the situation.¹⁰

Soon after Owen and his bride arrived in Washington in 1890, he learned that Congress was considering an organic act to form a territorial government for the newly opened Oklahoma country. A section of the bill also restructured the courts in Indian Territory. Owen convinced supporters of the legislation to provide for the chartering of national banks in Indian Territory.¹¹ Full of self satisfaction, he then returned to Indian Territory and called another organizational meeting of interested investors on June 7, 1890. After opening the meeting, Owen addressed the eighteen businessmen who were present, reminding them of their former troubles because of the attorney general's ruling. "But conditions have changed since then," he continued. "We are really in the United States after all. I am happy to inform

you now that we may safely proceed."¹² Owen then was elected president of the bank, and Patrick J. Byrne, a local hardware dealer became vice president.

Most of the directors of the bank were businessmen from Muskogee or neighboring towns. Indian Agent Leo E. Bennett also became a director, while prominent Creek leader Pleasant Porter attended but did not invest. Reflecting the out-of-state financial dominance over Indian Territory, outside investors owned over 50 percent of the stock. Wiley O. Cox, later publisher of the Kansas City Star, and Harvey E. Salmon, director of a banking firm in Clinton, Missouri, controlled most of the stock--and both later were law partners with Owen in several cases involving Indians.¹³

Much to the chagrin of the directors, the comptroller once again refused to issue a charter. The new law had clearly extended federal banking regulations over Oklahoma Territory, but not Indian Territory. After further appeals, however, the charter was granted on August 1, 1890. Owen had not been as effective as he had thought, yet the new institution was the first national bank in Indian Territory. Owen remained its president until January 1900, when he resigned because of his overburdening schedule.¹⁴

As Owen engineered the establishment of the bank, he simultaneously expanded his business interests in other areas. In 1899 he united with James E. Reynolds in establishing a mercantile store. Reynolds was the wounded confederate soldier whom Owen, as a child, had proposed nourishing with a blackbird pie. An intermarried Choctaw, Reynolds became a businessman, rancher, and coal mining speculator in the post civil war years, and was one of the investors with Owen in the

First National Bank of Muskogee. The two men opened the Indian Trading Company at South McAlester in the spring of 1890. About a year later they sold their firm, but they continued to promote joint ventures, such as a mineral clay mining operation in the Chickasaw Nation.¹⁵

Owen speculated in various other mining enterprises as well during this time. While agent, he had acquired a coal lease in the Cherokee Outlet. In 1891 when lead and zinc were discovered in large quantities on the Peoria and Quapaw reservations northeast of the Cherokee Nation, Owen rushed with fellow tribesmen to purchase mineral licenses for Cherokee property adjacent to those lands. Owen also shrewdly obtained mineral claims for his mother and wife, as well as for assorted cousins who still resided in Lynchburg, Virginia, but claimed Cherokee citizenship. This tactic grew into a habit for Owen in subsequent speculative ventures. Always innovative and resourceful, Owen surpassed most others in his ability to mold situations.¹⁶

In 1890 he vividly demonstrated these talents again in a heated legal fracas involving a pasture in the Osage Nation. Of considerable convenience to Owen, this lush pasture lay in the northeastern corner of the Osage Nation adjacent to his ranch on the Little Caney River. He often used it as a reserve for his main ranch, particularly when he shipped cattle from Texas during the months that Cherokee quarantine laws were in effect. Owen could hold these cattle there until the time that he could legally put them on his own ranch. In many cases he was merely providing a service for Texas cattlemen who desired temporary grazing grounds until their herds could be shipped to market. The Osages generally encouraged such arrangements, allowing leases or subleases for several other noncitizens.¹⁷

In June 1889 the Osage Council ordered that the cattle should be ejected from the pasture that Owen sometimes used. In issuing the order, the Osages contended that William S. Brown, the man who controlled the pasture and sublet it to Owen, had no legal claim to it. Brown had married an Osage woman in 1873, then had moved to Texas after her death, and finally had returned to the Osage Nation in 1880 to establish a cattle business. Fearing that Brown's cattle would spread Texas fever to Indian herds, the Osage Council gave him a free lease to a large pasture in the name of his two half-breed sons under the condition that he fence it. The Council, however, rescinded this endowment in 1882. Brown nonetheless refused to give up his claim and, at the same time, stubbornly ignored Osage grazing tax laws. Finally growing assertive, the Osages passed a resolution on June 7, 1889, ordering the removal of illegally held cattle from all their lands.¹⁸

Brown immediately enlisted the aid of Owen, who quickly obtained an injunction from the United States Court at Muskogee, which prohibited the Osages from acting until the case could be heard. Although Owen had no cattle on Brown's claim when the injunction was issued in December 1889, he moved about 3,000 head onto the pasture while the issue remained unresolved. But on July 2, 1890, the court ruled for the Osages and lifted the injunction. Consequently, tribal officials began rounding up the cattle.¹⁹

At this point, Owen launched a forceful counterattack. First, from Muskogee he wired the Secretary of the Interior demanding a halt to the ejection. Then, he traveled to Guthrie, the capital of Oklahoma Territory, to get political backing; and later to Stillwater, Oklahoma Territory, where a territorial court issued a new injunction against

the Osages and their Indian Agent, Laban J. Miles. Over the next several days he underwent a crisscrossing sojourn that included several towns: Muskogee, where he made further plans; Pawhuska, where he demanded his rights at the Osage Agency; Caney, Kansas, where he took affidavits from friendly ranchers; and finally, Washington, D.C., where he filed formal charges against Agent Miles. In his written complaint to the Secretary of the Interior, Owen accused Miles of associating with adulterers, murderers, and extortionists in a blackmailing scheme against Owen and other upstanding cattlemen. He also claimed that Osage officials had abused his cattle and had ignored both his and Brown's constitutional rights. And referring to his own experience as Indian Agent, he explicitly outlined the proper procedure that Miles ought to have followed, which naturally would have given him due process.²⁰

Numerous affidavits submitted with the complaint and an endorsement from Arkansas Congressman Samuel W. Peel failed to sway the Secretary of the Interior. The timing was inopportune for Owen, because the Department of the Interior was beginning a new policy to oust all cattle from several reservations with the goal of opening lands to white settlement. This applied to the Cherokee Outlet and various other areas including the Osage Nation. The Osages later managed to evade this directive by getting permission to extend their leases temporarily, but Owen was not compensated for his cattle that he said had died because of mistreatment. Also in February 1891, the Brown family began paying fees for their lease just like other cattlemen.²¹

Over the next several years, Owen again sublet land in the Osage Nation. However, this did not produce his main source of income; most

of his livelihood came from his law practice. While Owen had been overseeing the Net Proceeds distribution in 1889, he had also served as attorney for both the Cherokee and Choctaw tribes. Possessing an insider's knowledge of the complexities of the intruder problem, he represented the Indians in several cases against trespassers, including the Glenn-Tucker claim that had frustrated him as agent.²²

The Leased District case, however, was Owen's most important concern in the early 1890s. Located in present-day southwestern Oklahoma, the Leased District had belonged to the Choctaws and Chickasaws prior to the Civil War. They had leased it to the federal government to use as a reserve for various tribes from Texas. With the Reconstruction Treaty of 1866, the Choctaws and Chickasaws gave up the land to provide permanent reservations for the Texas Indians and several plains tribes. In March 1889 Congress decided to prepare these reservations for opening to white settlement. The land would no longer be used for its intended purpose of housing Indians; therefore, the Choctaws appointed special delegates and hired attorneys to demand payment for their residual claims to any part of the area opened to white settlement.²³

Owen was the most active lawyer to push the claim. Ultimately, he and other lobbyists for the Choctaws convinced the government to pay almost \$3 million for the Cheyenne-Arapaho lands, which were on part of the Leased District and which were opened in 1891. Congress appropriated the money in the spring of 1893, and when the warrants arrived at the subtreasury at St. Louis, Owen was there to handle the Choctaws' portion (about \$2.2 million). He first parcellled out the lawyers' large share. A New York Times reporter guessed that Owen received

\$110,000 for his own work as attorney. The remainder of the money was then distributed to Choctaw citizens. Owen and a few of his friends were appointed fiscal agents to hand out the money. Once again, his enemies accused him of cheating the recipients. Highly controversial claims payments and lucrative attorney's fees were clearly indigenous to Indian Territory.²⁴

After the Leased District case was finalized, Owen's good fortune as a lawyer-lobbyist continued. The reason for this success was partially due to his activities in organizing and leading the Democratic Party in Indian Territory. Prior to the late 1880s, there were no national party organizations in the territory because they would have had little power and no purpose. No territorial government existed, and the Union Agency furnished only meager and therefore uninspiring patronage. With the creation of federal courts in the territory in 1889, however, incentive for politics was born, and jobs became plentiful. Now there were positions for a judge, a United States Attorney, a clerk, a deputy clerk, a United States Marshal, deputy marshals, and others. Perhaps of greater consequence, the men who filled these positions made important decisions that needed molding and influencing.²⁵

Both Democrats and Republicans held their first territorial conventions in the spring of 1892 with the hope of influencing appointments after the presidential election. The Democrats first gathered at South McAlester on March 19, where they elected an executive committee and chose the territorial delegates to the upcoming national convention in Chicago. Owen and dozens of other Democrats failed to attend this meeting, perhaps because it was poorly publicized; those excluded thus issued a call for a new meeting at Muskogee on June 11.

Denying the legitimacy of the earlier South McAlester convention, the delegates at Muskogee elected their own territorial executive committee and their own delegates to the national convention. Owen was prominent in these proceedings. He was a principal speaker, was elected chairman of the executive committee, and was chosen as National Committeeman to lead the delegation at Chicago.²⁶

Failing to reach a compromise, both the South McAlester and Muskogee delegations attended the national convention. Although Owen was present, the South McAlester group was recognized. Then, national Democratic officials admonished the representatives for their divisiveness and ordered them to "perfect and maintain a creditable organization" back in Indian Territory.²⁷ The delegates promised to do this, and returned home full of enthusiasm for their party's nominee, former President Grover Cleveland.

Soon after the national convention, Owen, as chairman of the executive committee chosen at Muskogee, and William F. Weeks, his counterpart from the South McAlester convention, called for a new organizational meeting at South McAlester on October 5, 1892. Issuing a joint proclamation, they announced three goals for the meeting--first, to organize all factions of the party; second, to consider election of a territorial delegate to Congress; and third, to begin working for the Democratic Party, especially for financial support for the upcoming elections.²⁸

The goal of electing a territorial delegate to Congress drew strong criticism from Cherokee Chief C. J. Harris. Knowing that the organizers of the meeting were mostly white men and believing their goal was to end Indian sovereignty, the chief warned his people that

the convention was "a device to further the schemes of designing individuals, who look to their self aggrandizement, and the enrichment of themselves."²⁹ Similar worries among other tribes failed to halt the convention; more than 360 delegates were elected by local Democratic clubs from throughout the territory.³⁰

As the meeting opened in South McAlester on October 5, Owen and Weeks immediately resigned as chairmen of the two disputed executive committees. After the credentials committee delayed the convention for eight weary hours before it made its report, the delegates promptly passed several resolutions. They wanted new United States courts within the territory, and they demanded schools and other benefits for non-Indians. Realizing that Indian leaders were upset, the convention referred the issue of a territorial delegate to the Indian legislatures. The most emphatic resolution of all, however, demanded "home rule," which meant that governmental jobs should go to men from within the territory rather than to "aliens who are often mercenary."³¹

With surprisingly little debate and few quarrels, the delegates elected a territorial executive committee, but disharmony erupted during the contest for National Committeeman. Chief contenders were Owen and Dr. E. N. Allen of McAlester, with W. F. Whittington of Ardmore also running but gathering little support. Following several "acrimonious" nomination speeches, Owen narrowly won. The convention adjourned at 3:00 a.m. October 6, after \$242 was collected for the national campaign fund. Owen donated \$200 of that amount.³² Summing up this shaky beginning for the Democrats, the Muskogee Phoenix said: "At times the proceedings were a little breezy, but there were no rows or fights, and at its close the vanquished forces yielded

gracefully and harmony prevailed."³³

Hopes for home rule surged among the newly unified Democrats of Indian Territory when Cleveland won the election about one month later, but the more astute were guarded in their optimism. Newspapers printed lists of unofficial aspirants for office and reported how the territorial "boys" were attracting attention at the inaugural ceremonies in March 1893. Owen attended the inaugural ball and "dazzled with the other satellites." While in Washington he also met with President Cleveland, who invited him to make recommendations on Indian Territory.³⁴

About a week later, Owen penned a lengthy report. In this letter he first summarized his own background, then he described what he considered the most important problem in Indian Territory--the absence of home rule. Arguing that incumbent Republican officials had proven alien rule was intolerable, Owen wrote, "They came with a pecuniary inducement only, without sympathy or regard for our people."³⁵ To prove this he cited several examples of corrupt carpetbaggers: a clerk with five different incomes, a judge's son on the payroll, and deputy marshals who were corrupt or incompetent. These people were poor role models for the Indians, but if Cleveland would appoint good men from inside the territory, the Indians "would have the best object lesson of the value and beauty of American citizenship."³⁶ Before Owen sent this letter he learned that Cleveland had already made the appointments--all of whom were outsiders. Owen therefore enclosed a cover letter expressing regret that Cleveland did not consider territorial candidates.³⁷

Although Owen had no input on these first appointments, he eventu-

ally was more successful in patronage matters. His most impressive feat during Cleveland's administration was his control over sixty-two allotments in the Cherokee Outlet. This land was given to a few Cherokee families just before the land run into the Outlet on September 16, 1893. The process of opening the Outlet had taken several years. It began with the creation of the Jerome Commission in March 1889 in the same bill that authorized the opening of the Unassigned Lands. This three-man commission, headed by former Governor David H. Jerome of Michigan, succeeded in making agreements with several other tribes but made little progress in convincing the Cherokees to relinquish their Outlet. By 1891 Congress was noticeably perturbed, and most Cherokee leaders realized that if they continued to stall, the federal government would take the land under its own terms.³⁸

Owen was one of the first in his tribe to see the futility of resistance. As early as the spring of 1890, he began promoting a plan to have the Outlet allotted to all of the Cherokee people. In the fall of 1891 as the pressure for action increased, Owen produced a pamphlet outlining his plan in more detail. He argued that the tribe owned the Outlet in fee simple (unqualified or unrestricted ownership), and that the federal government could not legally take the land. But he warned his fellow Cherokees that the United States would seize it regardless of the law. The only solution was to make the best deal, which was allotment of the land among the Cherokees. According to his plan, the land would be appraised and then divided according to its value--the more valuable farming land would be divided into smaller plots than the less valuable grazing lands. He recommended a lottery to determine the order in which the land would be selected.³⁹ "Let us allot the

Outlet, patent it to our citizens, confirm our right to sell to United States citizens by act of Congress and get every dollar of value that there is in the Outlet for our own people," he concluded.⁴⁰ The ingenious plan provoked widespread discussion among the Cherokees. The Muskogee Phoenix polled prominent Cherokee leaders and found a majority endorsed the proposal, but few people believed that the Jerome Commission would accept it.⁴¹

The pessimists were correct. About two weeks after negotiations with the Jerome Commission resumed, the Phoenix observed: "The allotment scheme of R. L. Owen, like Dead Sea fruit when touched, turned to ashes."⁴² Later, on December 19, 1891, the Cherokee delegates signed a much less attractive agreement in which the tribe agreed to relinquish the Outlet at \$1.40 per acre. In return, federal officials provided that the United States government would make a greater effort to solve the intruder problem and would allow the Cherokee courts to continue their jurisdiction over cases involving only Cherokees.⁴³

As a token gesture to allotment, the agreement authorized up to seventy homesteads for certain Cherokee citizens. The Cherokee delegates won this concession with the argument that a few of their fellow tribesmen had moved into the Outlet years earlier and had made improvements on the land.⁴⁴ To protect their investments, the agreement allowed a "bona fide resident" who had made improvements "as a farmer" in the Outlet prior to November 1, 1891, to take a homestead of eighty acres "for farming purposes." This homestead would "embrace" his improvement, and the allottee's wife and children likewise could select eighty acres each. In this regard, the agreement said: "They shall have the preference in making selections to take any lands improved by

the husband and father that he can not take until all of his improved lands shall be taken."⁴⁵ Also, other Cherokees who had made improvements in the Outlet but who did not reside there could take allotments "for farming purposes." The wives and children of these nonresident citizens, however, could not take additional land. When Congress ratified the agreement on March 3, 1893, it added a provision allowing former Chief Bushyhead to purchase eighty acres of land for himself, supposedly so he could retain control of a quarry that he had opened in the Outlet.⁴⁶

After the act was passed, Owen soon gained control of the process of making the allotments in the Outlet. As a first step, he became the attorney for several settlers led by John W. Jordan. These people had settled in the "triangle" area of the Outlet--a detached section between the Arkansas and Cimarron Rivers that was surrounded by Osage, Creek, and Pawnee lands. Several dozen settlers also moved into the region illegally after the agreement was made public.⁴⁷

When Secretary of the Interior Hoke Smith decided to appoint a special agent to identify the legitimate residents and to allot the lands, Owen immediately endorsed James W. Duncan, a friend who lived in the Cherokee Nation. Secretary Smith's aide, who was a friend of Duncan, also supported him, as did several important Cherokee leaders and Samuel West Peel, an Arkansas Congressman who was influential in Indian affairs and who was friendly to Owen. Duncan soon won the appointment and took office on May 16, 1893.⁴⁸

While Duncan campaigned for the appointment, Owen sought to broaden the rights of his clients before Secretary Smith. Because Smith was required to give final approval for the allotments, he asked for a le-

gal interpretation from George H. Shields, Assistant Attorney General. Shields ruled that the allotments should be limited to land with actual farming improvements on them. If the husband's initial eighty acres covered the entire area of improvements, then his wife and children were not entitled to additional land. In a brief responding to this, Owen argued that the choices were not limited to actual farming improvements; on the contrary, the allottee, his wife, and his children could each take eighty acre homesteads anywhere in the Outlet. They were restricted in no way.⁴⁹

Secretary Smith, under pressure from impatient homeseekers clamoring for a land run, asked for a new interpretation from Assistant Attorney General John J. Hall. In essence, his somewhat unusual ruling was the procedure used to select allotments. The original allottee was required to take land encompassing his improvements while his wife and children could make selections elsewhere. Owen and his clients accepted this decision.⁵⁰

On May 29, 1893, John W. Jordan and his fellow settlers met with Special Agent Duncan in the triangle area to begin the process of choosing allotments. At this point, former Chief Bushyhead had joined the group, which was now called the Association of Cherokee Settlers West of 96°. Duncan authorized them to form a committee to determine who was entitled to allotments. Later, Commissioner of Indian Affairs, Frank C. Armstrong approved this arrangement, but emphasized that the committee's decision would not be final. Thus, after gaining control of the selection process, the settlers' association soon submitted a list of 131 names, which surprisingly included Owen as a legitimate settler. Secretary of the Interior Smith eventually eliminated most of

the names from the list, including Owen, and approved only sixty-two claimants. Owen continued to represent all but two of this group as an attorney, and he also helped former Chief Bushyhead locate his allotment.⁵¹

Ignoring the inevitable criticism that would follow, Owen helped the allottees choose land at the most valuable sites--adjacent to proposed county seats and townsites. Taking note of this cunning strategy the New York Times averred that Indians were not "simpletons," as most people believed; instead Owen, Bushyhead, and their friends were among the shrewdest men in the country. "It is probable," the newspaper continued, "that a lesson will be given to Americans in town building that will arouse the admiration as well as the envy of those who thought they knew something about 'booming.'"⁵²

The townsites and county seats in question had been selected by the government along the Santa Fe and Rock Island railroads. The exact sites were supposedly secret, but either the locating agent or others in the federal land office leaked the information. Owen somehow learned the locations and selected homesteads for most of the allottees adjacent to Enid, Round Pond, Perry, Kildare, and other townsites. When Secretary Smith received Agent Duncan's final report in late August 1893, he became angry because it was obvious that the locations of the county seats had leaked out. To him, it was unfair to allow the Cherokee allottees to take homesteads adjacent to those places while settlers waiting for the land run would have no chance. Therefore, he moved all the county seats to new locations with the help of the chief platter in Washington. He then approved the Cherokee allotments, which were still adjacent to potential townsites, but not the more valuable

county seats.⁵³

After 100,000 boomers rushed into the Outlet on September 16, 1893, it became apparent that the new county seats had been shifted. Speculators still established towns at the original sites, but bitter rivalries soon erupted between the "old" county seats and the "new" ones. For instance, at Kildare, where Bushyhead and a few other Cherokees had taken their homesteads, the residents struggled to take the county government from Newkirk, which was a town that Smith had designated as the new county seat. Farther west at "North" Enid, where more Cherokees had taken homesteads, the citizens fought against the people of "South" Enid, another of Smith's new towns. When the Rock Island Railroad refused to stop at South Enid, the townspeople there accused the railroad of being secretly in partnership with Owen and the Indian allottees at North Enid. Following violent outbursts at several locations, Congress passed a law requiring the trains to stop at all government townsites in Oklahoma Territory, to which the Outlet was not attached. Accusations forced Owen to file an affidavit swearing that the railroad was not involved with his townsite speculation. Nevertheless, several senators referred to him as the mastermind of the scheme that was causing so much trouble.⁵⁴

Despite the bad publicity, Owen's clients still had a chance to promote their towns. Owen shared in their hope because they had turned over a percentage of their holdings to him as his contingency fee. But by early 1894 Owen was pessimistic. Most of the towns failed to attract new settlers, whereas out-of-state speculators failed to invest perhaps because the country was suffering from a depression brought on by the Panic of 1893. The prospects at Kildare particularly disappoin-

ted Owen. To help promote this town for Bushyhead and the other allottees, Owen hired attorney Charles F. Winton, who quickly concocted a desperate scheme to sell raffle tickets on the town lots with the new hotel as grand prize.⁵⁵ Writing Bushyhead on January 17, 1894, Owen recommended that the old chief "avoid all expenses" until after Winton's drawing. Owen also confessed that he was weary. "The Outlet has nearly driven me insane," he wrote, "and if I were out of it with a net loss of \$5,000.00 I should feel thankful."⁵⁶ He concluded the letter with the hope that a "big boom" would come in the spring.

The big boom did not come; instead, another serious problem arose. Because the white homesteaders of the Outlet were required to pay for their land, it was not taxable. County officials accordingly raised taxes on town property tremendously, forcing Owen and his associates to sell their land as quickly as they could to avoid the taxes. The grand profits earlier envisioned had eluded them. Owen continued to own lots in several towns and periodically sold some, thus recovering part of his losses. Over the next several years newspapers in Oklahoma Territory sometimes recalled with delight how Owen had failed so miserably.⁵⁷ Fifty years later Owen remained unashamed of the fiasco:

My little clients were not unfair in asking this small advantage and I endeavored to get it for them, with only partial success, for the excellent reason that the settlers who rushed in and occupied the land had greater influence with the then government than the attorney of the Cherokee allottees.⁵⁸

Despite the outcome, Owen had accomplished much. His handiwork was seldom equalled, even in the speculation-filled environment of Oklahoma Territory. Throughout the West during the late nineteenth century, similar townsite schemes likewise abounded. But also in those instances few matched Owen's persistence, energy, and resourcefulness.

Yet another example of Owen's resourcefulness was his role in the Old Settlers claim. This case originated in the 1830s when the main portion of the Cherokee tribe was removed to Indian Territory. The Western Cherokees or Old Settlers had already migrated west years earlier. They had first settled in Arkansas and after 1828 in Indian Territory. When their fellow tribesmen, the Eastern Cherokees, arrived in the 1830s, the Old Settlers welcomed them. Later, the Old Settlers learned that the federal government had taken money illegally from the general tribal funds to pay for the removal of the Eastern Cherokees. Arguing that this was unfair, the Old Settlers demanded repayment of their share of the general funds that had been spent in moving their fellow tribesmen.⁵⁹

Federal officials agreed to pay the money in the Cherokee Treaty of 1846. The amount was later set at approximately \$200,000, but payment was delayed for various reasons until the 1890s. Owen was the principal attorney for the Old Settlers during the last few years of pursuing the claim. Due in part to his efforts, in 1894 the Old Settlers were awarded approximately \$800,000, this large figure representing both the principal and the interest that had accrued. About one third of this money went to various lawyers and Old Settler delegates. When the remainder of the money was distributed in 1896, Owen managed to have his cousin, William, appointed as one of the disbursement agents. But Owen had trouble collecting his own fee of \$16,000. He quickly calculated that an additional \$30,000 in interest had not been paid; therefore, he lobbied Congress, which awarded the money in 1899, and Owen received his fee.⁶⁰

This type of persuasion and influence sometimes failed to get re-

sults. In 1896 when the government agreed to pay past-due funds to Cherokee freedmen, Owen again endorsed his cousin for disbursal agent. Secretary of the Interior Smith, however, appointed Robert H. Kern, a former member of a commission who had helped draw up a list of eligible freedmen. Owen did not quit; he soon joined with several others in bringing charges against Kern for allegedly cheating the hapless blacks.⁶¹ In December 1896 Kern replied to this accusation in a letter to Secretary Smith. Singling out Owen, he wrote: "Any man . . . willing to blacken the character of a person whom he has never known, in my judgment deserves the contemptable reputation that Bob Owens [sic] has in the Cherokee Nation."⁶² The Attorney General's office investigated the allegations against Kern and cleared him; therefore he continued the payments, which lasted into 1897.

Owen still did not stop his attempts to control some of the money; he soon represented Frederick B. Severs in a suit against the freedmen for \$168,000. Severs claimed that this was collateral on goods the freedmen had purchased on credit through his store in Muskogee. This maneuver held up payment for a while, but Severs was eventually forced to collect from individual freedmen rather than trying to acquire the money en masse. Thus, in this series of events, Owen's political connections failed him, but he one again displayed his dogged persistence and unflagging energy.⁶³

Owen's law practice was thriving; he often found himself juggling two or three important cases simultaneously. These legal activities consumed so much time that they no doubt encroached upon his other duties and interests. Perhaps because of this, Owen declined to seek reelection as Democratic National Committeeman in 1896. He did, how-

ever, serve as a delegate to the lively national convention of that year that nominated William Jennings Bryan for president on a Populist free silver platform.

The adoption of this platform by the Democrats was the culmination of years of agrarian protest of their lowly and powerless position in the industrializing economy. Low prices, high transportation rates, and unstable markets frustrated and angered farmers, who struggled to find answers to their predicament. In the process of searching for solutions, they formed Farmers' Alliances in the 1880s, which offered self-help measures, such as cooperative stores and grain elevators. Eventually the Farmer's Alliances formed the core of the People's Party, organized in 1892. The Populists (as the members of this party were sometimes known) wanted to alter the power structure of the country with the goal of enhancing their own position. They demanded limits on the power of industrialists, railroad operators, and high finance bankers. To accomplish this they called for a national income tax, nationalization of railroads, and a variety of electoral reforms.

Blaming the gold standard and its deflationary effects for many of their problems, the Populists also wanted to change monetary policies to bring about inflation, which they knew would favor overburdened debtors. To bring about inflation they advocated the "free and unlimited coinage of silver at a ratio of 16 to 1 to gold," in other words, a return to a bimetallic system with both gold and silver recognized as legal tender.

The Populists captured a surprising number of votes for their presidential candidate, James B. Weaver, in 1892, and they grew even stronger after the Panic of 1893 and during the severe depression that

followed. The hard times made President Cleveland very unpopular and caused Democrats to look for an alternative candidate with a new platform. Many Democrats began embracing the ideas of the Populists. Typical of many movements of this sort, these Democrats and others who were hurt by the depression longed for an easy answer, for a panacea, that would cure the country's economic ills. They found their answer in free silver, much to the dismay of the original Populists who prescribed a more complex formula to change the economy and society. During 1895 when orators, such as William Jennings Bryan, toured the country expounding the virtues of free silver, the drive for its adoption turned into a stampede.

At the same time, the People's Party was thriving in Oklahoma Territory, but due to the unorganized structure of politics in Indian Territory, there was no counterpart there. On the other hand, Farmers' Alliances had been strong in Indian Territory and their members were enthusiastic supporters of the free silver issue. Democrats of the territory also embraced the idea.⁶⁴

Still serving as Democratic National Committeeman when populism was on the rise, Owen was cautious and endorsed free silver only with reservations. In June of 1895, while Bryan was coincidentally touring neighboring Oklahoma Territory and while virtually everyone was talking about free silver, Owen offered his ideas to the Muskogee Phoenix. He carefully straddled the fence. With some of his statements, he clearly sided with free silver; for instance, he deplored the "Crime of '73" (the act of 1873 that discontinued the coinage of silver), and he argued that the adoption of free silver would not cause other countries to dump silver in the United States as some feared. In other parts of

his discussion he sided with the hard money supporters of the gold standard. He shared their fear that the adoption of free silver would cause monetary panic, because foreign investors would rush to withdraw their credits in gold before the less valuable silver became legal tender. Owen was probably correct in this assessment because the mere talk of adopting free silver as part of a bimetallic system with gold caused overseas speculators to slow down or withdraw investments. Owen suggested that the flight of gold could be avoided if free silver were adopted with the understanding that outstanding debts would still be paid in gold. His solution was insightful, but it probably swayed few purist advocates of free silver.⁶⁵

Despite Owen's ambivalence about silver, he showed no reluctance in becoming a delegate to the national convention with a pledge to support a pro-silver candidate. At the territorial convention held at Vinita in early June 1896, he relinquished his position as National Committeeman, but was elected delegate-at-large to the national convention at Chicago. All six Indian Territory delegates committed to Richard P. Bland of Missouri, a staunch advocate of free silver.⁶⁶

Although he represented an unorganized territory with no presidential electoral vote, Owen played an important part in the convention, for he was a member of the subcommittee that wrote the platform. Unintimidated by the situation, he boldly promoted his own ideas before this group. He offered a resolution advocating measures to keep silver at parity with gold, which again revealed his doubts about silver. Critics of free silver said that it would not reach parity with gold, but true believers argued that once unlimited coinage of silver began, the demand for silver would keep its value at par with gold. Owen's

suggestion was defeated because it was a "confession of weakness."⁶⁷

Owen almost succeeded with another resolution designed to prevent panics. As a banker during the Panic of 1893, he had witnessed the devastating effects of tight money in a time of crisis. Many monetary reformers, including Populists, advocated a solution to the problem by making currency "elastic," or available to those areas where a shortage of money was beginning to cause hard times. Owen's solution was simple, and it involved only slightly altering the banking system. Under federal law at the time, national banks were required to purchase United States bonds as a prerequisite to going into business. The bank could then issue its own bank notes with the bonds backing them. Owen's resolution would have allowed the federal government to issue Treasury notes during times of crisis with the same United States bonds backing this emergency currency. The subcommittee rejected the plan, so Owen took it before the full committee on resolutions. He gained enough support from Bryan and others on the committee to get approval. But Senator James Z. George of Mississippi convinced the committee that the proposal was too novel and untried, thus the resolution was repealed.⁶⁸

On another issue, however, Owen did prevail. This involved "Free Homes" for settlers of Oklahoma Territory. Many homesteaders still owed money to the federal government for land they received in the land runs. Politicians in Oklahoma Territory stumbled over one another trying to enhance their careers by supporting a Free Homes bill in Congress. Governor William C. Renfrow and other Oklahoma Territory Democrats wrote a resolution favoring free homes, hoping that the convention would adopt it so they could return home in triumph. The reso-

lution they prepared, however, was too long and awkward. After they presented it to the sub-committee on the platform, Owen reworded it in concise form, and his version was adopted. The delegates from Oklahoma Territory were embarrassed because their resolution had not passed. One of these, Temple Houston, an attorney from Woodward and son of Sam Houston, left the convention in disgust and with his plans of running for territorial delegate shattered.⁶⁹

After all committees finished their work, the convention itself opened, and the struggle for control began between President Cleveland's "gold standard" supporters and the free silver delegates. One contest involved the selection of a temporary chairman, with the Cleveland delegates backing David Bennett Hill and the silverites supporting John W. Daniel. Owen took part here also. Daniel was a United States Senator from Owen's home town, Lynchburg, Virginia, and a friend of the family; therefore, Owen delivered one of the nominating speeches. Not only did Daniel win as temporary chairman, but also silverite Bryan captured the presidential nomination due to his rousing "Cross of Gold" speech. The subsequent People's Party convention likewise endorsed Bryan as their candidate. The Populists, however, chose Thomas E. Watson, former congressman from Georgia; whereas the Democrats had selected Arthur M. Sewall, multimillionarie shipping magnate from Maine.⁷⁰

Owen worked hard for Bryan in the months following the convention. He spoke to local Bryan-Sewall clubs, attended a national conference of Democratic clubs, and journeyed to Chicago to hear the latest returns on election day. Bryan and free silver lost by a substantial margin to Republican William McKinley and the gold standard. Despite the loss,

Owen had entered national politics for the first time. Significantly, his involvement centered around monetary issues--an area that would become his principal concern as senator and make him nationally prominent.⁷¹

Following the Democratic defeat of 1896, Owen curtailed most of his activities in the party, participating only in local meetings and leaving the territorial organization to others. However, he continued to have a great deal of influence in political matters, particularly in the rapidly changing relationship between the federal government and the Five Civilized Tribes.

Even before 1896, it had become clear that Congress was committed to the liquidation of the Indian governments. Owen had been aware of this attitude with regard to the opening of the Cherokee Outlet, but he and other Indian leaders had also realized that federal officials intended to expand this policy with the goal of forcing the Five Civilized Tribes to take allotments.⁷²

In February 1893 while Owen was in Washington lobbying for his allottees in the Cherokee Outlet, he served as chairman of a conference of about twenty Indian delegates and lobbyists who were in Washington at the time. The group produced a letter warning the chiefs of the Five Civilized Tribes that the federal officials no longer considered treaties with the Indians to be sacred; instead, the old agreements could be set aside by simple legislation if necessary. These officials were publicly stating that they were more concerned about protecting the rights of the white settlers in Indian Territory than protecting Indian sovereignty. Finally, the letter pointed out that a new commission had just been authorized to negotiate with the Five Civilized

Tribes for the dissolution of their governments and for the allotment of their lands. Owen and the others offered no advice on how to deal with this new commission, but merely wanted to alert the tribes to the problem.⁷³

Created by a rider to the bill that opened the Cherokee Outlet, this new three-man commission soon became known as the Dawes Commission, in honor of its chairman, former Senator Henry L. Dawes of Massachusetts, who was a long-time advocate of Indian reform. After the commission began its negotiations with the Indians, Owen frequently advised the tribes on what strategy to follow. For three years the leaders of the five tribes steadfastly refused to talk with Dawes and his fellow negotiators, but Congress, persistently continued to extend the life of the commission, and, growing impatient, passed a provision in 1896 instructing it to begin enrolling Indian citizens as a first step toward allotment. At this point, Owen became convinced that further opposition was futile.⁷⁴

On August 12, 1896, he wrote a detailed letter expressing this viewpoint to A. P. McKellop, an eminent leader of the Creeks. Owen explained to McKellop that both the enemies and the friends of the Indians in Congress were insisting that the tribal governments begin earnest negotiations. Therefore, Owen argued, the Indians had no choice but to cooperate in order to get the most advantageous terms possible. "I am absolutely convinced by six successive winters spent in Washington . . . that the time has come when the Indian people must act or by their inaction allow legislation in Congress that will be ruinous," wrote Owen.⁷⁵

Many other leaders shared this view. In the fall of 1896, Choctaw

Chief Green McCurtain, hoping the Indians could formulate unified goals for negotiations, called for an intertribal meeting at South McAlester on November 11. Although not officially representing the Cherokees, Owen attended this convention and was elected secretary. The conferees agreed that they had no choice but to negotiate, and they passed various resolutions calling for continuation of the tribal governments as long as possible, support for schools, monetary compensation for the inconvenience of taking allotments, and formation of a state only if separate from Oklahoma Territory. After the meeting, several of the tribes immediately began negotiations with the Dawes Commission.⁷⁶

Owen returned to Washington, where he constantly monitored events and reported them to the territorial press in late 1896 and early 1897. He also communicated with his friend Bushyhead, and both agreed that Cherokee tribal officials should send proof to Congress that they were beginning to negotiate in good faith with the Dawes Commission. The Cherokees did so, but it was too late. Congress passed the Curtis Act in March 1897, which unilaterally dissolved the governments in Indian Territory and imposed a congressional plan of allotment on the Indians. President Cleveland pocket-vetoed the act, but the Indians were shocked. During the next year, the Choctaws, Chickasaws, and Seminoles reached new agreements, while the Cherokees and Creeks continued to negotiate. Although the Seminoles ratified their agreement, Congress once again passed the much-hated Curtis Act on June 28, 1898, which President McKinley signed. In many respects, it was an organic act for Indian Territory, with provisions purposefully unattractive to the Indians. It sanctioned the Seminole agreement and gave the option to the other tribes that they could escape the general provisions of the

act if they would negotiate and ratify alternative agreements. Over the next few years, the Indians made new agreements. While they did, Owen periodically gave his advice on the problem to various tribal officials.⁷⁷

The impact that Owen had on negotiations with the Dawes Commission again reflected his high level of influence in territorial matters. Similar to when he served as Indian agent, this influence also transferred into high social prestige. As with other leaders of lofty social standing, the local newspaper carefully reported his comings and goings in the personal and business columns, and in doing so usually conferred on him the customary honorific of "Colonel." Because he traveled on business so frequently, these personal notes appeared often. They also informed the public of his vacation trips to such places as Eureka Springs, Arkansas; Atlantic City, New Jersey; and Chicago, Illinois, where he attended the highly popular world's fair in 1893. His wife was also frequently mentioned, as was his only child, Dorothea, born in 1894.⁷⁸

As was expected of a man of his social esteem, Owen frequently donated money and property to local churches, libraries, and schools. Also appropriately, in 1891 he had a large home built in Muskogee; however, he and his family spent little time in the house because of their constant traveling and long stays in Washington each winter. Even when not lobbying Congress, Owen apparently came to prefer St. Louis as a place of residence in 1897 and 1898, for during those years the Muskogee Phoenix periodically referred to him as Robert L. Owen of St. Louis. But when the family was domiciled in Muskogee, the socially conscientious Mrs. Owen frequently held lavish parties in the "elegant

"parlors" of her home. She made an excellent replacement in this regard for Owen's mother, who divided her time among her two sons and various relatives. About 1896 Narcissa established herself as a self-proclaimed painter and art instructor with a studio in Washington, D.C.⁷⁹

Although Owen's social calendar was filled and his law practice burdensome, he continued at full pace in his business interests during the middle and late 1890s. His mining, ranching, and banking enterprises expanded as he also entered into new ventures both inside and outside Indian Territory. Probably the most unique of these was his investment in the production of a new light acetylene gas.⁸⁰ He was probably quick to recognize the possibilities of this new product because he had a few inventions to his own credit. As a "sort of relaxation from his regular work," he periodically drew up patents for such things as a new cotton baling process and an improved automatic railroad brake.⁸¹

In 1899 Owen and his family traveled to Europe--a symbolic capstone of his economic and social prominence in the 1890s. For almost four months he and his family toured England, France, Switzerland, Italy, Austria, Holland, Germany, and Belgium. As with his honeymoon, the trip was no mere pleasure excursion. While in several of the countries, Owen met with officials of governmental central banks to learn how their banking systems provided for elastic currency during times of stringency. Combining this information with his own knowledge, he drew up a proposal for reform that was more elaborate than the one he had suggested at the Democratic National Convention in 1896. Over the next several years he promoted his ideas in newspaper arti-

cles, in speeches before local banking groups, and even among members of Congress. Owen was not unique in making these suggestions, for dozens of bankers throughout the country promoted similar reform proposals. The demand for such reform was clearly widespread; this was particularly true if Owen, a small town banker from Indian Territory, was joining the movement.⁸²

Owen's ideas on banking also revealed that he desired to influence national events, not just local ones. He stood in a good position to have that sort of impact because over the previous ten years he had acquired financial independence and wide recognition; both were invaluable when he later ran for the United States Senate. The decade following his resignation as Indian agent had also afforded him with other opportunities that were equally important for his future political career. His activities in the embryonic territorial politics gave him first-hand experiences in the vagaries of local politics. That political experience broadened his acquaintances and brought him into contact with national public figures and issues.

Many of Owen's actions in other areas indicated that he was developing the skills and characteristics necessary for a politician. He was quick to grasp opportunities and seldom questioned his own motives. Seemingly without hesitation he sought enormous attorney's fees and maneuvered to control lucrative claims awarded to the Five Civilized Tribes by the government. Those who criticized him or vied with him for control of these claims met a formidable opponent. Owen was quick to cast accusations at his rivals, and, even more quickly, he defended his own actions with vigor.

Few men in Indian Territory had as much experience in Washington

as Owen, and still fewer could match his insight and dogged persistence. He also seemed to have limitless energy. Often he simultaneously juggled several court cases, took part in politics, and expanded his business interests. He constantly worked, plotted, planned, and maneuvered. Not surprisingly, contemporary observers were well aware of this, as evidenced by an admiring newspaper editor who labelled him the "Man Who Never Quits."⁸³

FOOTNOTES

¹Debo, Choctaw Republic, 73-74, 203-209.

²Ibid., 167-168, 209-210.

³Debo, Choctaw Republic, 210-211; Oklahoma City Times, December 14, 1908, 2; Miscellaneous contracts, August, 1889, Net Proceeds Files, Records of the Choctaw Nation, AMD, OHS; Miscellaneous certificates of payment, Records Relating to the Net Proceeds Case, Records Relating to Claims, RG 75, NA.

⁴Debo, Choctaw Republic, 211; Muskogee Phoenix, January 2, 1890, 1.

⁵Oklahoma City Times, December 14, 1908, 2.

⁶Ibid., December 15, 1908, 2.

⁷Oklahoma City Times, December 15, 1908, 2; Littlefield, Cherokee Freedmen, 195-197.

⁸E. McCurdy Bostic, "Elizabeth Fulton Hester," Chronicles of Oklahoma 6 (1928):449-451; John W. Morris, Ghost Towns of Oklahoma (Norman: University of Oklahoma Press, 1977), 31-32; Untitled and unsigned manuscript on Mrs. Robert L. Owen, Robert L. Owen File, Barde Collection, AMD, OHS.

⁹Untitled and unsigned manuscript on Mrs. Robert L. Owen, Robert L. Owen File, Barde Collection, AMD, OHS; Washington Post, August 19, 1944, Magazine section, p. 1; Muskogee Phoenix, September 12, 1889, 5, September 26, 1889, 5; Foreman, Muskogee, 55; Muskogee Phoenix, January 2, 1890, 5.

¹⁰Unidentified newspaper clipping [c.1940], Scrapbook, Historical Files, First National Bank of Muskogee, Muskogee, Oklahoma (these files hereafter cited as 1st NBM); Robert L. Owen to Joel B. Mayes, June 1, 1889, Miscellaneous Executive Documents and Correspondence Files, file 254, box 31, Cherokee Nation Papers, WHC.

¹¹Robert L. Owen to H. H. Ogden, April 20, 1936, Typescript copy of original letter, 1st NBM.

¹²Unidentified newspaper clipping [c. 1940], Scrapbook, 1st NBM.

¹³Unidentified newspaper clipping [c. 1940], Scrapbook, 1st NBM; Minutes of the organizational meeting of the First National Bank of

Muskogee, June 7, 1890, Typescript copy of the original, 1st NBM.

¹⁴Muskogee Daily Phoenix, February 16, 1938, Golden Anniversary edition, p. 1, copy in 1st NBM; Muskogee Phoenix, August 21, 1890, 5, January 11, 1900, 1.

¹⁵Muskogee Phoenix, December 26, 1889, 5, September 4, 1890, 5; Nance, "Captain James E. Reynolds," 2-9; Robert L. Owen to D. M. Brown-ing, April 11, 1895, 15690-95, Letters Received, General Records, 1824-1907, RG 75, NA.

¹⁶Register of Mineral Licenses, 1884-1888, pp. 22, 44, 50, 52, Executive Council, Records of the Cherokee Nation, vol. 336, AMD, OHS.

¹⁷Laban J. Miles to Thomas J. Morgan, September 1, 1890, 29422-90, Letters Received, General Records, 1824-1907, RG75, NA; Teague, History of Washington County, 1:169; Burrill, Robert M., "The Establishment of Ranching on the Osage Reservation," Geographical Review 62 (1972): 535-538.

¹⁸Laban J. Miles to Thomas J. Morgan, September 1, 1890, 27472-90, W. S. Fitzpatrick to Thomas J. Morgan, September 3, 1890, 27966-90, Letters Received, General Records, 1824-1907, RG 75, NA.

¹⁹W. S. Fitzpatrick to Thomas J. Morgan, September 3, 1890, 27966-90, Letters Received, General Records, 1824-1907, RG 75, NA; Muskogee Phoenix, July 3, 1890, 4.

²⁰Robert L. Owen to T. J. Morgan, September 5, 1890, 27454-90, La-ban J. Miles to Thomas J. Morgan, September 1, 1890, 27472-90, Letters Received, General Records, 1824-1907, RG75, NA.

²¹Robert L. Owen to T. J. Morgan, September 5, 1890, 27454-90, S. W. Peel to T. J. Morgan, October 13, 1890, 32082-90, Letters Re-ceived, General Records, 1824-1907, RG 75, NA; Vinita Indian Chieftain, October 16, 1890, 2; Burrill, "Ranching on the Osage Reservation," 538-541; House Committee on Indian Affairs, Certain Indian Lands in Indian Territory and Oklahoma, 52d Cong., 1st sess., H. Ex. Doc. 265, 6-8.

²²Robert L. Owen to Thomas J. Morgan, November 15, 1889, 33419-89, July 29, 1890, 23163-90, Letters Received, General Records, 1824-1907, RG75, NA; George H. Shields to John W. Noble, June 24, 1890, S. Ex. Doc. 219, 39-42.

²³Debo, Choctaw Republic, 197-198.

²⁴Sturm, "Oklahoma's Accomplished Senator," 39; Debo, Choctaw Republic, 198-203; New York Times, June 7, 1893, 3, June 10, 1893, 15; Oklahoma City Times, December 15, 1908, 2.

²⁵Robert L. Owen to Grover Cleveland, March 18, 1893, General Correspondence, 1846-1910, Series 2, Grover Cleveland Papers, Manu-scripts Division, Library of Congress, Washington, D.C., Microfilm, Roll 74 (hereafter materials from Manuscripts Division of Library of

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²⁶ Muskogee Phoenix, June 16, 1892, 4; Minutes of the Democratic Convention, Muskogee, June 11, 1892, typescript copy of original, enclosed with C. A. Looney to F. S. Barde, October 18, 1906, Democratic Party-Democratic Clubs File, Barde Collection, AMD, OHS.

²⁷ Muskogee Phoenix, June 23, 1892, 5; Unidentified newspaper clipping of the official call for the territorial Democratic convention, Robert L. Owen File, Miscellaneous Files, WLU.

²⁸ Unidentified newspaper clipping of the official call for the territorial Democratic convention, Robert L. Owen File, Miscellaneous Files, WLU.

²⁹ Cherokee Advocate, September 14, 1892.

³⁰ Proceedings of the Democratic Convention Held at South M'Alester, Wednesday, October 5, 1892 (n.p., [1892]), 3 (copy in Robert L. Owen File, Vertical Files, Library, Oklahoma Historical Society, Oklahoma City, Oklahoma).

³¹ Ibid., 2-8.

³² Proceedings of the Democratic Convention Held at South M'Alester, 2-8; Muskogee Phoenix, October 6, 1892, 5.

³³ Muskogee Phoenix, October 6, 1892, 5.

³⁴ Muskogee Phoenix, November 17, 1892, 5, March 9, 1893, 5; Robert L. Owen to Grover Cleveland, March 18, 1893, General Correspondence, Series 2, Cleveland Papers, MD, LC, Microfilm Roll 74.

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³⁷ Ibid., March 20, 1893.

³⁸ Berlin B. Chapman, "Cherokee Allotments in the Outlet," Chronicles of Oklahoma 59 (Winter 1982-82):402-403; Berlin B. Chapman, "How the Cherokees Acquired and Disposed of the Outlet, Part Five: The Cherokees Concede to a Contract," Chronicles of Oklahoma 16 (1938): 151.

³⁹ Muskogee Phoenix, March 13, 1890, 4; Chapman, "How the Cherokees Acquired and Disposed of the Outlet," 149-150; Robert L. Owen, A Plan for Saving to the Cherokee People Millions of Dollars (Muskogee, Oklahoma: Phoenix Printing Company, 1891), 3-12 (copy in Hargrett Collection, Gilcrease).

⁴⁰ Owen, Saving to the Cherokee People Millions of Dollars, 14.

⁴¹Muskogee Phoenix, October 29, 1891, 4.

⁴²Ibid., December 3, 1891, 4.

⁴³Senate Committee on Indian Affairs, An Agreement with the Cherokee Indians for the Cession of Certain Lands, 52d Cong., 1st sess., S. Ex. Doc. 56, 17-19 (hereafter cited as S. Ex. Doc. 56).

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⁴⁵S. Ex. Doc. 56, 18.

⁴⁶Ibid., 18, 12.

⁴⁷Chapman, "Cherokee Allotments in the Outlet," 404-405, 411.

⁴⁸Ibid., 410-411.

⁴⁹Chapman, "Cherokee Allotments in the Outlet," 406-408; George H. Shields to Hoke Smith, March 23, 1893, 20006-93, Memorandum, "As to seventy selections on Cherokee Outlet," by Robert L. Owen, 1893, 20006-93, Letters Received, General Records, 1824-1907, RG 75, NA.

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⁶⁷Louis W. Koenig, Bryan: A Political Biography of William Jennings Bryan (New York: G. P. Putnam's Sons, 1971), 241; Robert L. Owen, Stabilized Dollars: Permanent Prosperity (Washington, D. C.: Privately printed, 1937), 35.

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⁷²Debo, And Still the Waters Run, 23; Muskogee Phoenix, October 10, 1895, 8.

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CHAPTER V

TRANSFORMATION: FROM SEASONED LAWYER-LOBBYIST TO FLEDGLING PROGRESSIVE

As statehood approached, Indian Territory changed dramatically and rapidly. The Dawes Commission finalized its agreements with the Five Civilized Tribes and allotted millions of acres of land, which set into motion an unrestrained, hurry-scurry economic promotion of the territory. Thousands of non-Indians rushed to the newly discovered oil fields, bustling towns, and rich agricultural fields. The population between 1900 and 1907 grew by 75 percent, whereas the increase in Oklahoma Territory was an even greater 80 percent. Except for the full-blooded Indians, virtually everyone in both territories clamored for statehood, and when this wish was finally granted, the new constitution was written in the reform-charged atmosphere of the progressive movement.¹

Because of his intimate knowledge of Indian affairs and his well-established personal contacts with people of influence and power, Owen adapted and thrived in this rapidly changing environment. He accumulated even more wealth through attorney's fees and gained control of thousands of acres of land as the tribes switched from communal to individual ownership of their domain. At the same time, he was one of the strongest advocates of statehood for Indian Territory separate from Oklahoma Territory. Although the movement was doomed to failure, many

people admired his persistence and dedication to the cause. When single statehood for the two territories approached, Owen began a transformation from an opportunistic lawyer-speculator into a progressive politician who espoused doctrines based on high principles.

As in the 1890s, Owen handled several important cases simultaneously from 1899 to 1907. He continued to travel to Washington during the winter months of each year, and while there argued his various cases before the Secretary of the Interior, the Commissioner of Indian Affairs, congressional committees, the United States Court of Claims, and the United States Supreme Court. In some instances he succeeded, while in others he failed or the outcome was not final for years.

One of Owen's failures as attorney involved the Leased District--that same region over which he had earlier won a judgment of \$3 million when the Cheyenne-Arapaho lands were opened in the early 1890s. The Choctaws and Chickasaws still claimed additional residual rights to the Kiowa-Comanche and the Wichita reservations, which were both located on the lands of the old Leased District. When the federal government began preparing to open them to settlement, the Choctaws and Chickasaws demanded compensation. Owen and his friend Wiley O. Cox, the lawyer and editor from Kansas City who had helped finance the First National Bank of Muskogee, were the principal attorneys. First they filed suit for the Choctaws for compensation on lands of the Wichita Reservation. In 1898 Congress authorized the United States Court of Claims to hear the case, which ruled in favor of the Choctaws and Chickasaws in March 1899. Emboldened by this victory, Owen and Cox then petitioned Congress for payment on the Kiowa-Comanche Reservation, but as they did, the Supreme Court overturned the ruling on the Wichita lands. Congress

therefore was unimpressed by Owen's new demand for compensation for the Kiowa-Comanche lands. Owen and Cox dropped the case in 1900.²

Even as Owen dropped the Leased District suit, he was beginning to undertake one of the largest claims in the history of Indian Territory--the Eastern Cherokee case. Similar to other cases Owen had pursued, this one involved a claim against the government because of injustices during removal. The Treaty of New Echota (1835), which was the basis of Cherokee removal, gave the tribe \$5 million for its lands in North Carolina, Tennessee, Georgia, and Alabama; however, the federal government deducted \$1,111,284.70 from the fund to pay for a portion of the expenses of removal. The Cherokees later objected to this expenditure as a violation of the treaty, and periodically they demanded that the government reimburse them.³

In the agreement providing for the sale of the Cherokee Outlet in 1891, federal officials promised to review this claim. Basing its decision on a study by independent accountants, in 1895 Congress seemed ready to pay more than \$4 million, which included the original claim plus an annual interest payment of five percent. Congress, however, referred the issue to the Attorney General, who ruled that the money should not be paid.⁴

The Cherokee National Council continued to push their claim, employing the firm of Shelley, Butler, and Martin of Washington, D.C., as legal counsel. But little progress was made over the next several years, and the situation was further complicated when several Cherokees began arguing that the National Council had no authority to control the claim. They believed only the Eastern Cherokees were entitled to the money, not the Western Cherokees or Old Settlers, who had immigrated

years before the agreement. The Old Settlers, of course, had already received their share of the original treaty fund of \$5 million in the early 1890s, a case in which Owen had played a major role.⁵

A group of enterprising Eastern Cherokees, led by Frank J. Boudinot, David Muskrat, and Daniel Gritts, decided to bypass the Cherokee National Council to pursue the claim by forming the Executive Committee of the Eastern or Emigrant Cherokee Council. To generate an added appearance of legitimacy, in February 1900 this group acquired the endorsement of the Keetoowah Society--a fraternity of full bloods based on ancient tribal rites. The committee of Eastern Cherokees then quickly contracted with John Vaile of Fort Smith to prosecute the suit, with a contingency fee of fifteen percent. Within a few days, Vaile enlisted the services of Owen.⁶

Although critics claimed that Owen had been behind the whole scheme from the beginning, he immediately undertook the case with vigor. He soon allied with Shelly, Butler, and Martin, the law firm that had earlier been handling the case, and with Robert V. Belt, who represented the Cherokees still living in North Carolina in their claim to a portion of the payment. Over the next three months, Owen submitted several memorials to Congress, requesting an appropriation for the claim, and a bill was introduced authorizing payment to the Eastern Cherokees.⁷

In response to Owen's actions, the official Cherokee delegates in Washington, D.C., issued a formal protest on March 29, 1900. They explained that the Cherokee National Council should handle the claim, and that if any money were appropriated, it should go to the official Cherokee government for distribution, not to some impromptu group. "The

so-called 'Council of Eastern Cherokees' has no existence except in the imagination of certain Cherokee citizens," the Cherokee delegates argued.⁸

Back in Indian Territory, the controversy provoked a debate in the press. Opponents contended that the Council of Eastern Cherokees had legal right to exist without authorization from the Cherokee government. Owen said the opposite was true: since the Eastern Cherokees had organized, the Cherokee national government could not interfere. He also predicted that the money would be awarded that winter.⁹

In December 1900 the Cherokee National Council attempted to regain control of prosecuting the claim by hiring William Halsell of Vinita and M. L. Turner of Oklahoma City as attorneys. In the meantime Owen again enlisted his friend Cox to help him push the claim before the House Committee on Indian Affairs. With the two groups of attorneys lobbying at cross-purposes, Congress became reluctant to appropriate the money and requested the advice of Secretary of the Interior Ethan Allen Hitchcock.¹⁰

The response from Hitchcock foiled Owen's plan, for Hitchcock recommended that the issue be sent to the United States Court of Claims. He also drew up a bill with a provision allowing him to choose the attorney for the Cherokees and limiting the fee to \$10,000. Congress passed a revised bill on February 20, 1901, which called for a preliminary judgment from the Court of Claims to determine if there was enough substantial evidence to warrant a full hearing before the same court. Owen was able to get the provisions deleted that gave the Secretary the right to choose counsel. Also, he managed to save some face by boasting that he was, in truth, responsible for referring the case to the

Court of Claims, where it could get a fair hearing.¹¹

With his position as attorney in the case highly questionable, Owen in March 1901 began a campaign to quiet critics who continued to dispute the legitimacy of his role. In a letter to the Yinita Indian Chieftain, he explained that he was perfectly entitled to represent the Eastern Cherokees, that the Eastern Cherokees had been legally organized under the auspices of the Keetoowah Society, and that the Cherokee national government had handled the case so incompetently that only his efforts could bring about a final settlement.¹²

Owen's statement evoked quite a different interpretation from D. W. C. Duncan, a Cherokee attorney who called himself Too-Qua-Stee. Also writing to the Chieftain, Duncan revealed that originally Owen had tried, but failed, to get a contract for prosecuting the case from the Cherokee National Council, but "when it ceased to let its magic work so as to effectuate his designs upon our Cherokee funds," then Owen kicked it "out of his way as he would an old patent machine that had become too badly worn to do profitable service."¹³

Duncan also asked why the Old Settlers should not receive a share of the payment. To this question Owen simply replied that the Western Cherokees or Old Settlers had already received their total share of the original treaty fund and therefore were not entitled to additional compensation. He, of course, knew this because he had been a principal attorney in the Old Settler case. In response to Duncan's more personal attacks, Owen said: "If my reputation as a man of honest purpose can be broken down by the scurrility of such men as A. E. Ivey and Mr. Duncan, so flimsy a bubble is unworthy of defense."¹⁴

Despite the critics, Owen continued to pursue the claim over the

next several years. In April 1902 he argued the case before the United States Court of Claims, which ruled there were enough facts to warrant a more detailed adjudication. Then Owen and his associates persuaded Congress to pass an act in July 1902 referring the case again to the Court of Claims for a final judgment. A few months later, while Congress was not in session, Owen traveled to Wisconsin to present his argument for the Eastern Cherokees before Senator Joseph V. Quarles, Chairman of the Committee on Indian Affairs.¹⁵

In the meantime, Owen's competitors, Turner and Halsell, had dropped the case; therefore, the Cherokee National Council hired new official attorneys in January 1903. This action was endorsed by Secretary of the Interior Hitchcock, who drew up the contract for the new attorneys and set their fees. Again, Congress became concerned about the split representation of the Cherokees, and on March 3, 1903, it established new ground rules for the prosecution of the case before the Court of Claims. This amendment allowed three sets of attorneys: Owen and his associates for the Council of Eastern Cherokees, R. V. Belt and others for the Cherokees still living in North Carolina, and the group of attorneys hired by the Cherokee National Council--this last group being the only one definitely authorized to collect a fee. Owen and all other attorneys would be allowed to petition the Court of Claims later for any additional fees.¹⁶

Undaunted by this obstacle, Owen forged ahead. In May 1905 he joined the others in arguing the case before the United States Court of Claims, and in doing so he outshone his competitors. Chief Justice Charles C. Nott of the Court of Claims later commented that Owen's presentation was the ablest he had heard in forty years on the bench.

Owen's performance helped win the case, for the court ruled in favor of the Eastern Cherokees, but authorized the government to distribute the fund; neither the Council of the Eastern Cherokees nor the Cherokee National Council would control the money.¹⁷

Federal officials, still reluctant to pay such a large claim, immediately appealed the case to the United States Supreme Court. Despite the fact that Owen still had no valid contract to represent anyone, he argued the case before the Supreme Court in January 1906, along with the host of other attorneys. When the court ruled in favor of the Eastern Cherokees the following April, Owen became the man of the hour. Well-wishers telegraphed congratulations to Mrs. Owen, who was back in Muskogee, and within a few days several newspapers throughout the country highlighted his great victory. Within a month, Owen presented his request for a fee to the Court of Claims, where Secretary of the Interior Hitchcock protested in vain. Owen and his associates received 15 percent of the judgment (\$740,555.31), with more than \$200,000 going to Owen, reputedly one of the highest fees paid to a single attorney up to that time. In 1908 a governmental official drew up a new roll of about 30,000 Eastern Cherokees; thousands of other were rejected; and in 1910 the Eastern Cherokees received checks for \$133.14 each.¹⁸

The Eastern Cherokee case was Owen's most spectacular success as a lawyer-lobbyist. He was less successful, however, in some of his other speculative ventures during the same time. Owen's investment in Creek agricultural lands was so questionable that he was forced to abandon the enterprise. In May 1901 after the Creeks made their agreement concerning allotment, he joined dozens of real estate dealers who

invaded the Creek country to make leases on agricultural land.¹⁹

To conduct his business he formed the Indian Land and Trust Company, capitalized at \$50,000 and half owned by investors from St. Louis. His cousin, William, and Charles F. Winton, the attorney who earlier had helped raffle town lots at Kildare, headed the management of the operation. They contracted with full-blooded Creeks to lease land for ninety-nine years. Rather than an annual rent, each Indian lessor took an up-front cash payment of only \$50 and agreed to sell his allotment for a mere \$110 when he received final title. Most of these Creeks were illiterate, signing the contract with an "X," with Owen's cousin notarizing the documents. In some cases, parents or guardians also leased their childrens' land in the same manner. While acquiring the contracts, the company's representatives also advertised widely that long-term leases were available.²⁰

Early in 1902 the acting Secretary of the Interior Thomas Ryan ordered the Indian Land and Trust Company to stop its activities. He particularly criticized a misleading circular advertisement, prepared by Winton, that promised long-term leases. This was illegal because the leases were limited to one year by the Creek agreement with the government. Also, several of the parents who had made leases on their childrens' land wanted the agreements overturned. Owen was never one to surrender without a fight. He demanded a hearing before the Secretary of the Interior, published a brief that gave an interpretation of the Creek agreement that would have allowed multi-year leases, and presented his case to Secretary Hitchcock. His arguments failed, for Hitchcock still contended that the leases were invalid. Owen then took the issue to the federal court in Indian Territory, suing Indian Agent

J. Blair Shoenfelt, who had annulled some of the leases to Indian minors. The court also ruled against Owen.²¹

By late 1903 Owen realized that Interior Department officials intended to use him as an example to enforce the restrictions on leases; therefore, he resigned as president of the company. While doing so, he convinced his friend, Indian Inspector J. George Wright, to write a note exonerating him of any wrong doing. Although federal officials succeeded in deterring Owen, they did not stop the widespread leasing of Indian lands. Real estate dealers merely changed their tactics, such as renting land on a year by year basis, but with the same low rent of long-term leases.²²

Governmental officials were also ineffective in stopping widespread fraud in the sale of town lots; in fact, some employees of the Union Agency actually condoned the activity. The platting and selling of town lots began in 1899 under the provisions of the Curtis Act. People who had made improvements on town lots prior to their sale were recognized as having possessory rights and were allowed to buy their holdings at a very low assessed price. Because of the extremely low evaluation of the lots, many people claimed possessory rights they really did not deserve by having friends or relatives file "dummy" claims. When the nominal assessment fee had been paid, the confederate would sign the deed over to the speculator.²³

Like dozens of others, Owen acquired large numbers of lots in Muskogee by setting up dummy claims. For example, his daughter supposedly owned some of the possessory rights later signed over to him. After statehood, the frauds gained national attention when the federal government brought criminal charges against several prominent citizens of

Muskogee, including Governor Charles N. Haskell, who was national treasurer of Bryan's presidential campaign of 1908. Owen was not one of the defendants at that point, but later he settled out of court with the Creek Nation.²⁴

Owen also speculated in other town lots, particularly in the Cherokee Nation, but his most ambitious investment of this type was in Sulphur in the Chickasaw Nation. In 1902 the Chickasaws asked to have the natural mineral springs at Sulphur set aside as a park or reserve, an area of about 850 acres. The federal government more than obliged by first making the area a reserve then designating it as Platt National Park in 1906. Owen quickly made friends with John F. Swords, superintendent of the reserve, and they joined others in purchasing land adjacent to the park. Also Owen found a Chickasaw freedman who resided in Muskogee, helped him select his allotment of forty acres close to the park, and then paid him \$500 for it. In 1907 David R. Francis, former Governor of Missouri and former Secretary of the Interior under Cleveland, joined with Owen and others in a syndicate that proposed purchasing 800 acres near the site. Eventually the park was totally surrounded by the booming little town of Sulphur. As senator, Owen frequently pushed appropriations for the park and defended it from periodic attempts to withdraw it from the national park system.²⁵

Investment in town lots was a small affair compared to Owen's greatest land speculation--an attempt to gain control of thousands of acres of land allotted to Mississippi Choctaws. These members of the Choctaw tribe were descendants of those who had elected to take allotments in Mississippi rather than remove to Indian Territory in the 1830s. They soon lost their land in Mississippi and became poverty

stricken. Periodically, Choctaws in Indian Territory invited them to take up residence in their nation; a few did this, but about 2,500 still remained in Mississippi in the 1890s. When it became apparent that allotment would soon come, the Choctaws of Indian Territory ceased being hospitable and instead denied that their Mississippi kinsmen should share in allotment.²⁶

Recognizing the opportunity of this situation, in 1896 Owen teamed up with his friend, Winton, to gain representation of the Mississippi Choctaws. First the two lawyers signed contracts with a number of the Indians for a contingency fee of 50 percent of any land allotted to their clients. Then they gained the friendly support of Congressman John Sharp Williams of Mississippi, who introduced a number of memorials in Congress calling for the recognition of the rights of the Mississippi Choctaws.²⁷

At the same time, Owen presented the case to the Dawes Commission, arguing that the Mississippi Choctaws should be allowed to take allotments in Indian Territory without moving there. When the Dawes Commission rejected the plea, Owen took the issue to the federal court in Indian Territory. But the court likewise ruled that the Mississippi Choctaws were not entitled to absentee allotments. Still not deterred, Owen managed to lobby legislation through Congress that ordered the Dawes Commission to make another review. Upon these orders the commission researched old Choctaw treaties and early in 1898 filed a report that said the Mississippi Choctaws were after all entitled to allotment but only if they first became residents of Indian Territory. They had no right, however, to share in annuities and other funds of the Choctaw Nation as a whole. A few months later the Curtis Act

provided for their enrollment as a preliminary to allotment.²⁸

Owen and Winton were disappointed in the ruling, yet they continued to represent the Mississippi Choctaws and adapted to each new setback they encountered. They helped lobby legislation passed in 1900 that authorized allotment for their clients, but opponents of their scheme managed to add a provision that annulled all prior liens on the lands. This forced Winton to return to Mississippi, armed with dozens of new blank contracts, which he used to get both new and old clients to sign.²⁹

Winton and several associates were in the field when A. S. McKennon, a member of the Dawes Commission arrived with support personnel to identify Indians eligible to take allotments. McKennon quickly became disgusted with Winton and his associates. During the several months that McKennon took applications for allotment, he found that almost all applicants had signed a contract with Winton to give away one half of their land, or they had signed similar contracts with other agents and attorneys. McKennon complained that the Indians had been informed that their applications would be rejected without a contract. At this point, the rights of the Indians were already clearly established, and no such contracts were needed, except as devices to reinforce the claims of Owen and Winton.³⁰

During 1903 and 1904 almost 1,600 Mississippi Choctaws moved to Indian Territory; some arrived at government expense, while others were transported for a fee by speculators who were trying to attach additional encumbrances to their allotments. Owen evidently paid for some transportation and then applied to the government for reimbursement from a special fund established for the allottees. In 1906 he inten-

sified his efforts to collect the contingency fee of 50 percent and enlisted the services of former Senator James K. Jones. Choctaw national officials and their attorneys, as friends of the Mississippi Choctaws, contested the fee. Owen, however, successfully lobbied for legislation in April 1906 that sent the case to the United States Court of Claims. In 1908 when Owen was senator, Congress passed a rider to an appropriation bill allowing Owen and others to put a lien on all allotments of the Mississippi Choctaw. His political critics accused him of secretly inserting the provision through legislative friends. For more than a decade his enemies denounced him because of the millions of dollars he would make if his claim were upheld. Finally, in 1922 both Winton and Jones were dead, but their estates and Owen received \$175,000 for the claim.³¹

As he was representing the Mississippi Choctaws and the Eastern Cherokees and as he speculated in town lots, Owen also attempted to purchase the land on which his ranch improvements were located. Both the Curtis Act of 1898 and the final Cherokee's agreement on allotment in 1902 prohibited individual Cherokees from controlling land, except for the amount that they and their families would receive in allotment. Because Owen and his family would receive only a few hundred acres, this meant he would have to dispose of his thousands of acres of excess holdings or else face stiff fines.³²

The resulting battle to retain control of his ranch became a supreme test of his endurance and produced variations of intrigue that were amazing even for Indian Territory. Owen's principal ally in these activities was Richard C. Adams, a mixed-blooded Delaware attorney. Representing his tribe on the endorsement of a "council" of Delawares,

about 1898 Adams began prosecuting a claim for 157,600 acres. This was based on a treaty the Delawares had made in 1867 when they settled in the Cherokee Nation. At that time, they had paid \$157,600 to the Cherokees for the right to receive a segregated allotment if the land were ever allotted.³³

As the process of allotment began, the Cherokees opposed this Delaware claim, particularly since oil and gas had been discovered in the area where Delawares lived. But partially due to Adams's efforts the Cherokee Agreement of 1902 permitted the case to go to the Court of Claims. In the meantime, Adams was allowed to present a tentative list of the segregated lands, which were to encompass all the holdings of his fellow Delawares. The Dawes Commission accepted his list in 1903; however, within a few months several Delawares complained that their homesteads had been left off Adams's list. More importantly, the Delaware segregated lands also unfairly encompassed the homesteads of many legitimate Cherokee settlers. Through thorough investigation, the Dawes Commission discovered that about 40,000 acres had been claimed that really should have gone to Cherokees. Owen was one of these.³⁴

Although most of the Cherokees objected to their improvements being included in the Delaware segregation, Owen did not. He had made an agreement in which Adams would claim Owen's improvements on about 7,000 acres, and if the courts ruled in favor of the Delawares, then Adams would sell the land to Owen. Adams made several similar agreements with other prominent Cherokees, such as Jacob Bartles and Francis B. Fite. When the Dawes Commission figured out the scheme, they invalidated Adams's list and drew up one of their own. In response, Adams objected vigorously and called on powerful allies, such as Senator

Matthew S. Quay of Massachusetts. This resulted in a bitter controversy that at one point drew in President Roosevelt to mediate.³⁵

As the controversy unfolded, the United States Court of Claims had ruled that the Delawares were entitled to only one third of the claim (about 50,000 acres). The United States Supreme Court upheld this ruling on February 21, 1904, but Adams, Owen, and their friends then concocted an alternative plan. Through allies in Congress, legislation was passed that allowed the Delawares to have six months to dispose of their improvements on the 100,000 acres that they had been denied. Adams soon submitted a long list of improvements on about 12,000 acres that he claimed to have purchased. The Dawes Commission was not surprised to discover that these improvements had earlier belonged to Owen and other prominent mixed-blooded Cherokees. There was an advantage in controlling these improvements. Prospective allottees were reluctant to choose their allotments where they would have to pay for improvements from Adams. After taking testimony, the commission concluded that Adams had not really purchased the improvements, that Owen and the other excess land holders were merely using him as a front to keep the land sheltered from allotment, and that various witnesses had perjured themselves in testifying that Adams owned the improvements. Early in 1905 the commission ordered Owen and several others to appear before that body to explain why criminal charges should not be filed. Owen, who was in Washington, replied that he could not attend because he was preparing the Eastern Cherokee case. He also wanted more details about the accusations.³⁶

At this point, Adams appealed over the head of the Dawes Commission to the White House. On April 1, 1905, President Roosevelt over-

ruled the commission and ordered it to certify the improvements as belonging to Adams. The improved land was to be withheld from allotment until Adams could sell his holdings.³⁷

Adams had given Owen time. The withholding of Owen's improvements from allotment had enabled him to continue to hold the land. Once the improvements were in Adams's name, he signed over power of attorney to Owen, who then sold the improvements to whom he pleased. Through agents working for him, Owen found a number of full-blooded and freedmen Cherokees to file on his ranch. Most of them lived in the hill country of the Eastern Cherokee Nation. There, they took their "homestead" allotments encompassing their houses; then they filed for their "surplus" allotments on Owen's ranch. Under the Cherokee Agreement of 1902, these lands were restricted from sale, but Owen then signed leases with these allottees, with the option to buy the land once restrictions had been removed.³⁸

In addition to these leases Owen also acquired additional acreage through various relatives. His mother, daughter, brother, and nephew took allotments on the most valuable portions of his ranch. Also he attempted to enroll his aunt, Alice Lynde Owen, and her children so they could take allotment. Alice, born in Indian Territory, was Narcissa's niece but had moved to Lynchburg, Virginia, in the 1860s and had married William Otway Owen, Narcissa's brother-in-law. Thus, her children were related to the future senator through both his mother's and father's sides of the family. One of Alice's children was William, the cousin who had moved to Muskogee in the 1880s. He received allotment without difficulty. Another cousin, Charles, established residence at Owen's ranch in 1899, too late to obtain citizenship according

to a Cherokee law. Several other cousins remained in Lynchburg or elsewhere. Nonetheless, Owen filed their names with the Dawes Commission for allotment. The Cherokee national attorneys protested, and the Dawes Commission rejected their enrollment. After several appeals had failed, Owen lobbied legislation through Congress in April 1906 that specifically ordered the Dawes Commission to review the case of Alice Owen and her children once more. The matter remained unsettled until Secretary Hitchcock gave a final ruling against the enrollment on March 4, 1907--the day that he approved the final rolls.³⁹

Owen's machinations in piecing together his ranch were not unique. Thousands of similar transactions involving millions of acres of land occurred during the transition from communal to individual ownership of Indian lands. These activities likewise were not unique to Indian Territory but were typical of nineteenth century western development.

In concert with his land speculations Owen sought to influence and mold federal-Indian relations. He gave a great deal of advice to the Creeks and Cherokees concerning their agreements with the federal government in 1902.⁴⁰ Owen's critics surmised that his friendly counsel was not altruistic. Referring to his support of the pending Cherokee agreement in 1901, the Vinita Weekly Chieftain said, "If Bob is for it, it is safe to say that it is as full of schemes as a porous plaster."⁴¹ In a more jesting vein, Creek journalist and poet Alexander Posey frequently satirized Owen and other notables. In his fictitious letters written by Fus Fixico, an imaginary Creek full blood, Posey referred to Owen as "Robit Owing." He likewise poked fun at others, such as "Plenty So-Far" (Pliny Soper, the Republican U.S. Attorney) and "Break-in-rich" (C. R. Breckenridge, a member of the Dawes Commission).⁴²

While Posey good naturedly criticized Owen and other leaders, he joined with them in their call for removal of restrictions on the sale of Indian land. These restrictions were designed to keep the land from falling into the hands of white men, and each tribal agreement with the Dawes Commission had sections that forbade the sale or alienation of property. The provisions varied from tribe to tribe, but small acreage encompassing the "homestead" of the allottees would be inalienable, whereas the surplus lands would become alienable five years after the ratification of the various agreements. A law in 1904 allowed the immediate sale of surplus lands of freedmen and intermarried whites. The end result was a confusing tangle of laws, rules, and regulations on what lands could be sold and when they would become alienable.⁴³

Virtually all noncitizens, mixed bloods, and some full bloods clamored for removal of restrictions on as much land as possible. They complained that the restrictions retarded the economic development of the country. This opposition to restrictions grew into a crusade, and no one was more active in the movement than Owen. From 1902 to 1904 he wrote lengthy letters to newspapers and governmental officials criticizing the continuation of restrictions, and he attended various meetings on the removal of restrictions. He then traveled to Washington, where the House Committee on the Territories was holding hearings in March 1904 on the question of statehood for the Twin Territories (as Oklahoma Territory and Indian Territory were known). Owen's testimony and exhibits before the committee made up an entire volume of published hearings.⁴⁴

The campaign crested early in 1906 when several prominent governmental and business leaders, including Owen, converged on Washington to

lobby for removal of restrictions in upcoming legislation. Despite optimistic anticipation, the lobbyists failed. In fact, the McCumber Amendment to the Five Civilized Tribes Bill of April 1906, actually expanded restrictions on both the homestead and the surplus lands, for all full bloods, thereby invalidating thousands of contracts that speculators had made and that otherwise would have gone into effect about 1907 or 1908.⁴⁵

Though defeated, the boosters of development continued to fight against the McCumber Amendment and all other restrictions. In the fall of 1906 a select committee of Representatives and Senators traveled to Indian Territory and held hearings in various towns. Except for full bloods and those most closely associated with them, most of the witnesses endorsed removal of restrictions.⁴⁶ At Muskogee, Owen testified before the committee and a crowd of sympathetic spectators on November 16. The Muskogee Daily Phoenix reported the dramatic event: "Applause succeeded applause as Mr. Owen spoke on; many times the audience broke into the stamping of feet. The rooms of the Commercial Club were crowded and people thronged the outside rooms and hallways that they might hear the attorney speak."⁴⁷ The next month he supported the cause again before the Indian Territory Bar Association.⁴⁸

In these presentations his arguments resembled those of other territorial residents, except he usually spoke with greater clarity and with more emphasis on the questions of law involved. In purely legal terms, he contended that the restrictions were invalid because of an act passed in 1901, which conferred United States citizenship on all Indians in the territory. Owen claimed he wrote the original draft of the bill. Because the act conferred United States citizenship on the

Indians, their actions and decisions could not be restrained by federal bureaucrats. He likewise argued that the McCumber Amendment of 1906 was an unconstitutional, ex post facto law; since it extended restrictions on all land belonging to full bloods for twenty-five years, it invalidated the sanctity of earlier contracts made with full bloods under the old rules of the original tribal agreements.⁴⁹

In each of his impressive, and usually lengthy discourses on the issue, Owen also disputed the alleged incompetency of the Indian. Among other examples he offered himself as proof that many of the Indians were cultured and educated. He refused to subject himself to the humiliation and disgrace of applying for removal of his own restrictions to some minor clerk in the Interior Department.⁵⁰ As for those full bloods who were truly incompetent, Owen argued, they could not be protected by restrictions in any event. Such untutored Indians would sign any contract, lease, warranty deed, or any devise in exchange for a few dollars. If the unfortunate soul then took the issue to court, "his chance before a jury, where the jurymen had interests in similar titles, would be very slender."⁵¹

Owen also defended the whites of the territory, saying that they were not the "imps of Satan" as they were often depicted by officials in the Interior Department. In his opinion unscrupulous Indians and freedmen were more apt to cheat whites who leased their lands. In any case only speculators, not bona fide settlers, were willing to run the gauntlet of regulations and risks of leasing and controlling the land. Thus healthy economic development was thwarted.⁵²

He concluded that the only justification for restrictions was the employment created for federal bureaucrats. The various clerks and

overseers in the Interior Department defended restrictions, motivated by the wish to keep their jobs secure and "unconsciously influenced by a desire to magnify their own importance."⁵³ But the policy was totally ineffective according to Owen: "They simply hold the hands of the citizenry of this country while their pockets are being picked."⁵⁴

An overwhelming majority of residents in Indian Territory agreed with Owen's views on restrictions. There was great unity on the issue. There was no such consensus, however, on the much discussed question of statehood. Probably a majority of whites supported the most realistic of proposals--unification with Oklahoma Territory, or single statehood. Most Indians, both mixed bloods and full bloods, either wanted double statehood for the Twin Territories, or they desired no statehood at all. Also figuring prominently in the issue were the citizens of Oklahoma Territory who demanded immediate statehood either with or without Indian Territory.⁵⁵

Most informed observers realized that single statehood was probably the only viable alternative; however, from the 1890s until the passage of the Enabling Act of 1906, Owen was the "most ardent advocate" and the "chief apostle" of double statehood. His agitation and support for the issue emerged full force in October 1900, when several territorial newspapers published a bogus interview with him in which he supposedly endorsed statehood with Oklahoma Territory. Owen quickly responded with a press release branding the interview as a fraud and giving his authentic views, which were for separate statehood. He gave several arguments against single statehood for the Twin Territories: Oklahoma citizens would dominate, particularly if they wrote a constitution first and Indian Territory were then added later; Oklahoma Ter-

ritory's laws, based on Nebraska statutes, would conflict with Indian Territory's laws, based on the Arkansas system; a single state would cut Indian legislative influence and power in half; and at this point, even double statehood should be delayed because of the uncertainty of land titles and the problem of nontaxable land.⁵⁶

Over the next few years, Owen often repeated and elaborated on these arguments in the press, at public gatherings, and before congressional committees. His most spirited opposition was directed at proposals that would have allowed Oklahoma Territory to become a state, then adding Indian Territory later. This would have eliminated any input into the constitution by residents of Indian Territory.⁵⁷

Often the most dramatic attempts to promote both single and double statehood were special territorial conventions. Owen organized several of these for double statehood and was the "dominating spirit" at the gatherings. Single statehood advocates likewise held meetings, usually with more success and greater attendance. A majority of newspaper editors in both of the Twin Territories favored single statehood, and they conjectured that Owen's real aim was to forestall any type of statehood at all because he profited from territorial government.⁵⁸ For instance, the Daily Oklahoman vitriolically denounced a double statehood convention with these headlines: "Only Sixty Suckers of the Official Teat Were Present to Listen to the Hot Air Harangue Delivered By Bunko Bob Owens [sic] the High Priest of Malcontent."⁵⁹

Owen usually brushed aside such criticism and countered by seeking help among tribal officials or any group that would support his cause. In 1901 he won the endorsement for double statehood from the Women's Christian Temperance Union on the grounds that union with Oklahoma Ter-

ritory might result in the legalization of liquor among the Five Civilized Tribes. With such allies, Owen fought vigorously whenever Congress considered bills for single statehood. The most threatening of these came in the spring of 1904. Owen testified against the bill in the same hearings in which he appeared to criticize the restrictions on Indian land. He also corresponded with tribal leaders, such as Creek Chief Pleasant Porter, to solicit their opposition. These actions helped defeat this and other proposals for single statehood.⁶⁰

Despite success in defeating single statehood, by early 1905 the prospects for double statehood also became hopeless. In April President Roosevelt traveled through the Twin Territories and constantly stated that he preferred single statehood. A few days later Owen attended an embarrassing double statehood meeting attended by only five people. Also, a Twin Territories Bankers' convention later rejected Owen's proposal for double statehood and resolved to favor single statehood instead.⁶¹ One editor observed, "High Priest Bob Owens [sic] bears about with him in this happy world a hark-from-the-tombs expression that drives the little niggers frightened out of his path."⁶²

As enemies of double statehood gleefully performed funeral rites, even its most ardent supporters grimly conceded the movement was all but dead. Yet in July 1905, James A. Norman, an obscure mixed-blooded Cherokee from Muskogee, issued a new call for a double statehood convention with the unimpassioned endorsement of Choctaw and Cherokee chiefs. Town mayors would choose delegates, who would gather in Muskogee on August 21 to draw up a constitution for the state of Sequoyah (named after the originator of the Cherokee syllabary). The call ordinarily would have generated little enthusiasm, but Charles N. Haskell

saw an opportunity to promote his political ambitions. Haskell was a popular railroad developer who had arrived in Muskogee in 1901 and had excited the townspeople with several vigorous railroad promotions. He contacted Chief Porter of the Creeks and other leaders, gained their strong endorsement for a convention, and convinced them to issue an amended call, which said that delegates would be chosen at mass meetings in each of the Dawes Commission's land recording districts.⁶³

The ensuing mass meetings varied in size and procedure for selecting delegates in the twenty-six districts. William H. Murray, a white attorney who represented the Chickasaws, was elected at a secret gathering. Haskell controlled the mass meeting at Muskogee on August 7. When the meeting was called to order, one of the 200 participants immediately moved that a committee be formed to make nominations. This parliamentary tactic was probably prearranged, for when a few people objected, they were ignored. The nomination committee then chose six delegates. Naturally, Haskell was one of these, but ironically Owen was not. The disappointed "high priest" of double statehood was reduced to approaching Haskell and asking for help in becoming a delegate. Haskell then arranged for a meeting in the area near Owen's ranch, and Owen was selected, somewhat expediently, as a delegate from Nowata.⁶⁴

When the delegates met in Muskogee to frame the Sequoyah Constitution, they did so as the progressive political impulse was rising to prominence. The progressive movement was a broad-based drive for reform of the social, economic, and political conditions in the country. For years various groups, such as the old Populists, labor unions, and social workers in the cities, had been calling for broad changes to aid

the dispossessed and powerless elements of society. During the first years of the twentieth century, a growing number of professionals and businessmen also grew alarmed at the inefficiency of the economy and became painfully aware of the unfair political and economic advantages held by giant corporations and banks. Consumers likewise objected to the power of utilities and railroads, which dictated rates. Although these various groups differed in their goals and methods, they all agreed that drastic changes were needed. Muckraking journalists, along with flamboyant, publicity-savvy President Roosevelt, helped bring these diverse elements of reform together by exposing the abuses and evils of unrestrained big business.

By 1905 this desire for reform and the anti-business attitude were beginning to affect Indian Territory; however, the backgrounds of the principal leaders at the Sequoyah Convention manifested few indications that the reform spirit would prevail. The real organizer of the convention, Haskell, the railroad promoter and speculator, held few credentials as a reformer. Murray, the Chickasaw attorney, was a bona fide reformer only along strictly agrarian lines. The other leaders were clearly old line, nineteenth century politicians, or they had only limited or merely local political experience. Owen's interests clearly centered around his land speculations and prosecution of large Indian claims. Among his broader political views, he had embraced banking reform and, more recently, prohibition. He seemed, however, to have few sympathies for the dispossessed or working-class elements of his surroundings.⁶⁵

In fact, as late as April 1905 Owen had shown strong animosity toward workers during a city-wide strike. The unions involved in the

incident had been gaining strength for years and were probably emboldened by a recent territorial convention in Muskogee, which featured socialist activist Eugene V. Debs. Whatever the motivations, hundreds of workers walked off their jobs in mid-April. Business leaders, organized by Haskell, immediately responded with the formation of a Citizens' Alliance. Owen was one of the most active in the organization, which drew up sanctions against the strikers. Thus, at the local level, Owen's sentiments were clear.⁶⁶

Perspectives and goals often change drastically when men become politically oriented. From the beginning delegates at the Sequoyah Convention took up a progressive agenda that was pro-labor and anti-business. Tribal officers elected to official positions were mere figure heads. The real leaders were Owen; Haskell; and Murray; William W. Hastings, a young Cherokee lawyer; John R. Thomas, a former federal judge; and A. Grant Evans, the educator whom Owen had recruited in the 1880s while on the Cherokee Board of Education.⁶⁷

The first day, August 21, was spent organizing the convention, and Owen's role was limited. But on the second day he was quite active, taking part in a heated contest involving delegates from Atoka and then delivering a message from the Cherokee Keetoowahs endorsing separate statehood and prohibition. He also made the longest speech of the day (an hour and a half), which was a detailed recital of his well-known arguments in favor of separate statehood. Finally, he was elected to the all-important committee on writing the constitution and later was appointed chairman of the subcommittee on the Preamble, Declaration of Rights, and Power of Government.⁶⁸

Over the next week Owen and his subcommittee wrote what eventually

was labelled the Bill of Rights. Considerably more explicit than its equivalent in the United States Constitution, it consisted of thirty-one articles. Owen's part in writing this section gave only a few indications of his later progressive stance. He favored limiting the power of grand juries by allowing the defendants to acquire transcripts of the proceedings, and this perhaps slightly foretold his stand later on limiting the judiciary. Also, Owen gave an impassioned plea for woman suffrage before his subcommittee and before the larger committee as well. Both rejected the proposal but passed a resolution recommending the first legislature to refer the issue to the people. Owen remained a staunch supporter of the issue until the ratification of the national woman suffrage amendment in 1920.⁶⁹

Of course, Owen favored prohibition, which became part of the Sequoyah Constitution; however, he apparently left on vacation about August 30, and did not participate in formulating some of the other progressive features of the constitution. The final draft provided for a potentially strong corporation commission, graduated inheritance taxes, complete tax equity, pure food regulations, and various measures favorable to labor.⁷⁰

After approving the document on September 8, 1905, the delegates then set out campaigning for its ratification in a special election on November 7. Owen promoted the cause in the press and distributed a circular letter, at his own expense, which outlined his views in favor of adoption. Although the voter turnout was unimpressive, the Sequoyah Constitution was ratified overwhelmingly--about 57,000 to 9,000. A few weeks later, a delegation presented the constitution to Congress, which immediately rejected it. Few people really believed it had a chance,

but it probably helped stimulate Congress to pass the Oklahoma Enabling Act for the single state of Oklahoma in June 1906. Also the Sequoyah Convention proved to be a dress rehearsal for the Constitutional Convention scheduled to meet at Guthrie on November 20, 1906.⁷¹

Perhaps due to his obligations in Washington, Owen decided not to run for delegate to the convention. However, he did accept the role of vice president of the Democratic campaign to elect delegates. As he undertook this responsibility the widespread agitation for progressivism that had influenced the Sequoyah Convention continued to predominate. Indeed, during the years 1905 and 1906 Oklahoma newspapers produced many muckraking articles that revealed the problems of society, the plight of consumers, and the evils of unregulated business. Similar revelations by the dozens filled the pages of newspapers and magazines at state and local levels throughout the country. Consequently, several states responded with broad reforms designed to alter the status quo of politics.⁷²

In Oklahoma the trend was bolstered by a coalition of Farmer's Union, the Twin Territories Federation of Labor, and the railroad brotherhoods. Meeting at Shawnee in August 1906, they selected a committee that later produced a list of twenty-four demands on candidates who wished to be delegates to the constitutional convention. These "Shawnee Demands" included the initiative, referendum, and recall, a corporation commission, an eight-hour day for several types of workers, a commissioner of labor, and a mine inspector. Social justice advocate Kate Barnard of Oklahoma City convinced the Shawnee committee to demand an end to child labor, contract labor for convicts, and other similar injustices. With the impressive political clout of the coali-

tion of reformers at Shawnee so apparent, a majority of candidates embraced their demands. Clearly the widespread revelation that business corrupts politics was having a strong impact on Oklahoma.⁷³

The new popular mood likewise made a strong impression on Owen. In the fall of 1906, as vice president of the Democratic campaign, he gave speeches, wrote letters, and produced essays in which he attacked trusts and corporate greed for the first time in his public career. He began each assault with a familiar old Democratic standby--the tariff. He explained that protective tariffs engineered by Republicans increased prices for consumers and enabled Andrew Carnegie, John D. Rockefeller, and others to crush domestic competitors with their powerful trusts. Illustrating a more direct threat to Oklahomans, he explained how the "Meat Trust" set low prices for beef produced by territorial ranchers, then sold dressed beef at enormously inflated prices. Inexperienced with these new issues, Owen suggested no remedies, but contended that the Republicans were responsible for the evil system.⁷⁴

Owen offered more solutions for local problems; in fact he was probably made an officer of the campaign because of his expertise in Indian matters. On several occasions he appealed directly to Indians, telling them why they should become Democrats. He pointed out that Republicans had carried out the policies of tribal extinction and allotment. Also, that party had imposed the unrealistic and insulting restrictions on land in Indian Territory. Finally, he strongly condemned the anti-home rule policies of Republicans and accused them of favoring centralized federal control over the Democratic policy of localized control.⁷⁵

Most of the Democrats running for the delegates' positions voiced similar opinions on both local and national issues, while the Republicans generally took a much more conservative posture or appealed to old ideas. Overwhelmingly the electorate preferred the Democrats; out of 112 positions, Democrats won 99, the Republicans only 12, and 1 independent was also elected.⁷⁶

A few days before the convention convened in Guthrie, Owen joined Haskell, who had been elected as delegate from Muskogee, in convincing their fellow Sequoyan, Murray, to run for the presidency of the convention. At a private meeting, the two Muskogeans convinced Murray to announce. They also helped rally support for him from Democrats throughout the Twin Territories. Murray was easily elected; labor leader Peter Hanratty became vice-president; and Haskell was designated Democratic floor leader. These leaders, along with Democratic caucus chairman Henry S. Johnston of Perry and Robert L. Williams of Durant, framed the constitution that resembled its Sequoyan forebear and was widely heralded as an ideal progressive document.⁷⁷

As the delegate worked on the constitution during the convention's main session from November 20, 1906 to March 15, 1907, Owen was periodically in Guthrie, promoting several of his pet causes. Of the progressive issues considered in the proceedings, Owen ignored important ones that he later would champion in the Senate, such as control of corporations, labor reforms, and the initiative, referendum, and recall. Instead, he concentrated his efforts on woman suffrage and prohibition.

The promotion of woman suffrage had begun in Indian Territory in the spring of 1905, when national organizers had organized local clubs

with the close cooperation of the Women's Christian Temperance Union. Owen's mother had became a territorial officer, and Owen had supported the cause without success at the Sequoyah Convention. In April 1906 Owen reconfirmed his committment in a public letter on the subject. Prior to the Oklahoma Constitutional Convention, national officers visited him to solicit further aid for a lobbying effort at Guthrie.⁷⁸

No one promoted the issue more. On December 11, 1906, Owen testified before the Suffrage Committee of the convention. He began with a personal statement: "The noblest human being I have ever known was the woman who gave me birth."⁷⁹ He continued with an outline of his mother's contributions to his life, but then he explained that he supported the proposal not for sentimental reasons but for logical ones. Like most advocates of woman suffrage he argued that its adoption would not drive women to mannish ways and crass participation in politics; instead, it would result in a higher degree of moral excellence in politics because of womanly influence. He also cited the usual examples of improved social and political conditions in the states and countries with woman suffrage. In addition, it was a matter of fairness to Owen; women now had to work in increasing numbers, and political influence would protect their interests and increase their wages.⁸⁰

Following his testimony, Owen continued to lobby. He personally paid for the publication of a memorial to the convention and organized a spirited rally for supporters in the convention hall on January 8, 1907.⁸¹ Also, Owen met with Murray, Haskell, and Haskell's wife in a private conference to convince them to support the issue. Murray, an uncompromising opponent of woman suffrage, later recalled the meeting. He said that Owen, who had been "parading everywhere" for woman suf-

frage, asked Haskell where he stood. Haskell replied that he was undecided; then his wife interrupted: "I know how he is; he will be against it."⁸² When Owen asked why, she replied that women voted for love and hate, and then she offered herself as an example. She remembered voting in a school board election in Ohio in which a "saloon bum" opposed a retired teacher who had relentlessly made her study as a child. "I voted for the saloon bum," she confessed.⁸³ Whether or not Mrs. Haskell's influence was really a determining factor, her husband joined Murray in shrewdly delaying the vote on woman suffrage until it could be defeated.⁸⁴

Based on Haskell's recollections, Owen was only slightly more successful in promoting prohibition. Owen helped organize the prohibition forces with Reverend W. C. Dinwiddie, national lobbyist for the Anti-Saloon League. President Murray cooperated with them in choosing friendly delegates for the Committee on Liquor Traffic. Despite high hopes of the prohibitionists, this body recommended that old Indian Territory remain dry while old Oklahoma Territory should have local county option on liquor. Shocked by the outcome, Owen advised Dinwiddie and his allies to accept the half loaf. Haskell, however, interceded and worked out a new strategy with Murray. At the suggestion of their ally Robert L. Williams, they decided to draw up a constitutional amendment requiring prohibition for all of Oklahoma, which could be considered simultaneously with the vote on the constitution itself. This maneuver lived up to the prohibition requirements of the Enabling Act and avoided an all out fight over the constitution itself.⁸⁵

Haskell, who later became a political enemy of Owen, probably underrated his influence. In addition to promoting woman suffrage and

prohibition, Owen also wrote three memorials addressed to Congress, which the convention adopted. One favored removal of restrictions on Indian land; another called for repeal of the order for a forest reserve in eastern Indian Territory; and another requested a survey of the Arkansas River as a preliminary to making the stream navigable as far as Muskogee. Also, Owen played an important role in the Jim Crow issue. An overwhelming majority of delegates wanted segregation provisions in the constitution; however, Owen, who was briefly in Washington late in January 1907, conferred with President Roosevelt on the issue. Roosevelt said emphatically that he would reject the constitution if it included such provisions. Owen then warned Murray, who later received similar reports, and all Jim Crow provisions were left out, except for separate schools. Finally, Owen's prestige was recognized by the delegates when he was appointed to go to Washington to request an additional appropriation for the debt-ridden convention.⁸⁶

Owen was a leading candidate for the United States Senate even before the constitutional convention, but the publicity of his actions at the convention enhanced his chances. Also because he was without the obligations of a delegate, he traveled extensively, made speeches, and renewed old acquaintances--all of which put him ahead of most of his potential competitors. At his public appearances he endorsed public education, removal of restrictions on Indian land, and the "Good Roads" movement. The impact of these appearances was enhanced by Owen's adept use of publicity. He often issued press releases of his activities from his law office at Muskogee, and these naturally depicted him as a man of experience, knowledge, and influence. When he announced his candidacy in February 1907, several friendly editors

issued statements of endorsement that were identical, probably indicating that they had merely printed Owen's own press release.⁸⁷

On March 14 Owen issued a very detailed statement of his views. On local matters, he demanded the removal of restrictions on Indian land and called for federal compensation to the state because Indian lands were nontaxable. He also endorsed several local pork barrel benefits for the state: federal buildings, federal jobs, free rural postal routes, and improvements to make some of Oklahoma's rivers navigable.⁸⁸

In this same political statement, Owen's views on national issues indicated that he was moving closer to progressive ideas. As in his campaign speeches for the party prior to the constitutional convention, he attacked big business, but he did so in greater detail than before. He complained that John D. Rockefeller, Andrew Carnegie, Philip D. Armour, and other economic giants were destroying competition and fixing prices. This caused low wages for men and a necessity for women and children to "labor as men outside the home." To alter this unfair condition, Owen advocated regulatory control over big business and strict laws against conspirators who stifled competition. Although he primarily blamed Republicans for succumbing to the demands of organized greed, he condemned all "unthinking partisanship"--a theme he actually applied against fellow Democrats later as senator.⁸⁹

By the time Owen issued his platform, about six or seven leaders had emerged in the senatorial contest. It was unclear exactly how the Democratic nominees would be selected until party officials met in Tulsa on March 26, at a time when the constitution was virtually complete but not yet accepted by President Roosevelt. The Democrats at

the Tulsa convention decided on a primary election for all state-level offices on June 8. This primary was to include a preferential vote for the two United States Senators, but the outcome technically would not be binding because under the United States Constitution the new state legislature would decide. Also, the Democratic leaders made a "Gentlemen's Agreement" that each former territory would be represented by a United States Senator. Accordingly, candidates would be designated as being from the west side or the east side of the state.⁹⁰

With the field thus narrowed for the Indian Territory half of the new state, Henry M. Furman of Ada emerged as Owen's chief competitor. The race appeared close. The Democratic National Committeeman of Indian Territory, Robert L. Williams secretly backed Furman. Many newspapers also vigorously endorsed him.⁹¹ Otis B. Weaver, editor of the Ada Daily News (at Furman's hometown), wrote Williams in the midst of the campaign that Furman's "chances look rosier every day." He also described an accidental meeting at Wanette between the two senatorial candidates: "There was no retreat; Owen spoke first, Furman followed. The people howled with delight, one old preacher left the grounds shouting 'hallelujah.'"⁹² Despite the spirited campaign, Owen won handily over all candidates in Indian Territory, besting runner-up Furman 48,885 to 39,113. Furman had a greater total than Thomas P. Gore, a blind former populist from Lawton and leading vote getter in Oklahoma Territory; true to the earlier Gentlemen's Agreement, Furman withdrew any claim to the position.⁹³

The general elections for candidates and the ratification of the constitution were eventually scheduled for September 17, 1907. The election did not include a contest for the two United States Senate

positions; however, Owen campaigned for Democratic candidates for other offices. The party seemed unbeatable as the election approached. Democrats boasted that they had finally brought statehood to Oklahoma and, in doing so, had produced a constitution that was widely heralded as an ideal progressive document. William Jennings Bryan, still very popular in the Twin Territories, toured the new state in support of the constitution and Democratic candidates.⁹⁴

The Republicans responded feebly to the Democratic challenge. They followed the impossible strategy of opposing the ratification of the constitution, while also promoting a slate of candidates for office. They complained that the Democratic-drawn constitution was too radical, too long, and too much a set of statutes, and they imported Secretary of War William Howard Taft to speak in opposition to ratification. Republican newspapers also launched vitriolic attacks against Democratic candidates, particularly against gubernatorial nominee Charles N. Haskell.⁹⁵

Although Owen was not a candidate for direct election, the Republican press periodically attacked him as one example of why voters should not elect a Democratic legislature, which naturally would send Owen and Gore to the U.S. Senate. Because the Democrats were accusing the Republicans of wanting to delay statehood, the Republicans tried to turn the issue back against Owen, Haskell, and Murray. According to Republicans, these three, particularly Owen, had been responsible for the "nonsense" of the double statehood movement and the Sequoyah Convention. Thus, all three had used the movement merely as a ruse to avoid any statehood at all. Also the Republicans argued that Owen was unfit for office because he was a professional lobbyist; even Murray

had condemned lobbyists and had commanded them to stay off the floor at the constitutional convention. Besides, said the Republicans, Owen was ineffective, as illustrated by his failure to persuade Congress to appropriate additional money for the constitutional convention. Finally, the Republicans revealed that Owen and Haskell had led the formation of the anti-union Citizen's Alliance in Muskogee in 1905. How could these two leading Democrats really be the friends of the working man as they professed? Despite this sometimes accurate rhetoric, the Democrats won handily in the elections on September 17, sweeping all of the state-level offices, four out of five congressional seats, and a large majority in the legislature.⁹⁶

A boisterous statehood celebration occurred at Guthrie on November 16, and Owen attended. He was present when his fellow townsman Haskell was sworn in as governor in a private ceremony minutes after President Roosevelt had signed the statehood proclamation. Later that day Haskell appointed Owen and Gore as senators to allow them to take their seats before the legislature officially elected them, a move that was not recognized as legitimate by the United States Senate.⁹⁷

As Owen celebrated statehood day with his fellow Oklahomans, there were many questions still unanswered concerning what positions he would take as senator. His activities as a wealthy, aristocratic lawyer-lobbyist and businessman were poor credentials for becoming a sincere and unwavering foe of big business. Owen certainly appeared committed to prohibition, woman suffrage, and the progressive ideal of efficiency, but he was neither a likely recruit for the social justice movement nor a probable defender of the dispossessed. In fact, some critics accused him of being personally responsible for the dispos-

sessed condition of many Indians.

It was in this area of dealing with the Indians that Owen's greatest contradiction resided. In his campaign literature he had accused wealthy industrialists of "accumulating stupendous fortunes while the weaker elements are being slowly submerged," but this statement could have equally applied to the actions of Owen and others who exploited full bloods.⁹⁸ Owen seemed genuinely unaware of this contradiction. For instance, in December 1906, he wrote former Senator Jones a letter in which his scheme to acquire half of the lands of the Mississippi Choctaws was juxtaposed with a highly principled wish to serve as United States Senator. "I should be glad to have the citizenship of the State feel and believe that I could render them the best services," he wrote.⁹⁹

Even if Owen had been inclined to search for personal inconsistencies, his constant travel and manifold duties as lawyer left little time for introspection. His critics, however, readily perceived a major inconsistency in his land dealings with Indians. When charges were filed against Owen in 1908 for land fraud, a Chicago journalist observed:

In Wall Street they go after "theirs" with the ticker and the seduction of stock certificate. In Oklahoma they seek the same thing with the abstract of title men and the virgin soil. In Wall Street they shear the lambs and in Oklahoma they just take it away from the unsophisticated Indians.¹⁰⁰

When the federal government tried to prohibit sale of Indian lands, Owen complained that far-off bureaucrats in Washington could not possibly make wise decisions on what was good for Oklahoma. Within a few years, however, he championed the expansion of federal regulation to oversee and regulate business and to intervene in behalf of workers,

women, and children. Thus, his early and unfinished conversion to progressivism in 1906 and 1907 stood in marked contrast to his past. He was not alone, for many leading progressives--even Robert M. La Follette of Wisconsin and President Woodrow Wilson--had undergone or would undergo similar transformations. Perhaps Owen's transformation seemed more abrupt because of his quick change into the role of politician. But whatever the reason, his new emerging political philosophy gained much attention from a nation intrigued by the newest state's two unusual United States Senators--a mixed-blooded Cherokee and a blind orator.

FOOTNOTES

¹Debo, And Still the Waters Run, 92-93.

²Senate Committee on Indian Affairs, Choctaw Indian Lands, 56th Cong., 1st sess., 1900, S. Doc. 146, 1-2; Muskogee Phoenix, April 5, 1900, 4; Vinita Indian Chieftain (weekly), March 14, 1901, 1; Debo, Choctaw Republic, 202.

³Senate Committee on Indian Affairs, Memorial of Eastern or Emigrant Cherokees, 56th Cong., 1st sess., 1900, S. Doc. 215, 1-5 (hereafter cited as S. Doc. 215).

⁴Ibid., 5-7.

⁵Cherokee Advocate, June 2, 1900, 1; Ora Eddleman Reed, "Great Work of an Indian," Sturm's Oklahoma Magazine, August 1906, 7-8.

⁶Senate Committee on Indian Affairs, Eastern Cherokees, 59th Cong., 2d sess., 1907, S. Doc. 227, 1 (hereafter cited as S. Doc. 227); S. Doc. 215, 1-7.

⁷S. Doc. 227, 1; Senate Committee on Indian Affairs, Memorial of the Eastern or Emigrant Cherokees, 56th Cong., 1st sess., 1900, S. Doc. 308, 1-12; Senate Committee on Indian Affairs, Memorial of Eastern or Emigrant Cherokees, 56th Cong., 1st sess., 1900, S. Doc. 392, 1-25.

⁸Senate Committee on Indian Affairs, Memorial of Delegates from Cherokee Nation, 56th Cong., 1st sess., 1900, S. Doc. 256, 1.

⁹Cherokee Advocate, June 2, 1900, 1; Vinita Indian Chieftain (weekly), November 8, 1900, 1; Muskogee Phoenix, November 1, 1900, 1.

¹⁰Reed, "Great Work of an Indian," 7-8; Muskogee Phoenix, January 24, 1901, 3, February 21, 1901, 1.

¹¹Muskogee Phoenix, February 21, 1901, 1; Reed, "Great Work of an Indian," 8; Cherokee Advocate, February 23, 1901, 1; Vinita Indian Chieftain (weekly), March 14, 1901, 1.

¹²Vinita Indian Chieftain (weekly), March 7, 1901, 2.

¹³Ibid., March 14, 1901, 1.

¹⁴Ibid., March 28, 1901, 2.

¹⁵Reed, "Great Work of an Indian," 8; S. Doc. 227, 1; Muskogee

Daily Phoenix, November 28, 1902, 3.

¹⁶S. Doc. 227, 2, 31-34; Reed, "Great Work of an Indian," 8; Muskogee Daily Phoenix, January 31, 1905, 6.

¹⁷Muskogee Daily Phoenix, March 30, 1905, 1; Reed, "Great Work of an Indian, 8; Clipping from Kansas City Star, March 29, 1905, Scrapbook, vol. 14, p. 50, box 18, Barde Collection, AMD, OHS.

¹⁸Muskogee Evening Times, January 26, 1906, 1; Muskogee Daily Phoenix, May 1, 1906, 1; New York Times, May 1, 1906, 5; Unidentified clipping, August 12, 1906, containing reprint of article from Washington Post, Robert L. Owen File, Vertical Files, Library, OHS; Clipping, Kansas City Star, March 29, 1905, Scrapbook, vol. 14, p. 50, box 18, Barde Collection, AMD, OHS; S. Doc. 227, 2-3, 18-19; Muskogee Daily Phoenix, September 16, 1908, 3, June 23, 1910, 1-2.

¹⁹Debo, And Still the Waters Run, 99-101.

²⁰Robert L. Owen to J. George Wright, January 21, 1902, Letters Received ("Miscellaneous Letters"), 1900-1902, Records of the U.S. Indian Inspector for Indian Territory, Records of the Bureau of Indian Affairs, Record Group 75, Federal Records Center, Fort Worth, Texas (hereafter Records of the U.S. Indian Inspector for Indian Territory cited as Indian Territory Inspector, RG 75, FRC); Register of Deeds, Miscellaneous Record, Book V, 386-95, Office of County Clerk, Muskogee County Courthouse, Muskogee, Oklahoma; Charles N. Haskell to Woodrow Wilson, March 24, 1913, Case File 389, Executive Office Correspondence, Series 4, Woodrow Wilson Papers, MD, LC, Microfilm Roll 260.

²¹Muskogee Daily Phoenix, January 16, 1902, 4; Robert L. Owen to J. George Wright, January 21, 1902, Letters Received ("Miscellaneous Letters"), 1900-1902, Indian Territory Inspector, RG 75, FRC; E. A. Hitchcock to Attorney General, April 12, 1902, copy, 22030-02, Letters Received, General Records, 1824-1907, RG 75, NA; Robert L. Owen, Before the Honorable Secretary of the Interior: Agricultural Contracts in the Creek Nation, March 31, 1902 [legal brief], (Washington, D.C.: Judd and Detweiler, 1902), 1-12 (copy in Hargrett Collection, Gilcrease); Debo, And Still the Waters Run, 104-105.

²²Robert L. Owen to W. A. Jones, December 30, 1903, 279-04, Letters Received, General Records, 1824-1907, RG 75, NA; Debo, And Still the Waters Run, 101, 106.

²³Debo, And Still the Waters Run, 120-123; Muskogee Daily Phoenix, January 31, 1909, 2, 7.

²⁴Charles N. Haskell to Woodrow Wilson, March 24, 1913, Case File 389, Executive Office Correspondence, Series 4, Wilson Papers, MD, LC, Microfilm Roll 260; O. T. Smith to C. N. Haskell, March 9, 1910, Charles N. Haskell Papers, AMD, OHS; Debo, And Still the Waters Run, 203-204.

²⁵Opal Hartsell Brown, Murray County, Oklahoma: In the Heart of

Eden (Wichita Falls, Texas: Nortex Publications, 1977), 375; Ballard M. Barker and William Carl Jameson, Platt National Park: Environment and Ecology (Norman: University of Oklahoma Press, 1975), 22; Register of Deeds, Miscellaneous Records, Book C, 329-330, Office of the County Clerk, Murray County Courthouse, Sulphur, Oklahoma; Daily Oklahoman, June 19, 1907, 6; Congressional Record, 64th Cong., 1st sess., 1916, 53, pt. 5:4745-4749.

²⁶Debo, And Still the Waters Run, 42-44.

²⁷Ibid.

²⁸Debo, And Still the Waters Run, 42-44; Godfrey, "Suggestions for an Investigation," 321-322; House Committee on Indian Affairs, Report of the Commission to the Five Civilized Tribes Relative to the Mississippi Choctaws, 55th Cong., 2d sess., 1898, H. Doc. 274, 1-7; Loren Nunn Brown, "The Work of the Dawes Commission among the Choctaw and Chickasaw Indians," (Ph.D. diss., University of Oklahoma, 1937), 167-170.

²⁹Debo, And Still the Waters Run, 43-44; Commission to the Five Civilized Tribes, Annual Report, 1902 (Washington, D.C.: Government Printing Office, 1902), 25-27.

³⁰Commission to the Five Civilized Tribes, Annual Report, 1902, 27; Oklahoma City Times, December 17, 1908, 1-2; Brown, "Work of the Dawes Commission," 204-205.

³¹Debo, And Still the Waters Run, 97-98; Robert L. Owen to W. A. Jones, April 16, 1903, 25224-03, Letters Received, General Records, 1824-1907, RG 75 NA; Robert L. Owen to James K. Jones, July 14, 1906, September 20, 1906, September 29, 1906, and James K. Jones to Robert L. Owen, September 17, 1906, box 2, folders 12 and 17, and letterbook vol. 3, p. 5, General Correspondence, James K. Jones Papers, Southern Historical Collection, University of North Carolina, Chapel Hill (this repository hereafter cited as SHC); Godfrey, "Suggestions for an Investigation, 322-323; Senate Committee on Appropriations, Claim against the Choctaw Nation, 67th Cong., 2d sess., 1922, S. Doc. 257, 1-3.

³²Debo, And Still the Waters Run, 98-99.

³³Muskogee Daily Phoenix, April 21, 1904, 1; Commission to the Five Civilized Tribes to the Secretary of the Interior, December 31, 1903, Senate Select Committee on the Five Civilized Tribes, Allotment of Lands to Delaware Indians, 58th Cong., 2d sess., 1904, S. Doc. 104, 142-143.

³⁴S. Doc. 104, 143-145.

³⁵S. Doc. 104, 145-146; Muskogee Daily Phoenix, January 6, 1904, 1, January 21, 1904, 1, January 22, 1904, 1, 4; Members of the Dawes Commission to E. A. Hitchcock, January 13, 1904, Senate Select Committee on the Five Civilized Tribes, Memorial of Members of the Dawes Commission, 58th Cong., 2d. sess., 1904, 1-5.

³⁶Muskogee Daily Phoenix, April 21, 1904, 1, April 19, 1905, 1; Richard C. Adams to C. R. Breckinridge, May 8, 1904, jacket D, case 20, Claims to Sell Improvements, Records Relating to the Sale of Surplus Holdings by Delaware-Cherokees, Records Relating to Allotments, Five Tribes Commission, RG 75, FRC; Commission to the Five Civilized Tribes, Annual Report, 1905, (Washington, D.C.: Government Printing Office, 1905), 613-619; Tams Bixby, T. B. Needles, and C. R. Breckinridge to the Secretary of the Interior, December 31, 1904, 500-05, Letters Received, General Records, 1824-1907, RG 75, NA; Tams Bixby to R. L. Owen, January 27, 1905, Letters Sent by Commissioner Bixby, General Records, and Robert L. Owen to Tams Bixby, Letters Received ("General Office Letters"), 1903-1911, General Records, Five Tribes Commission, RG 75, FRC.

³⁷Muskogee Daily Phoenix, April 29, 1905, 1; Tams Bixby to James K. Jones, April 21, 1905, Letters Sent by Commissioner Bixby, General Records, Five Tribes Commission, RG 75, FRC.

³⁸Robert L. Owen to Tams Bixby, August 5, 1904, jacket D, case 20, Claims to Sell Improvements, Records Relating to the Sale of Surplus Holdings by Delaware-Cherokees, Records Relating to Allotments, Five Tribes Commission, RG 75, FRC; Debo, And Still the Waters Run, 98-99; Robert L. Owen to Franklin K. Lane, June 14, 1913, 53683-08-311 Cherokee, Central Classified Files, 1907-1939, RG 75, NA.

³⁹Supplemental Proceedings for the Enrollment of Charles and Owen Owen, August 24, 1905, jacket D 651, and Testimony for the Enrollment of Alice L. Owen and her children, November 19, 1900, jacket D 450, and Tams Bixby to W. W. Hastings, September 21, 1906, jacket D 450, and E. A. Hitchcock to Tams Bixby, March 4, 1907, jacket D 651, Application for Enrollment, Records Relating to Cherokee Citizenship, Records Relating to Enrollment, RG 75, FRC.

⁴⁰Muskogee Phoenix (Weekly), August 7, 1902, 5.

⁴¹Vinita Indian Chieftain (Weekly), March 28, 1901, 2.

⁴²Muskogee Daily Phoenix, December 27, 1903, 8.

⁴³Debo, And Still the Waters Run, 89-91.

⁴⁴Debo, And Still the Waters Run, 136-140; Muskogee Daily Phoenix, July 31, 1902, 1, August 12, 1903, 1; Robert L. Owen to J. George Wright, December 10, 1903, Senate Committee on Indian Affairs, Removal of Restrictions upon the Sale of Surplus Allotments, Etc., 58th Cong., 2d sess., 1904, S. Doc. 169, 34-40 (hereafter cited as S. Doc. 169); Statehood for Indian Territory, 1-23.

⁴⁵Debo, And Still the Waters Run, 140-141.

⁴⁶Muskogee Daily Phoenix, April 15, 1906, 1; Debo, And Still the Waters Run, 141-143.

⁴⁷Muskogee Daily Phoenix, November 17, 1906, 1.

⁴⁸Robert L. Owen, "The Removal of Restrictions which Now Prohibit Citizens of the Five Civilized Tribes from Selling their Land," in Proceedings of the Third Annual Meeting of the Oklahoma and Indian Territory Bar Association, Oklahoma City, Oklahoma, December, 1906 (McAlester, Oklahoma: Capital Printing Company, 1906), 129-139.

⁴⁹Senate Select Committee to Investigate Matters Connected with Affairs in the Indian Territory, Report, 1907, 59th Cong., 2d sess., S. Rept. 5013, pt. 1, pp. 392-393, 404 (hereafter cited as S. Rept. 5013, pt. 1).

⁵⁰S. Rept. 5013, pt. 1, 400.

⁵¹Owen, "Removal of Restrictions," 131.

⁵²Owen, "Removal of Restrictions," 133-134; Robert L. Owen to J. George Wright, December 10, 1903, S. Doc. 169, 37.

⁵³Owen, "Removal of Restrictions," 138.

⁵⁴S. Rept. 5013, pt. 1, p. 305.

⁵⁵Charles Wayne Ellinger, "The Drive for Statehood in Oklahoma, 1899-1906," Chronicles of Oklahoma 41 (1963):21-35.

⁵⁶Muskogee Phoenix, October 11, 1900, 10.

⁵⁷Muskogee Phoenix, October 18, 1901, 8; Robert L. Owen, "As the New Year Finds Us: The Status of the Statehood Question," Twin Territories: The Indian Magazine, January 1902, 9-10.

⁵⁸Vinita Indian Chieftain (Daily), November 30, 1901, 1; Muskogee Phoenix, December 10, 1901, 1; Daily Oklahoman, October 19, 1902, sec. 1, p. 1; Clipping from Kansas City Star, December 14, 1904, Scrapbook, vol. 13, p. 88, box 18, Barde Collection, AMD, OHS.

⁵⁹Daily Oklahoman, December 11, 1901, 1.

⁶⁰Statehood for Oklahoma, 114-119, 24-35; Robert L. Owen to Pleasant Porter, February 20, 1904, March 4, 1904, Federal Relations Files, Records of the Creek Nation, AMD, OHS.

⁶¹Amos Maxwell, "The Sequoyah Convention [Part I]," Chronicles of Oklahoma 28 (1950):177-178; Muskogee Daily Phoenix, April 15, 1905, 1, June 11, 1905, 4.

⁶²Muskogee Daily Phoenix, June 11, 1905, 4.

⁶³Goble, Progressive Oklahoma, 190-191; Foreman, Muskogee, 128-129.

⁶⁴Goble, Progressive Oklahoma, 191; Muskogee Daily Phoenix, August 8, 1905, 4, 8; Paul Nesbitt, ed., "Governor Haskell Tells of Two Conventions," Chronicles of Oklahoma 14 (1936):198-199; Muskogee Daily Phoenix, August 23, 1905, 1.

⁶⁵Goble, Progressive Oklahoma, 191-193; Maxwell, "Sequoyah Convention [Part I], 184-187; Clinton M. Allen, The Sequoyah Movement (Oklahoma City: Harlow Publishing Company, 1925).

⁶⁶Muskogee Daily Phoenix, March 29, 1905, 7, March 30, 1905, 1⁴, April 18, 1905, 1, April 22, 1905, 5, April 28, 1905, 1; Oklahoma City Times, September 30, 1908, 4; New York Times, October 2, 1908, 4.

⁶⁷Goble, Progressive Oklahoma, 191-194.

⁶⁸Muskogee Daily Phoenix, August 23, 1905, 1, August 24, 1905, 7.

⁶⁹Muskogee Daily Phoenix, August 30, 1905, 1; Allen, The Sequoyah Movement, 41-44; Amos Maxwell, "The Sequoyah Convention, Part II," Chronicles of Oklahoma 28 (1950):305-306.

⁷⁰Goble, Progressive Oklahoma, 193-194.

⁷¹Muskogee Daily Phoenix, October 20, 1905, 6, October 27, 1905, 4; Goble, Progressive Oklahoma, 193-194.

⁷²Goble Progressive Oklahoma, 166-180; Richard L. McCormick, "The Discovery that Business Corrupts Politics: A Reappraisal of the Origins of Progressivism," American Historical Review 86 (April 1981):256-270.

⁷³Goble, Progressive Oklahoma, 164-165, 186; Keith L. Bryant, Jr., "Labor in Politics: The Oklahoma State Federation of Labor During the Age of Reform," Labor History 11 (1970):260-267.

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⁷⁶Goble, Progressive Oklahoma, 197-201.

⁷⁷William H. Murray, Memoirs of Governor Murray and True History of Oklahoma, 3 vols., (Boston: Meador Publishing Company, 1945), 1:320-321; Keith L. Bryant, Jr., Alfalfa Bill Murray (Norman: University of Oklahoma Press, 1968), 51-52; Goble, Progressive Oklahoma, 205-206.

⁷⁸James R. Wright, Jr., "The Assiduous Wedge: Woman Suffrage and the Oklahoma Constitutional Convention," Chronicles of Oklahoma 51 (1973):429; Louise Boyd James, "The Woman Suffrage Issue in the Oklahoma Constitutional Convention," Chronicles of Oklahoma 56 (1978): 380; Ida Husted Harper, ed., History of Woman Suffrage, 6 vols. (New York: J. T. Little and Ives Company, 1922), 6:522.

⁷⁹Memorial of the Women of Oklahoma and Indian Territory to the

Constitutional Convention, Guthrie, 1906 (n.p. [1906]), 21-22 (copy in Indian Documents Collection, Library, OHS).

⁸⁰Ibid., pp. 21-26.

⁸¹Harper, History of Woman Suffrage, 6:522.

⁸²Murray, Memoirs, 2:83.

⁸³Ibid.

⁸⁴Irvin Hurst, The 46th Star: A History of Oklahoma's Constitutional Convention and Early Statehood (Oklahoma City: Western Heritage Books, Inc., 1980), 14-15; James, "Woman Suffrage Issue," 391.

⁸⁵Nesbitt, "Governor Haskell Tells of Two Conventions," 214-215; Goble, Progressive Oklahoma, 213.

⁸⁶Muskogee Daily Phoenix, February 8, 1907, 8; Daily Oklahoman, January 29, 1907, 6; Bryant, Alfalfa Bill Murray, 64; Muskogee Daily Phoenix, February 19, 1907, 1; Robert L. Owen to the President, February 20, 1907, House Committee on Appropriations, Constitutional Convention and Election in Proposed State of Oklahoma, 59th Cong., 2d sess., 1907, S. Doc. 755, 5.

⁸⁷Edward Elmer Keso, The Senatorial Career of Robert Latham Owen (Gardenvale, P. Q. Canada: Garden City Press, 1938), 18-19; Muskogee Daily Phoenix, December 27, 1906, 1, 8, December 18, 1906, 1; Muskogee Times-Democrat, December 6, 1906, 1; El Reno American, February 21, 1907, 4; Muskogee Daily Phoenix, February 3, 1907, 4; Muskogee Times-Democrat, March 1, 1907, 2.

⁸⁸Daily Oklahoman, March 15, 1907, 6.

⁸⁹Ibid.

⁹⁰Edward Everett Dale and James D. Morrison, Pioneer Judge: The Life of Robert Lee Williams (Cedar Rapids, Iowa: Torch Press, 1958), 173-175.

⁹¹Goble, Progressive Oklahoma, 222.

⁹²Otis B. Weaver to R. L. Williams, May 13, 1907, Political Intrigue and Patronage Files, Robert L. Williams Papers, AMD, OHS.

⁹³Hurst, 46th Star, 24-26.

⁹⁴Goble, Progressive Oklahoma, 220-223.

⁹⁵Goble, Progressive Oklahoma, 223-225; Oklahoma State Capital (Guthrie), September 11, 1907, 1, 4.

⁹⁶Keso, Senatorial Career of Robert Latham Owen, 20; Oklahoma State Capital, September 11, 1907, 1, 4, September 7, 1907, 4, September 8,

1907, 4, September 11, 1907, 4; Goble, Progressive Oklahoma, 225.

⁹⁷Hurst, 46th Star, 33, 44.

⁹⁸Daily Oklahoman, March 15, 1907, 6.

⁹⁹Robert L. Owen to James K. Jones, December 15, 1906, file 20, box 2, Jones Papers, SHC.

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CHAPTER VI

RADICAL RHETORIC AND MODERATE ACTIONS

From the beginning of Owen's senatorial career, he attacked the "special interests" with so much harshness and endorsed the rights of the people so frequently that he was often identified as one of the most radical progressives. Yet his rhetoric and voting did not always match. Like most progressives his sympathy lay with the middle class farmer and businessman and not with the tenant farmer and worker. When his crusade for the "people" clashed with his desire to promote the Oklahoma economy, the common man was sacrificed. Despite the inconsistency, a majority of Oklahomans generally were proud of their new senator because of his conspicuous competence and because he looked after their interests. Also, his promotion of the progressive doctrine made him nationally known and helped direct the Democratic party toward the progressive majority it achieved in 1912.

After statehood day on November 16 and until taking his seat in the United States Senate one month later, Owen was very busy. Most important was his participation in the Trans-Mississippi Commercial Congress in Muskogee from November 19 to November 22. The proud and rapidly growing little city had captured the prize at the annual meeting of the congress one year earlier and had constructed a new convention hall for the occasion. Governors, senators, and congressmen from several states attended, along with dozens of regular delegates from

throughout the West. For Owen, the convention became a forum for the two issues he would promote most strongly in his first session in the senate--removal of restrictions on Indian land and currency reform.¹

Because statehood had come so recently, the crowds in the galleries broke into emotional applause each time Owen, his colleague Gore, or Governor Haskell appeared during the convention.² On stage with other dignitaries at the opening session, Owen planned to make a typical welcoming address, but he abruptly altered his speech when Chief Moty Tiger of the Creek Nation first delivered an impassioned plea to retain restrictions on Indian land. A well-to-do full blood, Tiger spoke no English; thus he delivered his speech in the guttural tones of his native tongue with an interpreter translating for the audience. Tiger explained that he personally could handle his affairs, but he feared for the simple, untutored full bloods who were "merely crawling children in the white man's business world."³ Referring to those who would take advantage of these unfortunates, he said:

The polished and educated man with the Indian blood in his veins who advocates the removal of restrictions from the lands of my ignorant people, apart from governmental regulations, is only reaching for gold to ease his itching palms, and our posterity will remember him only for his avarice and his treachery.⁴

Almost everyone in the convention hall considered this an indictment of Owen. Although Owen's address came several speakers and several hours later, he was still noticeably shaken. Much of his speech dealt with phrases of welcome and praises for his hometown; however, he grew both eloquent and bitter when he spoke of the removal of restrictions. He argued that Oklahoma could provide for its own incompetents and defectives; it needed no interference from the federal government. As for his own attitude he said, "I love the Indian people and would

give my life for their welfare if necessary."⁵ He also shocked the audience by revealing that he had been hounded by three detectives from the Department of the Interior who were bent on discrediting him. "I fear them not, for a clean life and a pure heart are above fear and hatred."⁶ Over the next few days the press gave much attention to the sensational speech.

Two days later Owen introduced a resolution at the convention for removal of restrictions and gave a lengthy speech on the topic. Still upset, he told the delegates that Tiger's speech had obviously been prepared by federal officials as evidenced by the Shakespearean reference to "itching palms." This was further proof of the undesirability of governmental interference. The delegates later unanimously adopted the resolution. Also, when the official proceedings were published, the controversial portions of Tiger's and Owen's speeches were discreetly deleted. The proceedings were published by the Muskogee Phoenix, a newspaper quite friendly to Owen.⁷

Owen also gained much attention at the Trans-Mississippi convention when he defended the financial policies of President Theodore Roosevelt. In response to the financial panic that had begun only a few weeks earlier, Roosevelt authorized the sale of governmental certificates and bonds to raise money so it could be distributed to areas in the South and West where the credit stringency was hampering the movement of crops. Former Governor David R. Francis of Missouri introduced a resolution endorsing Roosevelt's actions. Senator Gore and Governor Alva Adams of Colorado protested adamantly against the resolution, saying that Roosevelt's actions favored Wall Street at the expense of the South and West. Owen closed out the arguments with an impressive

defense of Roosevelt's actions. He disliked the specific means of providing the emergency funds, but he saw no alternative. Besides it differed only slightly from his own ideas about emergency currency that he had promoted for about two decades. Following Owen's speech, the resolution passed overwhelmingly.⁸

The conspicuous and leading role that Owen played at the Trans-Mississippi Commercial Congress previewed his later actions as senator. Even before assuming his duties, Owen began drawing up legislation to remove restrictions and to reform the banking and currency system. Bryan's newspaper the Commoner took note of Owen's broad plan for emergency currency and guarantee fund for deposits. And when the state of Oklahoma created a similar system, officers of several of the state's banks wrote governmental officials in Washington endorsing a similar system for national banks so they could compete with the insured state banks.⁹

Both Owen and Gore attended the opening day of the Sixtieth Congress on December 2, 1907, but they were denied official recognition until their formal election by the state legislature. After returning to Oklahoma on December 12, they were elected by the legislature, and they then returned to Washington where the United States Senate officially received them on December 16. At that time they also drew slips of paper that designated the length of their terms; Gore received the short term to end on March 4, 1909, meaning that he would face reelection in 1908. Owen won the longer term to expire March 4, 1913, requiring his reelection in 1912. Owen also was appointed to several committees that he had requested; the most important were Indian Affairs, Post Office and Post Roads, and Territories.¹⁰

As Owen assumed office the impulses for reform that had spread throughout the country were working their way into the congress, where the numbers of progressives in both parties increased with each election. Owen and his colleague Gore immediately joined the progressive column along with fellow Democrats Francis C. Newlands of Nevada, William J. Stone of Missouri, Alex S. Clay of Georgia, and Joseph P. Clarke and Jeff Davis of Arkansas. The leading Republican progressives were Robert M. LaFollette of Wisconsin, William E. Borah of Idaho, Albert J. Beveridge of Indiana, Jonathan P. Dolliver of Iowa, Moses E. Clapp of Minnesota, and Jonathan Bourne, Jr., of Oregon. Most of the progressives of both parties had recently arrived or were veterans who had recently converted to progressive ideas. Like Owen, these senators embraced the doctrine that the powerful monopolists were dominating the economic and political life of the country to the detriment of "the people." They backed proposals designed to bring about a more equitable distribution of wealth and to give the average citizen more control over government. In reality, the progressive senators were much more dedicated to representing the middle class business interests of their states and regions than they were in protecting workers and small farmers. Yet when they opposed such reactionaries as Republican Senator Nelson W. Aldrich of Rhode Island or Democratic Senator Joseph W. Bailey of Texas, their rhetoric took on a deceptively radical tone.¹¹

In the first session of the Sixtieth Congress the principal battle between progressives and reactionaries centered on financial policy. The Panic of 1907 brought on this debate. Economic instability leading to the panic began early in 1907 and reached crisis proportions in October when several New York banks began faltering due to unwise loans

to stock speculators and due to the acceptance of weak stocks as collateral on certain loans. When Knickerbocker Trust folded under the pressure of a run, the reaction led to widespread withdrawals and hoarding, which naturally worsened the crisis. When small banks throughout the country began calling for their deposits from New York banks, clearinghouses in New York that handled such transactions refused to oblige and issued temporary certificates instead. The Roosevelt Administration responded to the emergency by flooding millions of dollars worth of loans, interest free, into New York. In November 1907 Secretary of the Treasury George B. Cortelyou authorized the sale of \$150 million in bonds and certificates so that proceeds could be deposited in the South and West--a policy that Owen had endorsed at the Trans-Mississippi Commercial Congress.¹²

The severity of the panic led virtually all politicians and bankers to search for causes and solutions. Small businessmen and bankers throughout the nation blamed the poor policies and inherent evils of Wall Street. Even large bankers who had never considered reform in the past became convinced that changes were needed. As a result, several senators and congressmen introduced bills early in 1908 to provide flexibility to currency and stability to banking. In the Senate the Republicans soon endorsed the Aldrich bill, which called for the formation of temporary associations of national banks during times of financial stringency. These associations could issue emergency currency backed by certain governmental and railroad bonds. Aldrich, the author of the bill, admitted that he included railroad bonds to help strengthen and stabilize their value for the large banks that held them. The Democrats responded meekly to the Republican bill. In a caucus on

January 25 they endorsed a change suggested by Senator Bailey, who advocated a provision in the Aldrich bill that would require the distribution of emergency funds equally. Owen and Senator Anselm J. McLaurin of Mississippi presented substitute bills, but the Democratic caucus rejected the proposals.

Prior to the debate on the Aldrich bill, Owen had made no extended remarks on the floor of the Senate. Because of this, when he rose to speak on February 25, 1908, the press and fellow senators listened with great interest. For over four hours Owen criticized the Aldrich plan with great clarity and confidence. He endorsed the concept of emergency currency and reprimanded Senator Aldrich for not endorsing a similar plan in 1900. At that time, former Senator Jones, Owen's friend from Arkansas, had introduced an amendment for emergency currency to a bill written by Aldrich. Owen boasted that he had been the author of that amendment, and if Aldrich would have accepted it in 1900, the country would not have suffered the Panic of 1907.¹⁴ Inviting a challenge, Owen said, "If any Senator [looking at Mr. Aldrich] wishes to interrupt me at any time, it will not disconcert me in the least."¹⁵

Owen then listed the weaknesses of the pending Aldrich bill. There were no provisions for a guarantee of bank deposits that Owen and some progressives believed were essential. The bill limited the amount of emergency currency to only \$500 million; Owen suggested no limits. Only banks with large holdings could form associations; thus large banks in New York and other major cities were favored. Also, the guidelines for creating associations were cumbersome. By the time a panic began, an association would form too late to stop it. Owen likewise objected to railroad bonds being used as a basis for the currency,

seeing this as detrimental to western banks, which seldom invested in railroad securities. Like most other progressive senators, Owen argued that speculation (or "gambling") in stocks should be outlawed. To eliminate all of these deficiencies, Owen submitted a substitute for the Aldrich bill, but he realized that his plan had no chance of adoption.¹⁶

The dramatic initial speech gained widespread attention. Progressive newspapers across the country proclaimed that Owen had "routed" Aldrich or that he was a "discovery" and "clever debater."¹⁷ Even the Republican New York Tribune admitted that he "at once commanded the respect of his colleagues."¹⁸ The Commoner published by William J. Bryan recommended the speech as a "progressive democratic document."¹⁹ Newspaper editors in Oklahoma responded with praise, and for those constituents who missed the news, Owen distributed hundreds of reprints of laudatory articles from major newspapers.²⁰

Despite Owen's forceful speech and his continued opposition in debate to certain portions of the proposal, he voted for the Aldrich bill. But after the House-Senate conference he voted against the final measure which was known as the Aldrich-Vreeland Act. As he did so, he announced that he was merely protesting some questionable provisions; if necessary for passage, he would have voted for the measure. Soon the erroneous news spread in Oklahoma that he had actually voted for the final version of the bill. Many voters were confused and angry. They preferred the uncompromising castigation of Wall Street displayed by Senator Gore, who had joined with the flamboyant La Follette in an unsuccessful filibuster against the final vote.²¹

Owen responded quickly to his critics. "The Aldrich bill is bet-

ter, infinitely better, than no remedy at all," he said. "The fault of the republican party . . . is in not having passed it in that form, or in a better form, long years ago."²² Owen's real sympathies were clear. Stability for banks, even if most advantageous to Wall Street, was better than panic and inefficiency.

If some Oklahomans were displeased with Owen's vote on the Aldrich-Vreeland Act, almost all were satisfied with his role in the removal of restrictions from Indian land. From the beginning, Owen was determined to have a law passed. "After I say my prayers at night, I then dream until dawn about the removal of restrictions," he had remarked in his senatorial acceptance speech before the Oklahoma legislature on December 12, 1907.²³ Over the next several weeks Owen worked vigorously with congressional and administration officials to reach an agreement on a proposal. He was also quite open about his own questionable holdings. In late December he explained his actions to Secretary of the Interior James R. Garfield, emphasizing his intent to contest the constitutionality of the McCumber Amendment, which had invalidated many of his leases and other claims to land.²⁴

The entire Oklahoma seven-member delegation united in the effort. They met with Secretary Garfield and other officials and developed a compromise bill that President Roosevelt was willing to support. Representative Bird S. McGuire, the lone Republican on the delegation, introduced the bill in the House, and Owen became principal sponsor in the Senate. After several months of maneuvering, the bill passed both houses and was signed by Roosevelt on May 27, 1908. The law did not satisfy all Oklahomans because it was a compromise. All whites, freedmen, and those with less than one-half Indian blood had all

restrictions removed. Those who were more than one-half but less than three-quarters Indian would still have their forty-acre homesteads restricted, and the entire allotments would be restricted for those who were three-quarters or more Indian. All restriction would remain in effect until April 26, 1931, except in those cases where the Secretary of the Interior decided they should be removed for the benefit of the allottee.²⁵

Most citizens of Oklahoma were also pleased that all unrestricted land would be taxable under the new law. But many, including Owen, were disappointed that the McCumber Amendment was upheld; the new removal of restrictions law abolished all instruments alienating or incumbering allotments prior to the passage of the act. Also, the Department of Justice was authorized to prosecute all illegal transactions made before the act to assure the allottees of a proper price for their land. The ensuing litigation plagued Owen and thousands of others for several years. Despite these shortcomings, the people were exuberant because millions of acres would be open to sale.²⁶

At the same time that Owen was promoting currency reform and removal of restrictions, he also began supporting a broad range of political reforms designed to alter the political system. One of the first bills he introduced called for a constitutional amendment for the direct election of United States Senators. After the resolution died in the hostile committee on Privileges and Electors, Owen introduced a new resolution on May 21, 1908, and used a parliamentary trick to force its consideration.²⁷ In the dramatic debate that followed, he scolded veteran senators for not sending the proposal to the people. This drew a response from Senator Eugene Hale of Maine, who admonished Owen not

to question the actions of senators who had been there for years, especially since Owen was a mere newcomer. "The Senator from Maine is not called on to rebuke the Senator from Oklahoma because he did not arrive sooner," Owen replied. "He came as soon as he could."²⁸ The exchange gained more national notoriety for Owen, and he immediately was acknowledged as a new leading advocate of the direct election of senators.

Owen also introduced a resolution calling for a national income tax and supported measures for workers' compensation and increased control of interstate commerce. He also testified before a House committee in favor of woman suffrage. Although he was strongly committed to these reforms, he reserved his greatest enthusiasm for the initiative and referendum. By the end of May 1908 he had become the leading advocate of those devices of direct democracy through his association with George H. Shibley.²⁹

One of the most ardent supporters of initiative and referendum in the nation, Shibley was an eccentric holdover from the populist movement. Born in Wisconsin in 1862, he first became a farmer and bee-keeper, then a lawyer in the 1880s. By the 1890s he was a devout populist and a self-professed expert on the tariff, monetary policy, and monopolies. About 1900 he established himself in Washington as a lobbyist for various causes, but he was almost obsessed with the promotion of the initiative and referendum. A chronic organizer, he established a number of successive bureaus and leagues to promote the cause. He formed the Initiative and Referendum League of America in 1908 with himself as president and Owen as "Chairman of the National Committee."³⁰

Using the organization to mount a publicity crusade, Owen submitted several memorials that were printed as government documents. This enabled Shibley to purchase inexpensive reprints for distribution to various organizations affiliated with his league. As chairman of the organization's national committee, Owen also wrote an article on "People's Rule" for the Arena, a popular progressive magazine. In this article and in similar ones over the next few years, Owen outlined his basic ideas on direct democracy. He explained that the people had originally instructed their representatives in a direct manner during the late colonial and early national periods. But the framers of the United States Constitution took the people's rule away until it was restored by Thomas Jefferson. The advent of political conventions again robbed the people of direct control in the 1830s and 1840s, and their plight worsened in the late nineteenth century. The initiative and referendum at the local, state, and national levels would restore the lost power. The theory was mainstream populism.³¹

Due to his pronounced support of progressive proposals and the widespread publicity of his attack on Aldrich, Owen was suddenly in demand as a speaker. On April 13, 1908, he joined Dr. Woodrow Wilson, then president of Princeton University, and Senator Furnifold M. Simmons of North Carolina, as a speaker at the Jefferson Day Banquet in New York City. In his "extremely long" speech Owen lashed out at monopolies and compared their actions to the Biblical story of the Pharaoh and Joseph (one of his favorite analogies).³²

National periodicals also gave much publicity to Owen, along with his blind colleague. The articles invariably emphasized Owen's colorful Indian heritage, usually overestimating his one-sixteenth Cherokee

blood. Owen encouraged this infatuation with his Indian background. For instance, a Crow chief presented a war bonnet to Senator Moses Clapp, chairman of the Committee on Indian Affairs, who hesitated to take the gift with embarrassment. Owen quickly interceded, donned the bonnet, and performed a war dance for the committee.³³

Perhaps more important to the people of Oklahoma were the favorable descriptions of his ability, aristocratic refinement, and well-tailored appearance. This helped the image of the new state, which was so often perceived as a crude frontier filled with colorful but somewhat backward people. But political opponents sometimes tried to use his aristocratic demeanor against him. For instance, during Owen's second term in office one Republican editor described him as "a clothes rack" and the "dude of Washington." The same critic said: "The senator also affects the airs, boredoms, 'doncherknows,' etc., of the pampered rich--is dandified and sissified--walking with mincing steps and talking with affectations and the tilting of brows."³⁴ As usual, Owen was quick to answer such criticism. At one time in his career a heckler chided him during a speech for being an aristocrat. Owen responded by saying, "If the fact that I try to wear neat clothes, keep them pressed, and live an upright life makes me an aristocrat, I guess I shall have to plead guilty."³⁵

Although his impressive appearance was important, most constituents were pleased with his more tangible achievements. At the end of his first session in 1908 Owen, too, was satisfied, and he decided to stay busy during the recess. After leaving Washington, Owen first went to Washington and Lee University, his alma mater, where he addressed the alumni and received an honorary doctorate in law on June 17. Then

he traveled to Muskogee, where he received a warm welcome from his fellow townsmen.³⁶

Following a warm homecoming and after several days of rest and speech-making, Owen prepared to go to the Democratic National Convention at Denver, Colorado; Bryan was the sure winner of the nomination even before the convention began. Establishing headquarters at his hometown of Fairview, Nebraska, Bryan engineered his forces via a direct telegraph wire to Denver. He also entertained a constant flow of party leaders, including Owen and several other Oklahomans, who stopped by for consultation on their way to the convention. When Owen met privately with Bryan, he presented the demands of the Initiative and Referendum League and suggested that the "People's Rule" be included in the platform. Bryan had already adopted a theme of "Let the People Rule" and reconfirmed his commitment, but he ultimately excluded the initiative and referendum from the platform. After the meeting Owen went to Denver where curious delegates and newsmen focused much attention on him, Gore, Haskell, and Murray. The limelight for the Oklahomans was appropriate for much of the platform resembled the Oklahoma Constitution.³⁷

Governor Haskell was particularly prominent during the convention as chairman of the platform committee, and later he became the treasurer of Bryan's campaign. This was unfortunate, for President Roosevelt soon attacked Haskell's past business manipulations in Ohio so effectively that the Oklahoma governor resigned from the campaign staff. Roosevelt especially damaged Haskell's reputation by connecting him with Standard Oil which was Bryan's favorite monopolistic bogey man. Also, once again the Republicans revealed Haskell's association with

the anti-labor Citizens' Alliance in Muskogee in 1905, and soon the press likewise pointed out Owen's connection. Even without the scandal, Bryan was probably doomed. He lost by a substantial margin to Secretary of War William Howard Taft, Roosevelt's hand-picked successor.³⁸

Though defeated, the Democrats found much encouragement in the results. They remained united solidly behind Bryan's progressive agenda and had gained ten seats in the House and two in the Senate. Much to Owen's delight, one of the new senators was an old college-day friend, George E. Chamberlain of Oregon. Also, the People's Rule agenda was still very much in the limelight. Owen therefore continued to promote People's Rule during the next several months, writing articles and giving speeches with particular emphasis on Oklahoma's constitution and bank guarantee law. However, his return to the Senate in December was clouded by the Oklahoma City Times, which began a series of articles graphically depicting a variety of Owen's prior dealings with the Indians. More importantly, the Department of Justice was clearly determined to press its suits against Owen and thousands of other defendants accused of illegal land dealings with the Indians.³⁹

The lame-duck session of Congress from December 1908 to March 1909 was generally uneventful. President Roosevelt finished his last months in office gratified that Taft would succeed him but still angry at the conservatives in his party who had blamed his destabilizing, radical actions for the Panic of 1907. He had shifted to a more militant progressivism, and the liberals in the party hoped that Taft would continue those policies. However, progressive Republicans in the House grew disillusioned when Taft refused to back their efforts to oust dicta-

torial Speaker Joseph G. Cannon. Then, during the session of Congress from March to August 1909, Taft again deserted them in their efforts to lower rates in the Payne-Aldrich Tariff. This betrayal sparked an insurgent movement among progressive Republicans against both Taft and the conservative leaders of their party.⁴⁰

Pleased with the Republican feud, Owen and other Democrats encouraged the insurgents and united with them in the battle over the Payne-Aldrich Tariff. In the Senate, Owen spoke frequently on the tariff and again directed much animosity toward arch-conservative Aldrich, the sponsor of the Senate bill. Repeatedly Owen advocated lower rates. He reminded the Republicans that their platform pledged to reduce the tariff to levels reflecting "the difference in the cost of production in this country and abroad."⁴¹

When he later demanded that Aldrich produce the statistics that showed the difference in the cost of production, Aldrich chided him for his "spasmodic thirst for knowledge." Owen presented data to show that the cost of labor in America was not so high that it required high tariffs to assure manufacturers of a profit. Like Republican insurgents LaFollette, Dolliver, and others, Owen spent long days poring over details on the tariff, resulting in a major speech on June 15, 1909. He later boasted that his address was used extensively in England for the free trade movement. The speech emphasized that high protective tariffs fostered monopolies, depressed the wages of hapless workers, and increased prices drastically for consumers.⁴²

In spite of his vigorous opposition to a high protective tariff, Owen altered his position in regard to rates on petroleum. In April a hundred independent oil producers descended on Washington to convince

President Taft and other leaders that they required protection.⁴³ Owen had condemned the "special interests, whose lobbyists swarm the corridors of this Capitol," but he listened to the oil men--who so obviously represented an important economic interest in Oklahoma.⁴⁴ They provided Owen with a rationalization for supporting high rates on petroleum: Standard Oil would flood the market with cheap Mexican oil if high import fees were not imposed. Owen soon announced that he would support a high tariff on oil.⁴⁵ Although contradicting the high principles of many of his speeches, Owen found further justification to his actions. "The first duty of a Democratic representative is to represent his people," he announced to the Senate.⁴⁶

The Daily Oklahoman, normally his staunch ally, disagreed. "The consumer's interest is dominant," an irate Oklahoman editor wrote. "A vote in their behalf at every opportunity is what is expected."⁴⁷ But a large number of fellow Democrats sided with Owen. If the tariff would be protectionist in any case, then why not protect home state interests? Also, even the insurgents who garnered most laurels from the muckraking press were much less devoted to tariff reform than the Democrats. They voted much more frequently for higher rates on a variety of items. Regardless of degree of commitment, the insurgents and the Democrats, bolstered by public opinion, forced the inclusion of a corporate tax with the tariff and a separate resolution for a constitutional amendment to allow a national income tax. Owen joined his party in voting for both measures.⁴⁸

The arduous work on the tariff left many Senators weary and ill. Owen was one of these. In July, armed with a letter of introduction from President Taft to American diplomatic officials, he journeyed to

Europe for two months. Much of this time was actually spent in Germany for medical treatment due to exhaustion.⁴⁹

In December 1909 a revitalized Owen returned to Washington for the new session of Congress (61st Congress, 2nd session). He and his fellow Democrats again relished the continuing fight between insurgent and regular Republicans. That feud actually worsened due to the Ballinger-Pinchot controversy in which Taft sided with Secretary of the Interior Richard A. Ballinger over Chief Forester Gifford Pinchot, the darling of the conservationists. Pinchot publicly criticized Ballinger for disposing of valuable mineral reserves in Alaska, forcing Taft to fire the Chief Forester for insubordination.⁵⁰

The Republicans also split on the Mann-Elkins Act which strengthened the Interstate Commerce Commission. The original bill had several provisions that actually favored the railroads, which were supposed to be regulated by the commission. The insurgents allied again with Democrats in eliminating many of the undesirable provisions and managed to pass a bill that provided some true reform. Owen did not participate in the deliberations on the act, but supported the insurgents in his voting. Thus he played almost no part in promoting the most important legislation of the session.⁵¹

Owen was more active, however, in his support of the Postal Savings Banks Act. This was an old populist idea that the Democrats had endorsed since Bryan's campaign of 1896. Owen had promoted the plan in 1899 when he first began calling for currency reform. It called for the establishment of savings banks in United States Post Offices to provide timid, small-scale depositors a place to put their savings. The small-scale investors, therefore, would not endanger the stability

of other banks by making runs to withdraw their deposits during panics. Both insurgents and Democrats were surprised and skeptical when Aldrich and other regular Republicans warmly embraced the bill. The reason soon became clear. Aldrich had caused a provision to be included that required the government to invest the deposits in United States bonds. Because these were the same bonds that national banks held, a new market for them would enable the national banks to unload their holdings--a necessary prelude to the establishment of central banking in the United States. The progressives realized Aldrich was trying to lay the groundwork for his favorite proposal of a Wall Street-controlled central bank. Owen, like many other liberals, objected to this; he wanted deposits to remain in local banks rather than in New York. He also used the debate on postal savings to promote a bank guarantee system and offered a substitute bill that would have implemented such a system based on Oklahoma's similar law of 1907. The move failed, as Owen knew it would, but Oklahomans were pleased. Owen voted against the final postal savings bill because it still provided for some investment in United States bonds.⁵²

Owen's limited his involvement with major legislation probably because he was preoccupied with his own pet project--a cabinet-level department of health. The promotion of this idea began just before Owen took office when muckrakers were uncovering the dangers of patent medicines and the unsanitary conditions in the food processing and meat packing industries. In 1906 the American Medical Association, already a dominant force in the field of healing arts, used this new concern for health to promote the formation of a federal health department. Also in 1906 the American Association for the Advancement of Science

appointed a Committee of One Hundred to support the idea. Led by Dr. Irving Fisher, an economist from Yale University, this committee soon joined ranks with the American Medical Association. Of course, the government was already involved in the health field, but the administration of such functions was distributed among an inefficient crazy-quilt of various bureaus and agencies in several different departments. The Public Health and Marine Hospital service in the Department of the Treasury and the Bureau of Chemistry in the Department of Agriculture were probably the two most important agencies.⁵³

Owen's interest in the issue developed separately from the reform advocates. The Owen family had produced physicians for decades, including the senator's brother, and Owen had studied the craft himself prior to college; thus he had a strong interest in promoting medicine. As early as 1909 he wrote to Taft about the idea of a department, but did not introduce a bill until February 1, 1910. The legislation called for the consolidation of the various existing health agencies, other than those in the military, into the Department of Public Health.⁵⁴

Evidently Owen had little contact with the organized forces who had already worked on the idea for four years. When he submitted his proposal, he sent copies to the Committee of One Hundred, and this made Professor Fisher angry. As head of the committee, Fisher had already received the endorsement of President Taft for a bill designed to create a bureau of health, rather than a full-scale department.⁵⁵ "The President thinks that we cannot take so large a step at once," he wrote a member of the committee.⁵⁶ He therefore warned his allies that they should not endorse Owen's plan because it was not achievable and would

divide the forces wanting consolidation of health services. Nonetheless, in March a representative for the American Medical Association and the Committee of One Hundred held a joint conference, and, with Owen present, they decided to promote a department first and a bureau as a secondary goal.⁵⁷

On March 24, 1910, Owen presented his proposal to the Senate in a lengthy speech. By this time he had received dozens of endorsements from prominent medical professionals and organizations, many examples of which he read to his fellow senators. He pointed out that from a purely economic standpoint, the increased efficiency of a department of health would save 600,000 lives annually with an estimated savings of \$3 billion per year. Anticipating arguments against the constitutionality and propriety of such a federal bureaucracy, Owen compared his proposal to other activities of conservation of natural resources or agricultural products.⁵⁸ He was most eloquent and persuasive when he said: "I recently sent 25,000 bulletins to farmers in Oklahoma on how to raise swine. I had no bulletins to send out how to protect the health of children."⁵⁹

After Owen's speech he actively campaigned for the department, making appearances before various groups and writing explanations to magazines and newspapers. The press was generally favorable. The New York Times became a staunch ally with frequent articles and editorials supporting the Owen bill. However, opposition quickly arose as well. Patent medicine manufacturers, Christian Scientists, osteopaths, homoeopaths, chiropractors, and others outside the mainstream of medicine attacked the proposal. Some of these dissidents formed the National League of Medical Freedom, which organized grass-roots "taxpayers

"leagues" to oppose the measure. B. O. Flower, editor of the muckraking Arena and Twentieth Century Magazine and normally friendly to Owen, lashed out at the proposed department of health as a tool of the "Doctor's Trust."⁶⁰

Despite extensive hearings and the usual gathering of government documents to support the bill, Owen failed to get the measure out of committee. Over the next several months he continued to propagandize with the White House, and supporters in the media kept the issue alive. In the next session of Congress (December 1910 to March 1911) he again tried to persuade the Committee on Public Health and Quarantine to report the bill. Even an amendment insuring no interference with state-level licensing and forbidding the discrimination against any school of medicine failed to get action. The indefatigable Owen continued to introduce the bill until his retirement in 1925, but the best opportunity had passed in 1910 and 1911. Nonetheless, the crusade gave Owen more national notoriety as well as important political support from the medical profession.⁶¹

The promotion of the department of health once again revealed a solid commitment from Owen for middle class values and efficiency in society. However, during 1910 and 1911 when he was launching his crusade for the department of health, he also continued his more radical rhetoric in favor of the common man. Probably no other nationally prominent Democrat publicized progressive principles as much as Owen. With his friend Shibley, he reorganized the Initiative and Referendum League into the "People's Rule League" with the close cooperation of the two senators from Oregon, Chamberlain, a Democrat, and Bourne, a Republican. Owen collaborated with these men in producing a senate

document entitled "The Code of the People's Rule," which advocated a wide variety of progressive programs. This potpourri of direct democracy included the secret ballot, direct primaries, publicity for campaign contributions, corrupt practice legislation, the short ballot, the city commission form of government, and the initiative, referendum, and recall. As was fashionable, Owen strongly emphasized the "Oregon system" in which most of these devices had been adopted.⁶²

Also, Owen delivered a speech on the Senate floor on May 31, 1910, in which he asked the question: "If the people really rule, why don't the people get what they want?"⁶³ He answered this question by saying that the alliance between special interests and machine politics corrupted the system and thwarted the people's desire for low tariffs, improved conditions for workers, and an end to evil monopolies. The only solution was direct democracy, with direct election of senators as a first step.⁶⁴ In this speech Owen denied that his proposals were dangerous; on the contrary, by keeping the doors of opportunity open, direct democracy provided "the soundest safeguard of property rights." The current corrupt system was the true destabilizer. "It is promoting radical socialism and developing elements of criminal anarchy."⁶⁵

William Jennings Bryan was so impressed with Owen's speech that he reprinted it in the Commoner. Then, he asked readers to answer Owen's question of why the people do not get what they want. For seven months the Commoner printed responses from subscribers who sought to answer Owen's question.⁶⁶

Between February 1910 and April 1912 Owen also publicized his program in numerous speeches, interviews, and letters to periodicals. He also wrote several articles on the "People's Rule" for Collier's, Inde-

pendent, Twentieth Century Magazine, LaFollette's, and Everybody's Magazine. Despite Owen's publicity crusade, the national press seemed more enthralled by the dramatic revolt of the insurgents in 1910 against Taft, Cannon, and Aldrich.⁶⁷ But Owen did not despair; he joined others in praising the insurgents. "They represent the protest of righteousness and fair dealing against the craft and sordid meanness of special privilege," he proclaimed to the American Civic Alliance in New York City.⁶⁸

Regular Republicans and insurgents broke into open warfare in the congressional and state campaigns of 1910, splitting the party and allowing the Democrats to win control of Congress and several governorships. But the fratricide among Republicans was not the only reason for their defeat. Almost all of the Democratic victors had won, at least in part, by embracing progressivism. Owen helped in this regard. He campaigned extensively for his party in Michigan, New York, and Oklahoma, promoting the doctrine of the People's Rule and convincing voters to select Democrats on that platform. To his Democratic audiences he preached that they should embrace direct democracy to eliminate the influence of special interests even in their own party. "There must be a house-clearing in the democratic party," warned Owen.⁶⁹ In a post-election analysis for the Commoner, Owen explained that the widespread victories for progressive Democrats and Republicans were due to the people rising up against "the rule of the few, the rule of monopoly and of big corporate power."⁷⁰

A national Democratic periodical later said that Owen had been very effective and had done more to promote the progressive doctrine in the party than "any one single individual." After the election Owen

continued to push direct democracy with significant results. On December 16, 1910, he wrote a letter of inquiry to Woodrow Wilson, the new Democratic governor-elect of New Jersey and a leading contender for the presidency. Because of rumors he had heard, Owen asked Wilson the "plain question" of whether he favored the initiative and referendum. Wilson felt compelled to reply through a friend, who met with Owen, Chamberlain, and Bourne to assure them that they had the wrong impression. Nonetheless, Owen sent word to Wilson that he should analyze the initiative law in Oklahoma for a better understanding of the topic. In his inaugural speech, Governor Wilson recommended the initiative and referendum to the legislature.⁷¹

Later, in December 1910, Bourne, LaFollette, and other insurgents formed the National Progressive Republican League, largely as a front organization for LaFollette's presidential ambitions and with a reform agenda very similar to the one Owen had promoted since 1908. Most contemporary observers (and most latter-day historians) failed to acknowledge that progressive Democrats had been pursuing the same goals.⁷² However, one Washington newspaper reporter recognized that Owen had promoted the issues for several years and recalled that Owen's "potent espionage" on the topic had "more or less cluttered up the United States mails."⁷³ This, in reality, gave Owen too much credit, for most of the "people's rule" program had been first promoted by Bryan among Democrats and LaFollette among Republicans, and many others of both parties had embraced the ideas for years. Nevertheless, Owen and other Democrats were often ignored for their support in favor of the more newsworthy insurgents. The Democrats were not merely in a state of suspended animation; a majority of them, like Owen, were embracing

progressivism.⁷⁴

Typical of most lame-duck sessions, Congress achieved very little in the short session following the elections (December 1910–March 1911). The Democrats of the House reorganized in anticipation of the new majority status that they would attain in the subsequent session. They immediately began displaying the efficiency and unity that would make them very effective over the next few years. The situation in the Senate in December 1910 was much less stable. Even after this lame-duck session the Democrats would still be in the minority, but they would increase in strength enough to alter the power structure. Encouraged by the outcome of the recent elections, Owen and other progressive Democrats began quarreling with their conservative leadership. As a special target for their attacks, they selected Joseph W. Bailey of Texas, who had been the true leader of the party although he was not the official minority leader.⁷⁵

The first phase of this power struggle began with the controversy over the election of Senator William Lorimer of Illinois. In 1908 the two leading Republican candidates failed to win a majority of votes in the Illinois senatorial primary. Illinois state legislators deadlocked in choosing the winner for several weeks in 1909; then, they suddenly selected Lorimer, a machine politician who had not even been one of the candidates. Chicago newspapers soon printed accusations that several legislators had been bribed with money from a special slush fund provided by Chicago businessmen. A subsequent state investigation and an inquiry by the United States Senate Committee on Privileges and Elections confirmed the charges. However, when the United States Senate committee reported its findings, it recommended that Lorimer be

seated because he would have had a majority even without the votes of the bribed legislators. Progressives of both parties rejected these findings and attempted to oust Lorimer.⁷⁶

Owen made the first attack on Lorimer on January 9, 1911. Republican Senator Albert J. Beveridge had intended to take the first action with a minority report from the committee, but Owen upstaged him and through a parliamentary maneuver gained the floor and introduced the first ouster resolution. Owen realized that the controversy would probably help advance the direct election of senators. Several progressives joined in the attack on Lorimer over the next several weeks in a debate that gained national attention. When Bailey began urging support for Lorimer, several progressives objected so strongly that they decided to form their own caucus to bypass the conservative Democratic leadership. Owen, William J. Stone of Missouri, and several other senators who led this progressive caucus formulated a legislative agenda of their own.⁷⁷

Meanwhile, the debate on the Senate floor over Lorimer was extremely bitter. The progressives argued that Lorimer's election was merely one example of how special interests corrupted politics. Conservatives responded that the masses should not be relied upon to choose members of the Senate. By a vote of 46 to 40 on March 1, Lorimer retained his seat, but the issue continued to stir controversy. Later that month Owen went to Springfield, Illinois, to address the legislature on popular government. Lorimer's allies were so bitter that they refused to allow Owen to speak in the legislative hall, and he was forced to address some progressive legislators in a smaller room. The entire controversy over Lorimer so outraged the public that

the United States Senate soon submitted a constitutional amendment for direct election of senators to the people. It was finally ratified in 1912.⁷⁸

The Lorimer issue was not the only battle between the progressive Democrats and their conservative leadership in the spring of 1911. President Taft had submitted a proposal for a reciprocal trade agreement with Canada. Almost all Democrats, including Bailey, supported the measure, but most Republicans opposed it. Republican senators kept it bottled up in committee and, instead, offered an alternative proposal of a Tariff Board as bait to divert attention from the reciprocal agreement. This proposed board would periodically evaluate all tariff rates and make recommendations for changes. When Bailey shifted his support to this Republican proposal, Stone, Owen, and other members of the new progressive caucus decided to oppose it in favor of Taft's Canadian Reciprocity bill. Because of so many disagreements of this type, the Senate passed little legislation until the last few days of the session. At that point, the progressive Democrats began resorting to a series of filibusters to block bills that they opposed.⁷⁹

Owen single-handedly conducted the final and most dramatic of these filibusters in the last day of the session. His filibuster related to a statehood bill for New Mexico. Bailey and other conservatives approved of New Mexico's entrance into the Union because of its conservative constitution. On the other hand, they refused to consider statehood for Arizona, which also had submitted a constitution because it contained the initiative, referendum, and recall. President Taft particularly opposed the provisions allowing recall of judges. The progressive faction of Democrats led by Owen and Stone championed the

cause of Arizona, and decided to block statehood for New Mexico with its reactionary constitution if Arizona were not admitted simultaneously.⁸⁰

Just after midnight on March 4 as the Senate began considering statehood for New Mexico, Owen gained the floor. Less than twelve hours remained in the session and many important appropriation bills still needed to be considered. Owen immediately informed his fellow senators that he intended to speak for several hours on the subject. He was in a position to blackmail the Senate. He demanded that the Senate consider statehood for Arizona along with New Mexico, or he would continue talking until the gavel fell ending the session. Through a parliamentary maneuver he allowed several bills to be passed at intervals between the times he spoke. Owen spoke intermittently for almost twelve hours, and as the noon deadline approached, Senator Bailey encouraged his fellow Democrats to let Owen suffer the embarrassment of forcing a special session. At 11:30 a.m., however, the Senate surrendered, voted on joint admission of the two states, and turned down statehood for both.⁸¹

Most Democrats voted in favor of statehood for both states, and, thereby, rebuked Bailey's leadership. Bailey was outraged. Immediately after the vote he abruptly resigned. He did not want to belong to a party that embraced the "populistic heresies known as initiative, referendum, and recall."⁸² After cooling off, Bailey withdrew his resignation, but he and other conservatives remained angry. The Republican New York Tribune objecting to Owen's filibuster and to some last minute behavior of Senator Gore as well, concluded that "Oklahoma was unfit to be represented in the upper house."⁸³ Several newspapers in

New Mexico bitterly criticized Owen for blocking the will of thousands of people, but many Oklahomans and Arizonians praised him. William Jennings Bryan, still leader of the Democrats, sent Owen a telegram commending his filibuster and inviting him to Bryan's upcoming birthday banquet at Lincoln, Nebraska. Muckracker John Temple Graves also publicized Owen's actions in the national press.⁸⁴

As Congress adjourned, it had not considered Taft's bill on Canadian reciprocity; accordingly, Taft called a special session. During this session Owen continued to oversee the interests of Arizona, frequently negotiating with the Taft administration on the issue. He also resumed his war against Bailey and other conservative Democrats in the Senate. A few days before the special session began in April 1911, Owen joined about fourteen other progressive Democrats in meetings at Senator Stone's office. They decided to support Benjamin Shively of Indiana for Senate Minority Leader. Bailey, discredited as a candidate for the position, united with other conservatives behind Thomas S. Martin of Virginia, an amiable veteran only moderately attached to the old guard. Just before all Democrats caucused, Bryan came to Washington to endorse Shively and condemn Martin. This intrusion angered some of the new progressives, such as James A. O'Gorman of New York and John Sharp Williams of Mississippi; thus they voted for Martin, who won twenty-one to sixteen. Bryan was furious, but Owen admitted to being only "agreeably disappointed."⁸⁵

Once the special session began, the principal concern was for the Canadian Reciprocity Tariff. Most Republicans opposed the measure and were angry at Taft for calling the session. Therefore, Taft was forced to ally with Democrats to push it through Congress. Owen voted loyally

with his party in opposing all unfriendly amendments and voting for final passage. He also voted the party line on several bills that emerged from the House to revise the rates of the Payne-Aldrich Tariff. These tariff revisions narrowly passed in the Senate, but Taft vetoed them. Owen also took his normal progressive stand on direct election of senators and on a bill for campaign publicity. However, he offered little debate on most of the major proposals and spent much of his time promoting his own bill for a department of health. Also, he launched a new crusade for the recall of federal judges.⁸⁶

Owen's defense of the Arizona Constitution led him into his broader crusade for the recall of judges at the federal level. In July 1911 he presented a bill empowering Congress to recall judges upon the passage of a resolution.⁸⁷ In preparing his proposal, Owen became acquainted with Walter Clark, Chief Justice of the Supreme Court of North Carolina and the leading advocate and pioneer in the movement. "I felt like putting my arms around you and giving you a mighty fraternal hug," Owen wrote Clark after reading one of his speeches.⁸⁸ The two men remained friends for years.

Clark was naturally pleased with Owen's entrance into the movement. Senator LaFollette's newspaper, LaFollette's Weekly, also endorsed his stand; others did not. The New York Times equated Owen with Victor Berger, Socialist congressman from Milwaukee, accusing both of making "rival bids for the votes of the discontented."⁸⁹ But Owen argued that the law was necessary to counteract the federal "judicial oligarchy," which had usurped the power of the people, invented its own fictitious right of declaring laws unconstitutional, and constantly sided with special interests. Owen theorized that the act would prob-

ably never be used because its mere passage would immediately alter the behavior of judges. Late in 1911 Owen also presented these arguments to the Oklahoma Legislature, but the proposal met stiff opposition there. Over the next several years he continued to advocate various similar measures for judicial recall.⁹⁰

Near the end of the special session, Owen's routine was interrupted by the death of his mother. In failing health for months, Narcissa had been bedfast at a friend's house in Guthrie, Oklahoma, for several weeks before she died on July 12, 1911. Owen, his wife, and his daughter soon went to Lynchburg, Virginia, where the funeral was held. No person had influenced Owen more than his mother.⁹¹

Following a recess in the fall, Owen returned to the Senate in December 1911 for the session that continued until August 1912. Owen's role in important issues of the session was limited. He again supported his party's legislative agenda that included tariff reform, an eight hour day for workers under government contract, and other pro-labor bills. But he was absent during much of the session due to his preoccupation with reelection.⁹²

In general, Owen was in a strong position for reelection. His rapid rise to national notoriety and the constant publicity of his People's Rule campaign made many Oklahomans proud. Equally important, he had judiciously distributed patronage and pork barrel benefits to his constituents throughout his first term. Owen's endorsements for job seekers were numerous and included letters of recommendation to both state and federal offices. Because he was a member of the minority, his clout was limited, but he held a position on the Committee of Post Offices and Post Roads that gave him some influence through the

custom of senatorial courtesy. He also benefitted from an inordinately large number of construction projects for roads, bridges, and federal buildings. Congress was generous in providing such benefits because Oklahoma was a new state. Owen shrewdly sent reports to thousands of constituents listing the projects and emphasizing his role in acquiring them.⁹³

Owen's enthusiastic support of oil development in Oklahoma also appealed to many constituents. In addition to his support of high rates for oil in the Payne-Aldrich Tariff, he came to the aid of the independent oil companies on a number of occasions. In 1908 the federal government brought charges of mail fraud against an officer of the Uncle Sam Oil Company, who in turn claimed that the government, the railroads, and Standard Oil Company were together conspiring to ruin that company. Owen promptly had the matter referred to the Committee on Post Offices and Post Roads for investigation, but no conspiracy was uncovered⁹⁴.

Although Owen was quick to criticize Standard Oil when the giant company threatened the well being of independent companies, he was equally willing to defend Rockefeller's monopoly when necessary to help Oklahoma oil producers. Early in 1910 a subsidiary of Standard Oil sought permission from Congress to build a pipeline across federal land in Arkansas. Jeff Davis, the fiery and brash senator from Arkansas, objected vigorously, which led to a bitter verbal exchange with Owen. Davis argued that Arkansas wanted to do away with monopolies and that the only proper place Standard Oil could pipe oil was "straight from here to hell" where the flames could engulf Rockefeller. He also insinuated that Owen was connected financially with the subsidiary.⁹⁵

Owen jumped to his feet and replied that Davis was "impudent." Then Owen added, "The exhibition that he is now making of himself before the country is sufficient to justify the comment of the Senator from Oklahoma that the opinion of the Senator from Arkansas is utterly worthless."⁹⁶ Owen had dozens of letters inserted into the Congressional Record from independent producers in Oklahoma who said that the pipeline was essential to their future. The Senate passed the bill with Davis casting the only dissenting vote.⁹⁷

Coal operators in Oklahoma, likewise, sought assistance periodically from Owen, and he responded reliably to their requests. His role as senator was important for the coal mining interests because the most extensive coal deposits were part of the "Segregated Coal and Asphalt" lands belonging to the Choctaws and Chickasaws and comprising about 450,000 acres. The Department of the Interior administered the leases and refused to sell the lands as the government promised in the Choctaw-Chickasaw agreements on allotment. Therefore, coal operators frequently were forced to appeal to Owen to present bills that would allow them to expand their leases or rent additional surface land. Owen dutifully introduced such legislation. He also led the Oklahoma delegation in trying to persuade the government to sell the lands and minerals. He appealed numerous times to the Secretary of the Interior, he spoke on several occasions to President Taft, and he introduced one bill after another in the Senate to bring about the sale. Finally, in 1912 Owen and the Oklahoma delegates settled for a compromise in which only surface land was sold but not the minerals. Over the next several years the delegations continued to push for the sale of the minerals and finally succeeded in 1918.⁹⁸

Closely related to state matters were Owen's actions in Indian affairs. Already an expert in Indian matters he became a leader in the Committee of Indian Affairs as soon as he took office. This had proven very valuable in the passage of the bill removing restrictions from Indian land, and he continued to use his position adeptly. Sometimes he helped his old friends. Frank Boudinot, who had assisted in the Eastern Cherokee case, Richard C. Adams, who helped Owen piece together his ranch lands, and Samuel Crawford, who had served as an attorney for the allottees in the Cherokee Outlet--these and other lawyer-lobbyists--periodically called upon Owen to introduce bills or present memorials for them. Owen obliged these old cronies and spoke for their interests in committee and on the floor of the Senate.⁹⁹

He was even more persistent, resourceful, and energetic in his attempts to influence the "Thirty Thousand Land Suits." He was a defendant in that litigation because of his transactions with Indians in acquiring his ranch. The suits were filed under the provisions of the Removal of Restrictions Act, which, following the example of the McCumber Amendment, invalidated all unauthorized transactions in Indian land. Both before and after the passage of the Removal of Restrictions Act, Owen made no secret of his own involvement. He was hoping the courts would declare the McCumber Amendment unconstitutional.¹⁰⁰

During the summer and fall of 1908, the Department of Justice and the Department of the Interior jointly classified and prepared 301 suits involving almost 30,000 transactions on more than 3.8 million acres of land, and implicating about 16,000 defendants. Later in 1907 Owen appealed to Secretary of the Interior Garfield to combine all issues into one case to be tried before the United States Supreme Court.

Garfield, after some consideration, instead decided to file several representative suits in the United States Court for the Eastern District of Oklahoma. Owen appealed over Garfield's head to Roosevelt. The president was sympathetic but, due to his imminent departure from office, he declined to reverse the Attorney General's decision.¹⁰¹ Owen then tried to derail the suits with an amendment to the Indian Appropriations Act in February 1909. This provision directed the Attorney General to dismiss all suits "where the consideration was not inequitable and where there is no actual fraud involved."¹⁰² The proposal passed the Senate but was defeated in the House. Owen tried continuously to try to thwart the prosecution of the suits through various similar measures over the next several years.¹⁰³

He also contested the issue in the courts. When Judge Ralph E. Campbell of the Eastern District Court held hearings in March 1909, Owen personally helped file a demurrer for dismissing the case on the grounds that Indians were citizens and therefore could not be restricted in their contracts, leases, and sales. Judge Campbell agreed, but the government appealed and continued the litigation all the way to the United States Supreme Court. Meanwhile, hundreds of defendants settled out of court while others filed counter suits testing the constitutionality of the McCumber Amendment or other particulars of the litigation. Owen became a plaintiff in one case (Heckman and Owen v. the United States) in an attempt to force the allottees to return the purchase price to the buyers under the old conveyances. The Supreme Court, however, ruled that persons who had made unauthorized purchases were not entitled to reimbursement.¹⁰⁴

In 1911 Owen intensified his efforts. He appealed to the Depart-

ment of the Interior and to President Taft so frequently that Taft grew weary of the constant requests to reconsider the issue. On March 8, 1911, the president ordered Attorney General George F. Wickersham to schedule a conference at the White House to be attended by Taft, Wickersham, Owen, and the attorney in charge of the case. "See if we can not straighten out matters, with a view to getting a rest," wrote Taft.¹⁰⁵ As a result of such negotiation, Owen apparently reached a compromise, which he introduced as a bill in the spring of 1912. Under its provisions the government would drop the prosecution, and the Secretary of the Interior would review the cases individually with the goal of validating all sales that were equitable and that involved no fraud. In return for this concession, however, the bill also included provisions that gave the Secretary of the Interior control of all agricultural leases on restricted land belonging to full bloods. At that time the Department of the Interior had no jurisdiction over one-year leases on homesteads or five-year leases on surplus lands.¹⁰⁶

Many Oklahomans rejected this compromise because it actually expanded the powers of the Secretary in controlling agricultural land. Robert L. Williams, at this time Chief Justice of the Oklahoma Supreme Court, wrote a friend that Owen had sold out to the Department of the Interior on the question of agricultural leasing in order to get title to the Caney River ranch. Williams was also a defendant in the land suits, but he held much more land under leases; therefore, he preferred to lose the land suits rather than his leased land. Such criticism forced Owen to withdraw the bill, although he insisted that he had planned to delete the objectionable provisions in conference if the bill had passed both houses.¹⁰⁷

Despite the criticism of this one plan, a majority of Oklahomans did not object to Owen protecting his own interests. Most Sooners wanted the issue resolved because the questionable land titles were retarding the development of the state and depressing land values. Also, not all of Owen's actions in Indian affairs were self serving. He consistently supported much legislation at the request of the tribes and frequently introduced bills to pay old claims to the Indians. Perhaps his most humanitarian effort was his role in allowing the homesick Apache prisoners of war at Fort Sill to relocate on the Mesalero Reservation in New Mexico. Except for many full-blooded Indians, most Oklahomans approved of Owen's actions in Indian affairs.¹⁰⁸

Such approval was important when Owen began planning for reelection. But Owen was not solely concerned about his own reelection; he took a great interest in presidential politics as well. In 1911 as the campaign year approached, Owen joined with Shibley and Senator Chamberlain to form yet another organization--the Federation of Democratic Precinct Clubs. Begun in October 1911, the movement was designed to motivate grass-roots Democrats to form local clubs with the goal of promoting progressive Democratic candidates who would support the people's rule against the special interests.¹⁰⁹

Owen, as chairman of the organizing committee, was initially quite successful in gaining endorsements from prominent Democrats from across the country. A. Grant Evans organized a state-legal committee for Oklahoma. Champ Clark, Woodrow Wilson, former Governor Joseph W. Folk of Missouri, and other presidential hopefuls allowed Owen to use their names to promote the clubs, and William Jennings Bryan not only publicized the movement but also permitted the Commoner to become the offi-

cial organ of the federation. Then, in January 1912 Owen appeared before the Democratic National Committee to request an official endorsement of his federation and its progressive agenda. Several conservative and stalwart party men protested so strongly that Owen withdrew his proposal. As a result Owen lost interest in the movement, and it had no impact on the Democratic presidential nomination.¹¹⁰

Owen, who harbored presidential ambitions, was mentioned by Oklahoma editors and even in the Commoner as a presidential possibility. But the Oklahoma senator undoubtedly realized that such chances were remote; therefore, he quite early (March 1911) told the press that he favored Woodrow Wilson. A few days later, when one of Wilson's supporters asked his leader who would be a good speaker for a campaign speech, Wilson replied that there was "no better man" than Owen to speak for him. Despite his early support for Wilson, Owen later switched to Speaker Champ Clark because he was from Oklahoma's neighboring state of Missouri and because Clark's popularity was strong in the Sooner State.¹¹¹

Oklahoma's Chief Justice Williams, who was one of Clark's strongest supporters, was not impressed with Owen's ability to help. "He isn't worth a cent for building fences or getting up organizations," Williams wrote to one of Clark's organizers in St. Louis.¹¹² At the Oklahoma nominating convention in February 1912 Owen played only a minor role. The participants selected a split Wilson-Clark delegation to the national convention. In July 1912 after Wilson won the nomination in a hard-fought national convention, Owen enthusiastically endorsed him as the nominee. Although the Democrats had undergone a bitter struggle to nominate Wilson, they were very optimistic, for the

Republicans were severely weakened when Roosevelt bolted to form the Progressive Party in the summer of 1912.

Perhaps Owen's reluctance to participate in a major way in the nomination of a presidential candidate was due to his own reelection campaign for the Senate. For the Democratic primary Owen drew only one opponent, former Governor Haskell. As early as 1908 political gossip indicated that the dynamic Haskell coveted Owen's position. By May 1909 Owen was sufficiently alarmed that he wrote the governor to ask him "plainly" if he planned to enter the senatorial race. Owen's friends worried because of the formidable political backing Haskell had built as governor. Owen tended to ignore the state-level intrigues and political planning; instead, he depended on his limited patronage and prestige as a crusader for progressive causes.¹¹³

During the spring and summer of 1911, Chief Justice Williams hinted at entering the race, but his friends realized he had little chance. Thus, by 1912 the field was already clearly narrowed to two. After officially announcing his candidacy on February 3, 1912, Haskell wasted little time. When he had run for governor in 1907, he had used a constant barrage of attacks and bitter criticism in defeating his principal opponent, Lee Cruce of Ardmore. In 1910 Cruce adopted the same strategy in his successful campaign for the nomination against William H. Murray, and with telling effect.¹¹⁴

The pattern of politics in Oklahoma thus established, Haskell took after Owen with a rapid succession of attacks that kept the senator on the defensive most of the campaign. Early in the contest Haskell charged that Owen was betraying the Democratic party, was attempting to build a machine with his Democratic Federation of precinct clubs, and

was trying to usurp credit for the reforms in the Oklahoma constitution. As the months passed, Haskell constantly leveled new charges at Owen, claiming that he used his congressional frank illegally, that he had pushed through bills to drain swamp lands in areas where he owned land, and that he was sympathetic to blacks and opposed grandfather laws that disfranchised them. Also, Haskell repeated the already well-known accusations about Owen's land dealings and large attorney's fees.¹¹⁵

In responding to the continual assaults, Owen sometimes ignored the charges and played the role of a statesman discussing the issues. At other times, he presented detailed rebuttals of Haskell's accusations. Generally, Owen remained calm; however, in May, when Haskell used Owen's wife in an attack, the senator felt deeply offended. Haskell brought Mrs. Owen into the political debates because of her photograph and an accompanying article on the society page of the Muskogee Daily Phoenix, a Republican newspaper owned by Tams Bixby. This article was proof, said Haskell, that Owen was affiliated with Republicans. He also claimed that Owen was a principal stockholder in the Phoenix. Perhaps as a result of this incident, Owen became more aggressive as election day (August 6) approached. In late June he released a lengthy letter answering most of Haskell's charges and making countercharges of his own. Included in this final defense were friendly letters from William Jennings Bryan and George Shibley, who testified to Owen's strong influence and commitment to progressive reform.¹¹⁶

On election day most experienced observers predicted Owen would win handily, and he did. He garnered 80,265 votes to 44,483 for Haskell and won 67 of the state's 76 counties, including Muskogee County--

the home of both candidates. Owen was particularly strong in western Oklahoma, whereas Haskell's support was scattered except for a strong showing in three counties with large Cherokee populations, perhaps indicating a backlash against Owen's land deals. After the election, both candidates remained bitter. Owen and his wife refused to shake hands with Haskell at the Democratic state convention later in the month. And early in 1913, Haskell wrote a lengthy letter to President Wilson condemning Owen as a criminal for his land dealings.¹¹⁷

In this same primary election on August 6, Oklahoma voters approved a state question calling for a preferential senatorial election between the Democratic and Republican nominees in the general election. Owen was responsible for that issue being placed on the ballot. Written by George H. Shibley, the proposal not only provided for the preferential vote for United States Senator, but also it required candidates for the state legislature to sign one of two statements appearing beside their names on the ballot in the general election. "Statement Number One" indicated the candidate would vote the same as the people for the United States Senator, but "Statement Number Two" indicated the candidate would disregard the will of the people. This device had first been used in Oregon. It was an ingenious method of forcing the direct election of senators even though the pending constitutional amendment had not been ratified.¹¹⁸

In November Owen led the Democratic ticket with 50.4 percent of the vote against Republican J. T. Dickerson and Socialist John G. Wills. The Socialists made a significant showing largely at the expense of the Democrats. Tenant farmers, coal miners, and other workers were disaffected because they believed state-level Democrats had abandoned

the progressive agenda. Socialist campaign literature and the number of votes for the socialist candidate (40,876) revealed that the socialists believed that Owen, too, had abandoned the progressive proposals that had been so prominent in 1907.¹¹⁹

Despite the closeness of the state contests, the Democrats were ecstatic. Wilson defeated Roosevelt and Taft, and the Democratic Party won a majority of both houses in Congress for the first time since the Civil War. Aided by the Republican split, Wilson, nonetheless, could not have won without embracing the dominant progressive wing of the Democratic Party.

Owen had been important in making progressivism dominant among the Democrats even though his actions had not coincided with his oratory. Despite his seemingly radical rhetoric, Owen had provided few tangible benefits for the small farmer, tenant farmer, and laboring man. With great fervor and persistence Owen spoke, wrote articles, and publicized the people's cause. With moral indignation he condemned the greed and corrupting influence of the special interests. He demanded that they be restrained in favor of increased rights and power for the common man, the laborer, and the consumer. But like most advanced progressives, he seldom was able to effect changes that would truly give more power and control to the general public. The populistic-oriented electoral devices that he championed, when implemented, failed to alter the system to the extent that was expected. Thus, the widespread alarm that business corrupts politics brought few substantial changes.

The progressives also often failed to achieve their broader goals for another reason: they were much more committed to the desires of small businesses and the middle class. Owen labored most fervently for

independent oil producers, coal mine operators, real estate investors, and middle-class farmers. Seldom did he work as hard for the interests of Indians, workers, or tenant farmers. Despite a radical-sounding agenda for reform, the true beneficiaries of progressivism were the middle class citizens.

This did not necessarily contradict the progressive rhetoric, because the middle class businessman disliked big business and felt moral indignation against monopolists. Progressive oratory appealed to lower and middle class alike, but usually the concrete results were designed to help only the middle class. Many discontented Oklahomans realized this and flocked to the Socialist Party as a result.

Owen often forsook the common man for the progressive desire for efficiency. With the Aldrich-Vreeland Act, Owen ostentatiously railed against provisions of the bill that favored high finance, but later admitted that he would have voted for the bill if necessary to pass it. He preferred stability under the control of high finance rather than no stability at all in the banking system. Likewise, at the heart of his support for a department of health was a desire for increased efficiency. Opponents to the American Medical Association were probably justified in their fear that such a department would become the tool of a medical monopoly.

Owen's embrace of progressive ideals provided him with a related compensation--it gave him justification and a rationale for opposing the old guard within the party. His attacks on Senator Bailey and his alliance with other progressives placed him in a position to acquire a leadership role and helped convert the Democratic Party to a progressive agenda. Because Woodrow Wilson won the presidency and because

Democrats won control of both houses of Congress in 1912, Owen was able to play a major role in the formulation and enactment of new policies. Thus, over the next several years he was part of Wilson's power bloc that controlled political events.

FOOTNOTES

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CHAPTER VII

FRIEND OF THE NEW FREEDOM AND PROMOTER OF POPULAR GOVERNMENT, 1912-1917

When Owen returned to Washington for the lame duck session that began on December 2, 1912, Congress was alive with expectations. Individual Democrats jockeyed for positions of leadership and for assignments to important committees. A steady stream of party leaders sought out President-elect Wilson in New Jersey to recommend candidates for appointment and to suggest agendas of legislation. For years the Democrats had been propagandizing for reform, and their opportunity to produce was fast approaching. Wilson had campaigned on the "New Freedom" platform, which advocated breaking up big business rather than regulating it. Ironically, much of the ensuing reform implemented a system more like the "New Nationalism"--Roosevelt's platform for vigorous federal regulation of big business. But regardless of original motives, Wilson's record as a leader and persuader was remarkable as his administration, with its Democratic allies in Congress, produced such major reforms as the Underwood Tariff, the Federal Reserve Act, the Federal Trade Commission Act, and the Clayton Anti-Trust Act.¹

Wilson succeeded largely because the Democrats controlled both houses of Congress and because a majority in each house was progressive. Owen proved to be one of Wilson's most dependable allies. And there were other progressive senators who became stalwart Wilsonians:

Joseph T. Robinson of Arkansas, Thomas F. Walsh of Montana, Henry F. Hollis of New Hampshire, Atlee Pomerene of Ohio, Henry F. Ashurst of Arizona, and several others. With the progressive block dominating the party in the Senate, Owen maneuvered for a position of power against the Old Guard Democratic Senators.²

Thomas S. Martin, the conservative whom Owen and others had opposed in 1911, was still minority leader, thus he was again the special target of the progressives. Owen joined in several progressive conferences in December 1912 to plan strategy. These insurgent Democrats planned to dispense with the seniority system. They suggested that the floor leader would change with the convening of each Congress, that a Committee on Committees among Democratic senators would determine the make up of each committee, and that no senator would chair more than one important committee. The progressives Thomas P. Gore and Hoke Smith of Georgia conferred with Wilson and appealed for support, but the president-elect wisely remained neutral to avoid angering senators for intruding into their affairs as Bryan had done in 1911.³

For a while the progressives seemed to lose strength; then, in February 1913 they met at the home of Senator Luke Lea of Tennessee and agreed to support first-term member John Worth Kern, who had been Bryan's running mate in 1908, as the new minority leader when the new Congress convened. The candidacy of the popular Kern forced Martin to compromise. He agreed not to run for minority leader and to support some alternative to the seniority rule on committees. Also, he agreed to help establish a new Committee on Banking and Currency that would take up anticipated banking reform in the upcoming Congress. When the new Congress was organized, Owen became the chairman of this new com-

mittee. Ironically, he was the only progressive to become chairman of a major committee. The progressive revolt in the Senate had produced few tangible results.⁴

Owen acquired other important committee positions, some of which he had held in his first term such as his position on the committees of Indian Affairs and Public Health and National Quarantine. But he could have no more important an assignment than chairman of the new Committee on Banking and Currency. There was a ground swell of support, even demands, throughout the country that the banking system be reformed. Large and small bankers, most businessmen, and the general public were convinced that only major restructuring would stabilize the system. This consensus for reform was a result of several recent events. During the 1890s and early 1900s a growing number of bankers began criticizing the unstable nature of banking and calling for reforms. These critics were in the minority, however, until the Panic of 1907, which shocked many bankers who had previously opposed altering the system. The Aldrich-Vreeland Act of 1908, with its provisions for emergency currency and temporary banking associations, was designed to avert another serious panic, but most knowledgeable observers realized that it was a mere stopgap measure. The banking system needed a complete restructuring.⁵

This conclusion was reaffirmed by the National Monetary Commission, an investigative body headed by Senator Aldrich and created under the Aldrich-Vreeland Act. In 1912, after several years of periodic study, the commission submitted a proposal, known as the Aldrich Plan, which was primarily based on the ideas of Paul M. Warburg, a partner in the investment firm of Kuhn, Loeb, and Company and long-time advocate

of banking reform. This bill called for the creation of a large central bank totally under bankers' control and with fifteen branches throughout the country. This bank, known as the National Reserve Association would issue its own currency backed by gold and commercial paper. It would hold a portion of the reserves of member banks and discount loans, thereby making banking more flexible. Although the bank would be a depository for governmental funds, the government would select only four out of the nine members on the governing board.⁶

When the details of the bill became public in 1912, the reaction was mixed. The National Citizen's League for the Promotion of a Sound Banking System, a Chicago-based organization of reform-minded bankers, immediately endorsed the principles of the bill. The Democrats did not. Any proposal with Aldrich's name attached was bound to be rejected by the Democrats. Also, they particularly objected to strong central bank features and the absence of governmental control, and they feared that Wall Street would dominate in such a system.⁷

Their fear of Wall Street was reinforced in 1912 and 1913 by the investigations of the Pujo subcommittee of the House Committee on Banking and Currency, which was chaired by Louisiana Representative Arsene Pujo. Under the direction of special counsel Samuel Untermyer, an ambitious and probing lawyer from New York, the Pujo subcommittee revealed a shocking system of interlocking directorates between big banks and big corporations, or, in other words, Wall Street domination of the economy. Ironically, the revelations of the subcommittee stirred public support for a restructuring of the banking system that provided most of the changes that bankers themselves had been advocating.⁸

As the Pujo subcommittee investigated, another subcommittee of the Committee on Banking and Currency began the process of preparing a reform bill. Its chairman, fiery, quick-tempered Carter Glass of Virginia (who was coincidentally from Lynchburg), began drawing up a bill. Glass was a newspaperman rather than a banker; therefore, he depended heavily on the subcommittee's special advisor, H. Parker Willis, an economics professor who was connected with Warburg and other prominent advocates of banking reform. They drafted a measure that had most of the features of the Aldrich Plan, except it was to have no central control because of a belief that the public would reject such a provision. They discussed their plan with President-elect Wilson in December 1912 and January 1913. Wilson insisted that a central governing board should be added.⁹

Thus Willis and Glass returned to work and completed a revised bill in May. It provided for a system with fifteen or more regional banks. Like the Aldrich Plan, these banks would issue money backed by commercial paper and gold, hold portions of reserves for banks, and discount loans to enable national banks to acquire money when they ran short on liquid assets. Six presidential appointees and three representatives of the bankers would oversee the Federal Reserve Board.¹⁰

Soon after Owen became chairman of his committee in March 1913 he learned that Glass was already in the process of preparing a bill. Owen, therefore, quickly drafted his own measure to submit to the president and to William Gibbs McAdoo, the Secretary of the Treasury. Owen's bill called for the creation of a National Currency Board, and many of its provisions represented a departure from his previous views on reform. As a reform-minded, small town banker, Owen had recommended

fairly limited alterations in the banking system, such as an emergency currency fund controlled and distributed by the United States Treasury during panics. He also had advocated postal savings banks for timid and easily panicked small depositors. In the early years Owen had also opposed "assets currency" (non-governmental currency backed by commercial paper of private banks). Most advocates of banking reform wanted such currency. In 1913, when he submitted his new proposal for a National Currency Board, Owen altered his position by calling for an assets currency. However, he still insisted on the government having final legal responsibility for the currency.¹¹

Also, Owen shifted from his earlier ideas by calling for a central national-level governing board that would oversee eight regional banks. This governing board would be appointed by the president and would not be under the control of private bankers. This provision for total governmental control and the requirement that the currency be ultimately supported by the government were the two most important differences between Owen's proposal and the Aldrich and Glass plans. Owen also decided not to include bank guarantees and regulation on stock market gambling in his bill, although he had previously supported such ideas.¹²

In late March Owen began meeting with Glass and officials of the administration. He was given a cold reception. Naturally, he wanted to help frame a banking reform measure. Just as naturally, Glass was reluctant to give up the control over the process that he had acquired through his earlier work.¹³ Colonel Edward M. House, Wilson's private advisor and confidant, suggested that Secretary McAdoo present the Glass Bill to Owen as if it were a proposal of the administration.

"Owen will be more likely to accept it as a Presidential measure than as a measure coming from the House Committee on Banking and Currency," he wrote in his diary.¹⁴ Later, when House met with Owen, McAdoo, and Glass for dinner in Washington he found it necessary to "put Owen in good humor so that he would be receptive to our views."¹⁵ Glass and his aide, Willis, likewise viewed Owen as tempermental because he had been left out of the original steps of drawing up a bill.¹⁶

Owen sought cooperation from others instead. He found a ready ally in Samuel Untermeyer, the investigator who had written the Pujo report. Untermeyer was a high-powered attorney who had represented small companies against corporate giants but, on the other hand, had won suits for such powerful clients as the Rockefellers. He was immensely disliked, even despised, by the bankers of Wall Street. Untermeyer had also alienated Glass by using his position on the Pujo subcommittee to try to take control of banking reform from Glass. However, Owen immediately became friends with Untermeyer, probably because the New Yorker insisted on governmental control of the banking system. Also, Untermeyer--like Glass--was coincidentally a native of Lynchburg.¹⁷

Beginning early in May 1913, Owen stayed with Untermeyer periodically in his large mansion, "Greystone," at Yonkers, New York. Overlooking the Hudson River, his estate was a famous showplace, especially with its elaborate greenhouses. Untermeyer used his home to impress people and to offer a warm hospitality that helped win friends. With Owen often present, Untermeyer invited several influential politicians and bankers to conferences at Greystone. Bryan, House, Warburg, and many others met to discuss ideas on anticipated currency legislation. On May 18 Owen and Untermeyer debated with Warburg for seven

hours over the concept of governmental control of the proposed banking system. Then, when Warburg sailed for a European vacation two days later, he took a copy of Owen's bill to critique. Over the next several days Owen sent copies to other New York financial leaders, such as Frank A. Vanderlip and Benjamin Strong. One of the financiers, who insisted on remaining anonymous, liked the simplicity of Owen's plan. Most bankers, however, rejected major portions of it. The bankers particularly objected to the governmental backing of currency and governmental control of the board. Owen, the common man's advocate, was forced to appeal to big bankers for approval of his bill.¹⁸

When they turned it down, he began considering a proposal submitted by Secretary of the Treasury McAdoo, known as the National Reserve Plan. Under this measure, McAdoo's department would have operated a government-controlled central bank. With the addition of McAdoo's proposal, Wilson had three competing measures before him by late May 1913, and with McAdoo, Glass, and Owen each crusading for their respective plans. Although prominent bankers had rejected Owen's plan, McAdoo's ideas were even less popular, and the Glass Bill received only lukewarm support. Ultimately, the final decision rested with President Wilson. After considering all the plans, he selected the Glass Bill on June 7, 1913, as the official plan of the administration.¹⁹

This was not the end of the struggle. Owen continued to insist that the Federal Reserve Board should be controlled by the government and that the currency should be the liability of the government. If bankers exclusively controlled the system, he argued, large banks in major cities would dominate and would continue to manipulate money to the detriment of small businesses. William Jennings Bryan, now secre-

tary of state, allied with Owen and insisted on the same stipulations. To reach a final decision, Wilson met for several hours with Owen, McAdoo, and Glass at the White House on June 17. Glass pleaded for strong domination by bankers, while Owen argued for governmental control. Wilson delayed his decision and the following day announced his support for the Owen-Bryan point of view. A final draft of the proposal was quickly prepared. On June 19 it was released to the public. One week later Owen and Glass introduced identical measures in both houses of Congress.²⁰

Now called the Glass-Owen Bill, it was fundamentally the same as the original Glass-Willis proposal. But Wilson's addition of a central reserve board and the Owen-Bryan governmental control made the measure somewhat different than the original plan. In its final form the act called for a system of eight to twelve district Federal Reserve banks, with each having its own boards elected by member banks. Each regional bank would hold reserves for its member banks and would set discount rates for the region. The governing Federal Reserve Board was to have seven members, two of whom were the Secretary of the Treasury and the Comptroller of the Currency. The remaining five members were to be appointed by the president. This board would generally regulate the system, but in the final bill it was denied the power of setting discount rates. Theoretically the plan took control away from Wall Street and distributed it to the regional banks; thus, it was somewhat of a victory for bankers outside of the northeastern section of the country.²¹

The bill was a compromise, yet one that Wilson, Glass, Owen, and McAdoo were willing to support. They immediately set out to gain approval for this bill and the task was not easy. Practically all

bankers who expressed opinions were opposed to at least some portions of the bill. Those in New York feared the "Owen-Bryan heresy" of governmental control. Some bankers in large midwestern cities disliked the stringent regulations, and "country" bankers of the small towns wanted greater safeguards against big banks.²²

Facing numerous complaints, the backers of the bill began their crusade to gain support, and Owen contributed substantially to this promotion. On June 20 he addressed a gathering of the Virginia Bankers Association and explained the plan. Two days later at the Waldorf Hotel in New York City he conferred with nationally prominent bankers, all members of the Currency Commission of the American Banker's Association. Later in June he again met with several of these same representatives at a White House conference that also included Wilson, Glass, and McAdoo. During this discussion, the financiers persuaded the sponsors of the bill to make several modifications, but none changed it fundamentally. In these meetings, in his speeches, and in his numerous letters on the subject, Owen defended his two pet provisions--governmental control of the Federal Reserve Board and governmental backing of the currency. Eventually a majority of bankers began to support the plan, probably fearing a less desirable proposal might replace it.²³

Despite strong propaganda from Owen and his allies, the bill underwent a hard-fought and frustrating struggle for passage. In the House of Representatives the strongest opposition came from various southern and western radicals who were former supporters of Bryan. To appease these rebels, Wilson promised to destroy the interlocking directorates of the money trust in the upcoming anti-trust legislation;

then he compromised by allowing some rediscounting of short-term agriculture paper; and he threatened, begged, and bargained with the congressmen. After considerable delay, the measure passed the House of Representatives on September 18, 1913.²⁴

The struggle for passage in the Senate was even more arduous. Strong opposition came in the Senate Banking and Currency Committee. In addition to Chairman Owen, only three pro-administration Democrats served on the committee. Three other Democrats, James A. Reed of Missouri, James A. O'Gorman of New York, and Gilbert M. Hitchcock of Nebraska, opposed the bill for both selfish and philosophical reasons. The remaining five Republicans on the committee likewise were generally unfriendly to the measure.²⁵

The committee members who opposed the bill were so hostile and uncompromising that even Owen seemed to falter in his support of the bill. During a meeting on August 19, 1913, Owen hinted he might be willing to drop the provisions for the regional reserve banks. He also indicated the committee might eliminate a requirement that all national banks join the system. The next day, after newspapers in New York City gave alarming attention to his remarks, Owen reconfirmed emphatically his support for the bill. Yet on this same day he again informed his committee that he was willing to compromise. He also disavowed authorship of the bill. Whether Owen was actually intimidated or was simply trying to manipulate his adversaries on the committee, his erratic behavior reflected the domination of the hostile majority on the committee.²⁶

As the debate continued, Owen showed fewer signs of compromise, but he could do little to move his committee toward approval of the

bill. In early September, 1913, hostile members of the committee insisted on time-consuming hearings, probably in an attempt to block progress. Their justification for the hearings was that numerous bankers had continually called for testimony but had been given only limited input into formulating the measure. Although Owen did not favor the hearings, the opposition prevailed. The result was a delay lasting two months.²⁷

Most of the information collected at the hearings was not new, and most of the witnesses had already been consulted several times. Owen arranged for his old friend Shibley and his new ally Untermyer to give testimony; they naturally supported strong governmental influence. Also appearing before the committee was Vanderlip, who produced a proposed substitute at the request of several of the troublesome senators. His proposal called for a system similar to the Glass-Owen Bill, but, with surprisingly thorough governmental control over the system. Because Vanderlip was a big banker, Wilson and his friends believed he was trying to divide the Democrats between his "radical" plan and the Glass-Owen Bill, and thereby scuttle any legislation.²⁸

To counteract the divisiveness on his committee, Owen began holding conferences with committee members every evening to resolve differences. Wilson's patience deteriorated as the debate lengthened. He closely followed the committee's progress and used all the power he could to pressure the rebellious Democrats on the committee. By early November, 1913, Senators Reed and O'Gorman finally fell into line. At this point, six Democrats were then supporting the original Glass bill, and they agreed to report it with some amendments to the full Senate. This amended plan was known as the Owen Bill. But Hitchcock remained

stubborn and allied with the Republicans on the committee to produce a counterproposal called the Hitchcock Bill, which was based on Vanderlip's plan.²⁹

In late November the committee submitted both reports without recommendation to the full Senate. In the lively debate that followed, Owen became the principal advocate for the administration. His performance revealed a substantial shift in his position that had occurred over several months. In May he had opposed Glass and Willis in their attempt to exclude governmental control of the Federal Reserve Board. He had even flirted with McAdoo's proposal of total governmental control. Now, in December, he argued that the government should be limited in its control. He warned senators that the Hitchcock-Vanderlip Plan for strong governmental control was a gimmick to defeat all proposals.³⁰ And then he said:

If we are ready for Government ownership of the banking business and to have the Government drive all the banks out of the banking business, that is one thing, but we are not proposing to have these adverse policies merged with a bill that is intended to be a bankers' bill, and intended to protect the banks and enable them to perform their proper functions.³¹

He was obviously playing the role of the lawyer-lobbyist, arguing a viewpoint that he did not necessarily embrace personally. This sort of stalwart advocacy for the administration endeared him to Wilson, who always had a high opinion of the Oklahoman. It provided little support, however, for the truly progressive viewpoint that the federal government should play the role of protector of the public interest. The Senate finally passed the Owen Bill on December 19. In the next few days, remaining details were worked out in the House-Senate conference, and the final version quickly passed both houses. Wilson prompt-

ly signed it on December 23. The president was delighted.³² He sent letters of congratulations to those most responsible for passage. In a note to Owen he wrote, "May I not extend to you my most sincere and heartfelt congratulations, and also tell you how sincerely I admire the way in which you have conducted a very difficult and trying piece of business?"³³ Owen, too, was pleased, even though he had been compelled to accept compromises. Clearly, when Wilson finally decided what direction to follow, Owen dutifully obeyed him. Perhaps he hoped that more progressive reforms could be enacted later.

Regardless of his hopes and designs in 1913, Owen later argued that many of his major demands for reform had been embodied in the Federal Reserve Act. He was especially proud of the supposed governmental control of the national board. Over the years he came to view himself as the principal architect of the Federal Reserve Act. However, there was a virtual host of other claimants for that honor. Warburg, Willis, and Glass each believed they were the true authors. And a half dozen other politicians and banking experts demanded at least a share of the credit. From the beginning of the process they had distrusted one another and belittled the others' contributions.³⁴ For instance, in July 1913 Warburg wrote to Colonel House describing the abilities of Glass and Owen:

I have preached the gospel of reform on the lives now adopted at a time when Mr. Owen and Glass had not yet begun to study the alphabet of banking . . . but neither of them could draw a foreign bill to finance a shipment of cotton. I know it, because I have been examined by both of them.³⁵

During the 1920s each of the major participants wrote books about their roles in fathering the Federal Reserve Act and attempted to prove that the other claimants were mere secondary participants in the pro-

cess. The debate between Glass and Owen became particularly bitter, resulting in open, vitriolic aspersions on each other's character in the 1930s when the Federal Reserve system underwent major changes.³⁶

During this feud of later years, Owen concluded that the original bill had not provided enough governmental control. In December 1913, however, he did not realize that the only way the Federal Reserve Board could become a truly progressive instrument was through proper administration. Also, any other reforms, such as limits on stock market gambling, bank guarantees, and the break up of interlocking directorates, depended upon progressives pushing new legislation. And these proposals also needed support from President Wilson. Owen promoted one such reform in particular--a bill to prohibit stock market gambling. His experiences with the bill illustrated the inability of progressive Democrats to effect change if Wilson did not support it.

Senator Owen had been critical of the stock market since he entered the Senate. The Pujo subcommittee confirmed his suspicions with evidence that unethical brokers and speculators manipulated the market to attract the hard-earned dollars of unsuspecting small investors. Using the Pujo Report on the subject as a guideline and with the assistance of Untermyer, Owen drafted a bill and introduced it on January 12, 1914. Among other things it required stock exchanges to compile complete background information on companies doing business with them. The Postmaster General would have access to these files and would have authority to ban fraudulent advertisements about stocks from the mails. Certain practices were outlawed, such as stock owners buying and selling their own stock to drive prices up from the activity. Also, stock exchanges would have to incorporate in the states where they were lo-

cated, and the disciplinary actions of stock exchanges against their users would be open to judicial review.³⁷ In describing his bill, Owen particularly criticized the New York exchange as "the most gigantic gambling establishment in the world . . . through which the wealth of the country has transferred from the hands of the many to the hands of the few."³⁸

Immediately after the bill was introduced, the financiers and stock brokers objected with vigor. They disliked the regulation and did not want to assume so much responsibility for the enforcement of rules. One governor of the New York exchange recognized the "hand of Untermyer written all over" the bill.³⁹ Many complained that the Postmaster General would become a censor, and suggested other federal agencies should regulate the issuance of stocks before they entered the exchange. In the midst of the protests, Wilson told reporters that he would not support the bill as an administration measure. Owen forged ahead, nonetheless, with hearings before his Committee on Banking and Currency. In March he began visiting exchanges in Boston and New York, where he told representatives of the stock markets that he would willingly change the provisions based on their suggestions. His actions failed, for he was forced to report the bill out of committee without recommendation because a majority opposed it. He again appealed to Wilson for help but to no avail. The issue remained dead until the Great Depression when President Franklin D. Roosevelt called upon Untermyer to write the Truth in Securities Act of 1933 which had many provisions identical to the earlier measure.⁴⁰

Reform of the stock exchange was designed to augment the control of banks by the Federal Reserve system, but the progressives failed to

achieve their goal. Likewise, Owen and other progressives fell short in their attempts to safeguard the Federal Reserve system itself. One of the most important struggles came in the spring of 1914 when Wilson announced the men he intended to appoint to the national board. Owen strongly endorsed Dr. J. T. N. Johnston, president of the National Reserve Bank of Kansas City and former college teacher. Although Wilson politely considered the suggestion, Johnston was not on his list of nominees that he released in June 1914. Wilson's list included Richard Olney, a former secretary of state, and Harry A. Wheeler, former president of the United States Chamber of Commerce. Both of these men declined the offer, however. Wilson ultimately submitted to the Senate the names of Charles S. Hamlin, an Assistant Secretary of the Treasury; William P. G. Harding, president of one of the largest banks in the South, the First National Bank of Birmingham, Alabama; Adolph C. Miller, a former economics professor from California; Thomas D. Jones, a personal friend of the president and an officer for International Harvester; and Paul M. Warburg, the New York banker who had actively criticized the Federal Reserve Act.⁴¹

Conservative bankers were pleased, but progressives were appalled. To them, Wilson seemed to be handing control over to high finance and monopoly, particularly in light of the appointments of Jones and Warburg. In the debate that followed much attention was focused on the Senate, which would confirm or reject the appointments, and Owen's committee on Banking and Currency would make the first recommendations. When several of the members of the committee began making plans to reject Jones and Warburg, Owen dutifully informed the president. Wilson was angry, particularly with the criticism of Jones, who was an old

friend and former member of the Princeton University Board of Trustees. Wilson wrote Owen that Jones was entirely trustworthy and had become a member of the board at International Harvester to reform the company. Owen revealed the confidential letter to the members of the committee; then one of them promptly released it to the press. Wilson let it be known that he intended to make a personal fight of this issue. And, at this crucial point, Owen embarked on a trip to Europe with his friend Untermyer in late June.⁴²

The leadership of the Committee on Banking and Currency then fell to Gilbert M. Hitchcock of Nebraska, who steadfastly refused to consent to Jones's appointment. Although the administration used all available power, the committee and the Senate rejected Jones, and Frederic A. Delano, a western railroad president, received the appointment instead. Meanwhile, Warburg became incensed by criticism directed at him because he was a high finance Wall Street banker. He refused to appear before the committee for questioning. Owen was probably fortunate to be in Europe during this time of embarrassment for the president. When he returned in late July, however, he immediately praised Warburg and publicly asked him to reconsider appearing before the committee. By the time Owen had returned, the crisis had actually passed due to a more conciliatory tone from Hitchcock and other members of the committee. Warburg appeared before the committee and was confirmed in early August. Owen had once again abandoned advanced progressives in support of Wilson's policies. As a result, over the next several months Warburg built a power bloc on the seven man board and constantly battled with progressive Secretary of the Treasury McAdoo over control of policy.⁴³

McAdoo lost in his struggle to have the Federal Reserve officially recognized as an agency dependent on the Department of the Treasury. He also failed to persuade the Federal Reserve Board to open foreign branches. But he won the most hotly contested dispute in the fall of 1915 when the Warburg faction attempted to decrease the number of regional Federal Reserve Banks. In the spring of 1914 the organizing committee of the Federal Reserve system had established twelve regional banks, the maximum number allowed by law. As a member of that committee, McAdoo had been largely responsible for that decision. But Warburg and his friends wanted to eliminate several districts because he preferred more centralized control, a position he had taken before the Federal Reserve Act passed Congress.⁴⁴ When leaders of various cities complained that they should have been designated as Federal Reserve sites, the members of the Reserve Board formed a committee to study the issue. The committee included Warburg, Harding, and Miller, who were all conservatives, and they decided to use investigation as an opportunity to decrease the number of district banks. They could depend on the vote of Delano and thus were assured of a majority vote over McAdoo and his allies Hamlin and Comptroller of the Currency John Shelton Williams.⁴⁵

On November 13, 1915, the committee issued its report recommending that the board eliminate three or four of the district banks to improve efficiency and dispense with weak, unviable district banks. McAdoo objected vigorously, and Glass came immediately to his aid.⁴⁶ Then Owen wrote a letter to the board condemning the committee's proposal of eliminating banks. He argued, "The right to readjust the districts created by Section 2, and which were twelve in number, does not mean

the right to abolish the number of such Banks so created.⁴⁷ Glass and McAdoo gave similar arguments. However, Owen proved to be an ineffective ally. In response to the attack on their plan, Delano, Warburg, and Harding quoted a statement that Owen had made in February 1915 when he appeared before a special reorganizing committee.⁴⁸ He was asked if the board could not only adjust boundary lines but also abolish district banks altogether. Owen replied, "The law gives twelve districts. I think that it would extend even to the power of reducing the districts."⁴⁹

When he made that statement in February 1915, Owen was trying to convince the committee to alter districts because most Oklahomans demanded to be included under the jurisdiction of the bank at Kansas City rather than the one at Dallas. The state had been split in half between those two reserve cities. But in November 1915 Owen feared that a regional reserve bank near Oklahoma would be eliminated. He thus switched his position, with the embarrassing result of being caught in his contradiction. The embarrassment did not affect the outcome of the struggle to eliminate the banks. McAdoo sought an opinion from the Attorney General, who ruled that the board had no power to reduce the number of districts.⁵⁰

The incident revealed a tendency in Owen. He often sought short-term, immediate goals as he had been accustomed to doing as a lawyer-lobbyist. This resulted in periodic, pragmatic changes of position that forced him to contradict himself.

Throughout 1914 and 1915, in addition to the highly controversial issues involving the selection of board members and the number of Federal Reserve districts, there were several less controversial problems

with the banking system that required attention. Even before the regional Federal Reserve Banks officially opened on November 16, 1914, several amendments had been made in the original act--a part of a fine tuning process that was to continue for several years. Owen helped in this process, periodically submitting ideas of his own but more often introducing bills suggested by the Secretary of the Treasury or by the members of the Federal Reserve Board.⁵¹

One of the necessary changes in the banking system came late in July 1914 immediately following the outbreak of World War I in Europe. In response to the war, about July 30 Frank Vanderlip telephoned Owen from New York to warn that a financial panic was imminent if large quantities of emergency currency were not made available. With the Federal Reserve system not yet functioning, the banks could rely only on the Aldrich-Vreeland Act of 1908. The prophecy that Owen had made during his maiden speech in 1908 was being fulfilled. The \$500 million in emergency money was not enough, and financial institutions other than national banks were in great jeopardy because they were not entitled to the money. Owen immediately wrote a bill based upon his old ideas. Secretary of the Treasury McAdoo, who had been consulting with worried bankers in New York, endorsed the proposal. It passed the Senate unanimously on August 3, sailed through the House the next day, and the president quickly signed it. Almost \$400 billion were issued under its provisions in the next several weeks; the threatened panic was avoided.⁵²

Over the next several years Owen, as head of the Committee on Banking and Currency, continued to direct the legislative process in the Senate for altering the Federal Reserve system. He reliably sup-

ported the Wilson administration's desires in most cases. He usually supported the policies of the president in other areas as well. Following the passage of the Federal Reserve Act in December 1913, a prolonged session of Congress continued. Because Owen was promoting his Stock Exchange Bill and busy with matters involving the Federal Reserve, he was only a minor participant in the passage of the Federal Trade Commission Act and the Clayton Anti-Trust Act--the two most important measures of 1914.⁵³

Despite his limited role in these other areas, Owen so consistently supported Wilson's legislative agenda that he was looked upon with much favor by the president and his friends. The president showed his gratitude by extending favors to Owen. For instance, in June 1914 when Owen prepared to embark with Untermyer on their trip to Europe, Wilson wrote a special note for the Oklahoma senator to present to Walter Hines Page, United States Ambassador in London. Wilson suggested that Page do what he could to make Owen's trip pleasurable. "I have come to lean heavily upon Senator Owen, and he has stood loyally by the administration in all things," wrote Wilson.⁵⁴ Also, when Owen arrived in London, Wilson's close friend Colonel House was there. He entertained Owen frequently in London, and after one evening's conversation wrote in his diary: "He is the only American public man I have met, outside of the President himself, who seems to appreciate the negative character of our Government and desires a change."⁵⁵

Other high officials during Wilson's presidency likewise respected Owen; as a result, he was a frequent guest at important social functions. When Owen's daughter, Dorothea, was married, Wilson attended. More important in terms of influence, Owen had little difficulty in

making appointments at the White House or in receiving favors from the president. In 1914 when Senator Chamberlain, Owen's close friend, was running for reelection, Chamberlain's opponents charged that he was persona non grata with Wilson because of some of his votes against bills pushed by the administration. Owen easily procured a letter from Wilson indicating that Wilson would be pleased by Chamberlain's reelection.⁵⁶

Notwithstanding Owen's commitment to the administration, his rhetoric and promotion of a nonpartisan People's Rule agenda continued. He became president of perhaps the most effective progressive organization during the progressive era--the National Popular Government League. Although Owen was president, the organization's success was due primarily to its secretary, Judson King. A native of Pennsylvania, King moved to Michigan when he was young. He taught school to work his way through the University of Michigan, then drifted to Texas where he became a journalist. About the turn of the century he moved to Toledo, Ohio, and soon became an advocate of the reform movement led by Samuel M. "Golden Rule" Jones. As the progressive impulse spread, King became an avid devotee of governmental reforms. In 1908 he went to Switzerland to study their local direct democracies. After returning to the United States, he spent several years traveling throughout the country promoting various populistic types of governmental reform. In the spring of 1913 he began planning the formation of the National Popular Government League as a coordinating body and clearing house for various state and local reform groups with an office in Washington, D.C.⁵⁷

By the fall of 1913 King had enlisted the support of an impressive array of liberal politicians, writers, businessmen, labor leaders, and

educators who endorsed his new group. First, a Committee of Fifty was formed to promote the formation of a permanent organization. These included such prominent reformers as William S. U'Ren, a former governor of Oregon; Senator George W. Norris, a Republican from Nebraska; Herbert Quick, a noted writer; and Frederic C. Howe, a muckraker from New York City. Owen became chairman of the Committee of Fifty. On December 6, 1913, the league was officially launched with a large convention in Washington. Secretary of State Bryan was the featured speaker and several other prominent reform advocates presented their views at the two-day conference. Also, the league was officially organized with Owen as president and King as secretary.⁵⁸

The reform agenda of the National Popular Government League was almost exactly the same as the People's Rule League that Owen and Shibley had promoted in 1909 and 1910, although the new league was more effective due to King, who was energetic and highly competent. It promoted the initiative and referendum, direct nomination for presidential candidates, corrupt practices acts, recall of judges, easier methods for amending the constitution, and a variety of other popular governmental reforms. As a sort of central organizing bureau, the organization provided a list of speakers available to speak on a wide variety of topics. Owen and other friends in Congress submitted many speeches and articles as government documents. These were later reprinted at low cost and distributed through the league. In addition to the annual convention, the organization published a number of circulars and reports that explained current activities, and the members often volunteered to give speeches or otherwise promote the cause when state legislatures were considering laws to implement reform. In particular,

King was almost always on the scene in such situations.⁵⁹

Perhaps symptomatic of the decline in partisanship during the early twentieth century, members of the National Popular Government League were Socialists, Progressives, Democrats, and Republicans. The organization often vigorously and consciously undermined party loyalty when it came into conflict with honest governmental and progressive reform.

There was no better example of this than the league's first major crusade--the opposition to the senatorial campaign of Roger C. Sullivan, a conservative Democrat running for the United States Senate in Illinois in 1914. Sullivan, a long-time political boss, received the support of several regular Democrats, who were anxious to increase their majority in Congress. Owen believed Sullivan was a representative of large business interests and accused him of supporting Lorimer, the Republican whom Owen had opposed earlier. Along with a few other congressional leaders of both parties, Owen issued a manifesto condemning politicians who represented special interests. But he did not stop with this statement. He actually went to Illinois and campaigned against Sullivan and in favor of Carl Vrooman, Assistant Secretary of Agriculture and a member of the league. When Vrooman lost the primary to Sullivan, Owen supported Raymond Robins, the candidate of the Progressive Party. Likewise, Republican members of the league abandoned their party's candidate, Lawrence Y. Sherman, the conservative incumbent.⁶⁰

It was highly unusual for politicians to oppose members of their own parties in another state. The New York Times commented, "Altogether the incident is unprecedented and startling; and, whether the

voters are justified or not, proceeding from the motives it unquestionably does, shows a higher conception of public duty than is at all usual.⁶¹ And Senator LaFollette added praise in his newspaper: "Senator Owen sets up the highest standard of party service. It should warn party organizations that a bad nomination binds no man."⁶²

Not everyone was pleased, however. William F. McCombs, Wilson's campaign manager in 1912 remembered that Sullivan had delivered the votes at the Democratic convention that had given Wilson the nomination. He was disgusted that the administration abandoned its friend. Perhaps Wilson was reluctant to take sides because Owen had written the president a memorandum explaining his crusade against machine rule. Also, the league was not merely taking a position against Democrats; in Pennsylvania it opposed the nomination of conservative Republican Boies Penrose, and received the assistance of former President Roosevelt in its battle there. Clearly the National Popular Government League was exacerbating the deterioration of party strength.⁶³

At the same time that Owen was playing an eminent and conspicuous role in the Sullivan campaign in Illinois, he periodically traveled to Oklahoma where he worked for party solidarity. In September 1914 he was temporary chairman of the Democratic state convention. In addition to promoting his progressive ideas, he also called for the losers in the recent state primaries to lay aside differences for the sake of unity. Such a message was appropriate, for the Democrats were facing a very strong challenge from Socialists. Also, they were having trouble uniting around former Chief Justice Robert L. Williams, who had won the party's nomination for governor. Because of Williams's widespread network of friends, consisting of lawyers and newspaper editors, because

of his long ties with party regulars, and because of his former role as a railroad lawyer, many Oklahomans considered Williams a machine politician.⁶⁴

The Republicans noted Owen's inconsistency in supporting Williams at home and opposing Sullivan in Illinois. In a speech in Oklahoma City on October 20, 1914, Owen emphatically denied any comparison between Sullivan and Williams. Owen admitted that Williams had been a lawyer for the railroads, but he saw this as legitimate. Also, he pointed to the judicial decisions of Williams. "Examine those opinions and see the logic, the patience, industry, and patriotism with which they are inspired," he told his audience. "Compare that with Roger Sullivan."⁶⁵

Despite Owen's argument, Williams was the closest approximation of a machine politician in the Democratic party of Oklahoma. It was much less complicated to oppose a politician in a far off state, just as it was easier to demand regulation for business, as long as it was for other regions.

In addition to the dramatic campaign against Sullivan, Owen took part in several other crusades of the National Popular Government League. Yet his activities were less vigorous than in the past. He did not personally propagandize on the large scale that he had during his first term, nor did he emphasize the initiative and referendum as much.

Perhaps the most important reform proposal that he supported in conjunction with the league was his corrupt practices proposal. He introduced four separate bills in June 1914 designed to exclude special interests from campaigns and give the people more control over elec-

tions. One of these measures would have required that the government pay for publicity pamphlets to enable all candidates for national office to have access to the voters. He also suggested limits on and full disclosure of campaign contributions. Another bill sought to establish the preferential ballot, in which the voter ranks the candidates in order of preference. But the most significant proposal was a broad corrupt practices bill that forbade the publication of false statements about candidates, the coercion of voters by their employers, favoritism by newspapers in advertising rates, and the use of alcohol and tobacco to bribe voters. When Owen sent information to Wilson on his proposals, the president was most impressed with limiting the amount of money the Republicans could spend.⁶⁶

These proposals failed to receive any serious consideration from Congress in June 1914, but over the next two years Owen resubmitted them, often in modified form and with several of the provisions combined into one bill. In the summer of 1916, as the presidential elections approached, Owen began promoting a bill that combined the elimination of corrupt practices with limits on campaign funds. The bill stirred much controversy as some senators began accusing other senators of spending excessive amounts of money on campaigns and of inappropriately using their franking privileges. Again, however, there was insufficient support to pass the bill. The Republicans viewed the measure as an attempt to rig the upcoming election. By 1917 Owen seemed to lose his enthusiasm for the proposal.⁶⁷

Although Owen's earlier thoroughgoing support for the initiative and referendum declined somewhat, he still was active in promoting the measures. In 1914 he and Judson King campaigned in Mississippi when

voters there were considering a constitutional amendment for the initiative and referendum. He campaigned in Arkansas for a similar amendment in 1916. Arriving a few days before the election, he addressed a large audience in Little Rock and during the meeting spoke to William Jennings Bryan by telephone, relaying Bryan's message to the audience.⁶⁸

The National Popular Government League also promoted woman suffrage, but only in a secondary way. Owen became more vigorous in his support of that issue, nevertheless, largely because of his appointment to the Senate Committee on Woman Suffrage at the beginning of the Sixty-third Congress. He gave speeches and wrote articles for the cause even more frequently than he had in his first term.⁶⁹

His arguments for woman suffrage remained about the same as they had been at the Oklahoma Constitutional Convention in 1907. He said that women deserved the right to vote because they provided so much for society in caring for children and safeguarding morality. Also as property owners and taxpayers they deserved that basic right. And he warned, "No nation ever rises higher than the motherhood of the nation."⁷⁰ During the next several years he continued his promotion of the question and, along with other senators, periodically introduced resolutions calling for a constitutional amendment to provide the right to vote for women.⁷¹

In addition to seeking major broad reforms from 1913 to 1917, Owen sought several changes in the operation of the Senate. He was a leading supporter of a legislative reference service for aiding Congress and was the strongest advocate of new cloture rules to limit debate in the Senate. Early in 1913 he introduced a bill to create a Legislative

Reference Bureau. Written by George Shibley, this proposal would have provided personnel in the Library of Congress to research legislation and help draft bills. It included unusual provisions for a national university to train students in legislative research. Although the bill was similar to proposals submitted by others, such as Senator La-Follette, Owen was recognized as its leading proponent. Despite a strong endorsement by the Committee on the Library and despite Owen's many subsequent attempts to get it considered, the measure did not pass.⁷²

Owen also advocated reform of the Senate's rules on cloture. He first began calling for changes in the rule just after the Democrats gained a majority in the Senate. On July 14, 1913, he introduced a resolution to change the rules so that a majority of the Senate could set the time for voting on a question. As he introduced his proposal, he said: "The right to obstruct the public business by a factional filibuster must cease. The power of an individual Senator to coerce or blackmail the Senate must be terminated."⁷³ As the session continued the necessity for cloture became even more apparent to the Democrats, who sought to have their legislative reforms passed. The press began taking note of the cumbersome processes of the Senate and recommended changes similar to those in Owen's plan.⁷⁴

No changes were adopted and Owen was forced to try to limit debate again in the spring of 1915. He realized he might be criticized for his own spectacular filibuster in 1911 during the debate over statehood for New Mexico and Arizona; therefore, he mentioned it himself and admitted that it had been indefensible and that it illustrated the vicious character of filibuster. Still, no action was taken in the

spring of 1915. As a result, Owen circulated a petition addressed to Senator Kern, the Democratic leader, demanding the rules be changed in caucus. More than forty senators signed it.⁷⁵

As the opening of the Sixty-fourth Congress approached in December, Owen and his allies introduced a new plan for limiting debate. Owen took to the press to crusade for the change. In an article in Harper's Weekly in November 1915 he pointed out all the significant legislation that had been blocked in the previous few years. He concluded that the will of the people must be upheld. Also, filibustering was shameful: "The effect of such processes has been to lower the tone and dignity of the Senate."⁷⁶ The new proposal allowed the Senate to limit debate to two days whenever a senator appeared to be using debating tactics. It, too, failed; yet Owen continued to promote this lost cause throughout the rest of his senatorial career.⁷⁷

As with his crusades for People's Rule during Taft's administration, Owen was seldom successful in bringing about true reform despite his knack to attract publicity and coverage by the press. His role in the passage of the Federal Reserve Act was certainly significant, but he had compromised away much of the public control that he had advocated, just as he had done with the Aldrich-Vreeland Act of 1908. However, there were several important reforms designed to aid workers, children, and small farmers with which Owen helped.

With the first of these reforms--the LaFollette Seaman's Act--Owen's assistance was minor, yet it came at a crucial moment. The Seaman's Act established rigid safety regulations for ships and abolished old statutes that required the imprisonment of foreign and domestic sailors who broke their employment contracts and deserted their ships.

When the bill passed both houses of Congress late in February 1915, Wilson considered vetoing it because it would abrogate dozens of wartime treaties with other nations in which the American government had agreed to arrest deserting sailors of all nation's ships. Secretary of State Bryan, among others, had advised the president not to sign the act. At this point, Owen agreed to help change the administration's position. He accompanied LaFollette to Bryan's office along with Andrew Furuseth, an old sailor who had been pushing the reform for years. As an ally of the administration, Owen enhanced the possibility of LaFollette and Furuseth getting a fair hearing. Bryan's attitude remained unchanged, however, and LaFollette and Furuseth were forced to appeal to Wilson. The president was moved by their arguments and signed the act. Although Owen's role was minor, it illustrated his ability to gain access to the administration. Two years later, Furuseth recognized Owen's "earnest interest" by sending him a report on how the law had been functioning.⁷⁸

In 1916 Owen helped with the passage of two other acts that not only were substantial reforms but also were beneficial to Wilson's prospects for reelection. These two measures were the Federal Farm Loan Act and the Keating-Owen Child Labor Act. President Wilson decided to throw his support behind the Federal Farm Loan Act to win votes from farmers who were still disappointed that a farm loan program had not been included in the Federal Reserve Act. The Federal Farm Loan Act established twelve regional Farm Loan Banks that extended credit to farm loan associations, which in turn provided long-term loans to farmers at low interest. In 1913 Owen appointed a subcommittee of the Committee on Banking and Currency to study the idea. At

first he was the chairman of the subcommittee, but he soon turned over that position to Henry F. Hollis, a young senator from New Hampshire. Owen gave much guidance to Hollis both in his subcommittee and on the floor of the Senate whenever the bill was debated. When Wilson made public his support of the bill, Owen began promoting its passage before such groups as the Institute of Banking in New York.⁷⁹

In the final weeks of deliberation, proponents of the bill feared that the Wilson administration would support only the structure of the bank and would not agree to significant financial backing from the government. Owen therefore accompanied Hollis to the White House on a number of occasions to ensure that the president would endorse proper financing of the measure. Although Owen's part in the passage of this bill was not as significant as with the Federal Reserve Act, he was quite helpful. Thanking Owen for his inconspicuous and "genuine help," Hollis later wrote: "I hope the country will sometime realize what you have done for it in inspiring and bringing to realization the Federal Farm Loan Act."⁸⁰

Another measure associated with Owen's name was the Keating-Owen Child Labor Law of 1916. President Wilson's last minute support of the bill became a major test of his support for the social justice wing of progressivism. Owen first sponsored the bill, which was written by the National Child Labor Committee, in early 1914. Based on the interstate commerce power of Congress, the bill outlawed the interstate transportation of goods produced by the labor of children. It was the culmination of years of opposition to the exploitation of children in the nation's work force. Most states had already passed similar legislation, but the problem was still great in the southern cotton states,

thus necessitating federal legislation.⁸¹

Although Owen was later given much credit for the measure, his support was minimal. In March 1914 he failed to appear to deliver a scheduled speech at a national conference on child labor in New Orleans. In 1915 as the Sixty-third Congress came to an end, supporters of the bill in the Senate tried to have it considered, but it was blocked by Senator Lee S. Overman of North Carolina. Owen did not participate in that attempt to have it considered. In August 1916 when President Wilson decided to endorse the bill, Owen was busy campaigning for Wilson's reelection and was trying to look after other legislation in the Committee on Banking and Currency. As a result, Joseph T. Robinson of Arkansas managed the bill through the Senate. The act was one of several pieces of legislation that Wilson decided to make into an administration measure to placate social justice advocates and bolster progressive support for his reelection. Although Owen had been active in promoting the bill in 1914, his role was negligible in 1916. Later, because his name was attached to the law, he was often recognized as having been quite instrumental in its passage.⁸²

Regardless of the extent of Owen's involvement, the Child Labor Act, along with the Federal Farm Loan Act, aided Wilson in his drive for reelection. In terms of the actual campaigning in 1916, Owen contributed much. As the convention approached, there was a "boom" in Oklahoma to replace Vice President Thomas Marshall with Owen as the party's secondary nominee. Owen said he was embarrassed by the drive and tried to discourage the Oklahoma delegates.⁸³

After the convention in June, Owen worked closely with the Democratic national campaign committee. He became a major speaker and

propagandist for Wilson's reelection. He wrote several articles promoting the president for such publications as Harper's Weekly and Everybody's Magazine. He also traveled extensively making speeches praising Wilson. The long list of accomplishments that Owen cited were impressive indeed. According to Owen, the Income Tax Amendment, Underwood Tariff Act, Clayton Anti-Trust Act, Federal Farm Loan Act, and other similar reforms were proof of the excellence of the Wilson administration. Like Wilson's other chief supporters, Owen emphasized that the president had kept the United States out of the war then raging in Europe. This argument for peace aided substantially in Wilson's successful reelection. He handily defeated the Republican nominee, Charles Evans Hughes.⁸⁴

A few weeks after the election Owen returned to his crusade for popular government. He continued to advocate his corrupt practices bill, and in January 1917 he announced a new campaign at the annual meeting of the National Popular Government League. He said that he would propose a resolution in the Senate that would forbid the Supreme Court from declaring laws unconstitutional. True to his word, he introduced a resolution a few days later that automatically would have caused the dismissal of any federal judge who declared any law unconstitutional.⁸⁵

As with his earlier campaign for the recall of judges, the opponents quickly labeled Owen as a revolutionary or socialist. David J. Hill, a former ambassador to Germany, condemned the proposal on January 13, 1917, at a luncheon before the Lawyer's club in New York. He said the proposal would "practically abolish the Supreme Court."⁸⁶ Owen was quick to respond, saying that the Supreme Court's assumption of the

right to declare laws unconstitutional was a violation of the constitution itself.⁸⁷

A few days later, the Oklahoma House of Representatives shocked Owen by passing a resolution denouncing his plan by a vote of 103 to 4. Upon hearing the news, Owen and Judson King left Washington for Oklahoma City. There, on January 18, Owen addressed a joint session of the legislature to explain his proposal and to convince legislators to change their position. In turn, C. B. Stuart, a prominent attorney, addressed the legislature with a rebuttal.⁸⁸

Then Owen held a mass meeting in Oklahoma City on January 27, 1917, in which he gave a lengthy explanation of his proposal. He outlined his version of the history of constitutional review, explaining that John Marshall, the first Chief Justice to use the device in 1803, was "an aristocrat, a reactionary." Owen then pointed to recent decisions of the Supreme Court that had thwarted the will of the people in favor of special interests. "I have made this demand because Congress can not otherwise protect the common people against predatory monopoly," he said.⁸⁹ The debate created a sensation in Oklahoma for several weeks. In early February the Oklahoma Senate passed an endorsement, 29 to 14, but the House voted to table the idea 52 to 49. Owen had won converts and intended to press the matter more, but the crisis leading the United States into the war in Europe diverted his attention.⁹⁰

The crusade in Oklahoma on the question of the right of federal judges to declare laws unconstitutional was only one of several attempts by Owen to promote his progressive agenda in the state during his second term. The Democratic party in Oklahoma seemed to have lost its drive for reform, causing the Socialists to make dramatic gains by

taking up the old proposals of reform. Owen, therefore, was the most prominent Democrat in the state who still tried to emphasize reform as a part of the Democratic program.

In 1913 he convinced State Senator Campbell Russell to circulate an initiative petition to liberalize the constitutional provisions for the initiative and referendum. In 1914 when he was the temporary chairman at the state convention, he pressed his agenda for corrupt practices legislation, advising the party to adopt it for the state government. After Robert L. Williams won election that same year, Owen tried to convince him to lead the movement for the preferential ballot in Oklahoma. All of these suggestions failed or were ignored. Oklahoma progressives could not work from the top down, and Owen had no well-developed political machine to press his proposals.⁹¹ In December 1913 Owen himself summed up the situation in a letter to prospective gubernatorial candidate James B. A. Robertson. Owen explained:

I feel a great diffidence as to my ability as a politician. My interests have been more in abstract principles of governmental processes by which to give the people relief through their own initiative, than in organizing any particular party movements.⁹²

Owen's assessment was somewhat correct, but he was more effective as a politician than he admitted. Although he produced no well-developed political machine, he used patronage much to his advantage in key areas. With the election of Wilson and the ascension of Democrats to power in 1913, Owen and the rest of the congressional delegation from Oklahoma scrambled for position. For months the state press reported the battles that threatened to disrupt the harmonious relations of Oklahoma's senators and representatives. Owen had hoped to have an Oklahoman named as Secretary of the Interior or as Commissioner

of Indian Affairs, but his attempts failed. He was quite satisfied with the appointment of his former campaign manager, Hubert L. Bolen, to the position of Collector of Internal Revenue. Even more pleasing to Owen was the appointment of his friend, J. Haden Linebaugh, as United States Attorney for the Eastern District Court at Muskogee. But, Owen was still bitter over the senatorial campaign of 1912; he sought to keep Haskell's friends from getting federal jobs.⁹³

The appointment of Linebaugh as United States Attorney was a major goal of Owen's because of the 30,000 land suits, many of which were still pending. Owen's involvement in those suits continued to be a major source of embarrassment. When President Wilson took office, J. H. Godfrey, Owen's enemy who had been behind many earlier disclosures of his land dealings, began stirring up more trouble for the senator. Godfrey, an intermarried Chickasaw attorney, wrote a circular letter to all members of Congress and to President Wilson detailing several of Owen's past transactions in the worst possible light and particularly focusing on his large land holdings near Bartlesville. Disgusted by this continual harassment, Owen wrote a detailed explanation to Secretary of the Interior Franklin K. Lane. Owen also decided to settle the suits in which he was a defendant by signing quit claim deeds over to the allottees from whom he had purchased the land. Once this was done, he bought the land back, with officials of the Office of Indian Affairs acting as referee. This procedure had been available for years, but Owen had purposely fought it--his critics said as a matter of self interest, his friends said as a matter of principle.⁹⁴

But his troubles with the ranch continued. In 1916 the Socialists in Oklahoma published a brochure with photographs of the small,

inadequate homes that Owen rented to tenants who lived on some of the farmland encompassed in Owen's ranch. For comparison, the brochure included pictures of Owen's lavish home in an attempt to depict the inherent unfairness of tenant farming. The Socialists also chided Governor Williams in the same way. Williams did not respond to the publicity, but Owen conceded that the Socialists were right and announced he intended to break up the land and sell it in small parcels. In the spring of 1917 he finally sold the land, but as one unit consisting of approximately 2,500 acres; this ended thirty years of controversy over his ranch.⁹⁵

Once Linebaugh became United States Attorney, he dropped what suits remained except those involving minors and orphans. His decision to continue prosecution of those suits probably was a result of the Mott Report on Creek orphans. Written in December 1912 by the attorney for the Creek tribe, M. L. Mott, the report revealed alarming graft in the old Creek Nation. Lawyers were charging huge fees for handling estates of Indian minors whose allotments were still restricted. The attorneys' fees were ten times larger than those charged for handling estates of white children. The revelation attracted national attention, and the congressional delegation from Oklahoma was embarrassed.⁹⁶ Writing to Governor Lee Cruce, Owen said: "Obviously the remedy is in your hands, as Governor of the State, to see that the Indian children are protected."⁹⁷ The entire delegation from Oklahoma later sent Cruce several letters and telegrams warning that they would have trouble representing Oklahoma in Indian affairs if the problem was not solved. Owen, along with the others, preferred state control of the situation, but no reforms resulted, and the matter simply died away.⁹⁸

The Mott suit was only one of many problems that Owen confronted in Indian matters. He continued to serve on the Committee of Indian Affairs, and, as in his first term, he was a leader of that committee. Perhaps the most controversial and troublesome problem involved per capita payments to the Choctaws for the sale of their unallotted lands. The senators from Mississippi, John Sharp Williams and James K. Vardaman, held up the funds, claiming that Mississippi Choctaws should share in the payment. When Owen argued they were not entitled to receive any of the Choctaw funds, Williams reminded Owen that his arguments had been different when Owen was posing as attorney for the Mississippi Choctaws. No other issue of Indian affairs involved so much discussion in the Senate, with Vardaman and Williams frequently opposing Owen and Gore. After several years of delay, the Oklahoma senators prevailed, and the Choctaws received their payment in 1916.⁹⁹

Also during his second term, Owen continued to maintain a strong position in protecting the independent oil companies in Oklahoma, re-confirming his interest in that segment of the state's economy. On several occasions he advocated investigations of the industry to determine if prices were being fixed to the detriment of independent producers. In the spring of 1914 he became particularly aggravated over the actions of the Magnolia Pipe Line Company, a subsidiary of Standard Oil. As the major outlet for oil from the new Healdton field in south-central Oklahoma, this company used its control to dictate low prices for the oil. Owen informed federal agencies of the problem and soon introduced a resolution for governmental ownership of pipelines. Soon the Oklahoma Corporation Commission reached a temporary agreement with the Magnolia Pipe Line Company, but prices remained depressed in Okla-

homa due to overproduction.¹⁰⁰

In 1916 Owen also befriended Theodore N. Barnsdall, an independent oil man who controlled several subleases in Osage County and who was deeply in debt to the Rockefeller interests. With his subleases due to expire in 1916, Barnsdall wanted to regain control of the 334,000 acres that he had developed. Arguing that Standard Oil might gain control of Barnsdall's company, Owen proposed an unsuccessful measure that would have given Barnsdall a renewal. This action for Barnsdall reconfirmed that same kind of committment that Owen had displayed for the oil industry in his first term as senator.¹⁰¹

As the election year of 1918 later approached, there were many similarities that could have been noted between Owen's first and second terms in domestic affairs. His rhetoric in favor of popular government again caused many people to view him as radical or even socialistic. Yet, as with his first term, his actual performance belied his progressive posture and radical-sounding words. He certainly publicized and promoted a wide agenda of populist-oriented reforms, but his success was limited. Even if recall of federal judges or a corrupt practices act had been passed, they probably would not have resulted in fundamental changes in the power structure of the country.

Likewise, major reforms passed in Wilson's first two years as the president did not shift the fundamental bases of power to the common man. The most important law, the Federal Reserve Act, in reality provided a banking system for bankers rather than for businessmen, workers, and farmers. Despite the features of governmental control and governmental backing of the currency, the new system offered little for the common man. Owen's leadership in pushing the Federal Reserve Act

through the Senate was his greatest legislative accomplishment, yet the finished product did not conform to the radical rhetoric that Owen used in the early stages of formulating the act. In the final days of debate, Owen even argued that the new banking system should be structured primarily to benefit bankers. He was quick to compromise away the true progressive reform of strong governmental control. This indicated a stronger commitment to efficiency in the economy than to increased power for the people.

With his stalwart support for the Federal Reserve Act and the rest of Wilson's legislative program, Owen also altered his image somewhat. During the Roosevelt and Taft administrations he had played the role of the rebellious outsider allying with insurgent Republicans against reactionaries. When Wilson took office Owen became a cooperative team player and a part of the establishment. At the same time, because the new president was progressive, Owen could still carry on crusades against corrupt machine politicians, such as Roger Sullivan. Thus, he tended to project a dual image of administration ally and rebellious progressive. He also gradually abandoned his more radical rhetoric of the past. When the progressive movement as a whole began losing its vitality, Owen tended to become less energetic and forceful in his advocacy of the cause.

FOOTNOTES

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⁸Gabriel Kolko, The Triumph of Conservatism: A Reinterpretation of American History, 1900-1916 (New York: Free Press of Glencoe, 1963), 219-220.

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¹³Robert L. Owen, Federal Reserve Act, 72-73; Link, Wilson: The New Freedom, 207-208.

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¹⁵Ibid., April 14, 1913, binder 2, p. 184.

¹⁶Willis, Federal Reserve Act, 228; Carter Glass to H. P. Willis, June 9, 1913, box 17, Carter Glass Papers, Manuscripts Department, University of Virginia Library, Charlottesville, Virginia (hereafter this repository cited as UVa).

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²¹West, Banking Reform, 105-112; Kolko, Triumph of Conservatism, 244-246; Wiebe, Businessmen and Reform, 215.

²²Wiebe, Businessmen and Reform, 132-136; Kenny L. Brown, "A Progressive from Oklahoma: Senator Robert Latham Owen, Jr.," Chronicles of Oklahoma, 42 (Fall 1984):246-247; Paul M. Warburg to Edward M. House, July 22, 1913, box 114A, Select Correspondence, House Papers, YU; New York Tribune, June 21, 1913, 8.

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²⁶New York Times, August 20, 1913, p. 1; Ellen Axson Wilson to Woodrow Wilson, August 30, 1913, Arthur S. Link, ed., The Papers of Woodrow Wilson (41 vols., Princeton: Princeton University Press, 1966-1983), vol. 28, p. 200; New York Times, August 21, 1913, p. 5.

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³⁰Congressional Record, 63rd Cong., 2d sess., 1913, 51, pt. 1:536-538, 854-861, 874-883.

³¹Ibid., 537.

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CHAPTER VIII

SUPPORTING WILSONIAN DIPLOMACY IN PEACE AND WAR, 1913-1918

Prior to Wilson's administration, Owen's experience in foreign affairs had been limited. On those occasions when he participated in debate he revealed pacifist tendencies. When the Naval Appropriations Bill of 1910 was before the Senate, Owen condemned the proposed expenditures as exorbitant and intended to prepare the country for war. Also, he saw the profit motive at work. "Slowly I have come to believe . . . that these arguments in the press are not in the interest of peace but in the interest of those who have something to sell."¹ In August 1911, when President Taft submitted treaties with France or Britain for the arbitration of disputes, Owen warmly endorsed them, although they later failed to pass the Senate. Just after Wilson took office, Owen introduced a resolution calling for an international conference to effect a suspension of building war ships and other implements of war. Owen's background in diplomatic matters was not particularly noteworthy. It did not portend the much more significant role that he later played as a stalwart ally of Wilson's policies on Latin America and World War I.²

At the beginning of the Sixty-third Congress, Owen became a member, perhaps by chance rather than design, of the Committee on Interoceanic Canals. Because of this position and because of Owen's

unfailing loyalty with the Federal Reserve Act, Wilson designated Owen as his principal manager in his first major test in foreign affairs--the Panama Canal Tolls Controversy with Great Britain. The issue arose in 1912 when Congress passed an act exempting all United States ships in coast to coast trade from having to pay any fees to go through the Panama Canal. The British government immediately protested because the United States had promised not to discriminate against ships from other nations in the Hay-Pauncefote Treaty with Great Britain in 1901. Wilson and the Democratic platform of 1912 promised to continue the exemptions in spite of protests from the British.³

Shortly before taking office, President-elect Wilson attended a meeting in which experts on the issue convinced him that the United States had indeed pledged not to discriminate on rates in the Hay-Pauncefote Treaty. Therefore, Wilson decided to push a bill for repeal after the Federal Reserve Act and Underwood Tariff had passed. In February 1914 he announced that he would ask Congress to repeal the exemptions for shippers from the United States. At first the president did not intend to force the issue, but when Democratic House leaders announced they were against the proposed repeal, Wilson took the issue before a joint session of Congress. On March 5, 1914, indicating the issue was a matter of honor, he said that his efforts in other areas of foreign policy would be hampered if he was defeated on this issue.⁴

Owen had first voiced his opinion on the issue on February 18 when Senator Joseph L. Bristow of Kansas brought the matter up during a debate over an unrelated question. Bristow accused Wilson of being under the influence of powerful railroad interests that did not want competition from cheap water transportation. Immediately, Owen jumped to Wil-

son's defense. "There has not been in the great Executive chair," he said, "a man in the history of their country who has more honored it."⁵ The next day Wilson sent a note of thanks to Owen for coming "so gallantly to my defense."⁶ Perhaps partially as a result of this, Wilson decided to designate Owen as the manager of the bill in the Senate for repeal of the exemption. Also, Owen was a member of the Committee on Interoceanic Canals, and its chairman, James A. O'Gorman, could not be relied upon because he opposed the repeal.⁷

On March 12, Wilson called Owen and Representative William C. Adamson, chairman of the House committee, to the White House. They made plans to support the "Sims" bill, which had already been introduced in the House. The next day, Owen introduced the measure in the Senate, and the legislative fight began. The bill passed the House easily on March 31, but opponents forced hearings on the measure in the Senate. Owen was the principal advocate of the bill in the committee and on the floor of the Senate whenever it came up in debate. In his speeches on the topic he explained that the Senate should vote for repeal because it was an unfair burden for taxpayers in the United States to subsidize the big "shipping combines." Here was an example of how two progressive politicians, even when on opposite sides of a question, would invoke the image of the "interests" trying to manipulate Congress. Other senators claimed that the big railroads were trying to force repeal. Owen also argued that repeal of the exemption would show the world that the United States honored its treaties. This moralistic argument was used by Wilson, and marked his first major attempt to use such reasoning in conducting foreign policy.⁸

When the Senate appeared unwilling to pass the bill for repeal of

the exemptions, Owen suggested to the press that Wilson might punish Democrats who opposed the measure. Wilson immediately disclaimed Owen's public statement because he did not want to invoke the displeasure of senators. Despite being rebuked for his suggestion, Owen continued to speak out in favor of repeal, giving interviews and writing articles in which he emphasized the matter of honor. Finally, on June 11, 1914, the bill passed, largely due to Wilson's adept handling, but also because of the efforts of Owen.⁹

While the exemption of the Panama Canal tolls was still being debated, Wilson suddenly faced another international crisis--the Tampico incident. Owen was not as prominent in this episode, but he nonetheless supported the president with vigor. The crisis involved Mexico, which had been undergoing revolution for about four years. In 1911 Francisco I. Madero led rebels in overthrowing the thirty-year dictatorial reign of President Porfirio Diaz. In February 1913 Victoriano Huerta in turn overthrew Madero and soon ruthlessly executed him. Wilson, appalled by such carnage, refused to recognize Huerta's regime and searched for a way to oust the dictator. On April 10 a minor incident occurred at the port city of Tampico when several American sailors were arrested by an overzealous officer of Huerta's army. Admiral Henry T. Mayo, commander of the fleet off the coast, demanded a formal apology and a twenty-one gun salute because of the insult, and Wilson decided to use the minor squabble as an excuse to intervene against Huerta.¹⁰

On April 20, 1914, Wilson appeared before Congress to request a resolution to enable him to send armed forces to Mexico if necessary to bring about stability and reimplement a constitutional government. Then he met with several congressional leaders; Owen was one of these.

Congress passed the resolution, but while it was pending, Wilson received word that a German ship, laden with arms and munitions for Huerta's army, would soon land at the principal Mexican port of Vera Cruz. On April 21 Wilson ordered marines to land and take control of the city to keep the Germans from aiding Huerta. Forces from the United States took Vera Cruz the next day with substantial casualties on both sides. The president then limited further fighting to the environs of Vera Cruz. The invasion provoked widespread criticism and fear of war; thus Wilson readily accepted an offer for a cease-fire and mediation by diplomats from Argentina, Brazil, and Chile.¹¹

As the scheduled negotiations approached, Owen once again was called upon by the Wilson administration to support its views in the Senate with a major speech. Executive officials gave him information to include in his speech, and Colonel House met with him at least once to "brace him up" on his speech.¹² Delivered on May 13, 1914, the address "created a stir" in the Senate as Owen defended Wilson's actions in Vera Cruz. He argued that the president was entirely justified because of atrocities committed by the Huerta regime. "The President was not only justified in refusing to recognize Huerta . . . and in seizing Vera Cruz," Owen contended, "but he would have been fully justified in deposing Huerta by military force as a bloody despot and a treasonable usurper."¹³ Mediation of the dispute began on May 20, but no significant agreement was reached when the meetings ended in July. No agreements were necessary because Huerta soon abdicated and his archrival Venustiano Carranza soon took control of the government.

Although a proven ally, Owen wavered slightly in his support of Wilson's Mexican policy in January 1916 following the murder of several

United States citizens in northern Mexico by the legendary bandit-general Francisco "Pancho" Villa. Owen suggested that Wilson needed to follow a more active policy in preventing such incidents. "I would have the United States support Carranza with armed forces in putting down bandits," Owen said at an informal discussion with fellow senators.¹⁴ Wilson was forced to follow such advice in March 1916 after Villa actually raided Columbus, New Mexico. He sent several thousand troops into Mexico to try to capture the bandit-general.

Because of this expedition and because of the loss of American lives, Wilson's Mexican policy became an issue in the presidential campaign of 1916. Owen became quite active in counteracting the criticism of Wilson. In the waning weeks of the campaign in October, he gave speeches in New Mexico and Arizona refuting charges made by Theodore Roosevelt that more than 500 United States citizens had been murdered in Mexico. Owen cited figures from the Department of State indicating that dozens had also been killed during the Roosevelt and Taft administrations.¹⁵

More important than his support of Wilson's Mexican strategy, Owen was also very reliable in supporting Wilson's policies toward World War I. Precipitated by the assassination of Franz Ferdinand, heir to the Austro-Hungarian throne, the war began in July and August of 1914. Few people in the United States understood the complex series of events and entangling alliances that caused Germany and Austria-Hungary and their allies to go to war against France, Russia, Great Britain and their allies.

When the hostilities began, Owen quickly endorsed Wilson's statements of neutrality and offered a suggestion that the president set

aside a day of prayer for peace. In trying experiences of the following few years, Owen submitted several proposals for peace that greatly resembled his idealistic statements during the debates over the Naval Appropriations Bill of 1910, when he had criticized the huge expenditures for the navy. Despite their renewal of his earlier pacifism, Owen faithfully and forcefully endorsed each decision that Wilson made in response to the international crises that eventually drew the United States into the war. Thus, Owen fluctuated between pacifism and support for Wilson as he moved the United States closer to conflict. But each time Wilson made a clear cut decision, Owen discarded pacifist ideas in favor of the president.¹⁶

Early in 1915 Owen submitted his first two peace proposals in the form of resolutions. One called for an international conference to meet at The Hague, Netherlands, at the end of the war. There, all countries could take part in a postwar settlement and help create an international army and navy. A second resolution would have required Congress to submit any declaration of a war of aggression to the people. This proposal drew widespread criticism for restricting Congress too much, although the resolution applied specifically to a war in which the United States would be the first to attack.¹⁷

A few days after the introduction of these measures, Owen shifted away from this pacifism by backing the Ship Purchase Bill, which Wilson urgently wanted Congress to pass in order to make up for the shortage caused by the war. Opponents feared the bill would draw the United States into war because government-owned ships might become targets for potential enemies. Also, because the only ships available for sale were German merchant vessels in American ports, the British looked

askance at such a proposition. Written by Secretary of the Treasury McAdoo, the bill was first introduced in August 1914 but was quickly abandoned after strong protests. In the next session of Congress on December 9, 1914, the administration persuaded Senator William J. Stone of Missouri to introduce the bill again, and the struggle for passage was renewed.¹⁸

Because he was not on the foreign relations committee, Owen's role in the ensuing debate was minor, yet he thoroughly approved and joined in the debate on the question. He liked the idea of governmental operation rather than leasing the ships because he did not want merely to support the "international trust" that dominated shipping. Also he contended that the government had been efficient in other similar ventures; as an indication that his pacifism was not all encompassing, he also argued that a government-owned merchant fleet would bolster the nation's preparedness for war by providing an auxiliary transport force for the navy. More devoted pacifists and senators who wanted to protect private shipping interests from competition defeated the bill again in March 1915 as Congress adjourned.¹⁹

During the recess between the Sixty-third and Sixty-fourth Congresses Wilson and his friends continued to promote the bill before the public. Owen again came to his leader's aid. In November 1915 he addressed the Academy of Political Science in New York in a symposium over the issue. He repeated his earlier arguments in favor of the proposal and spent much time explaining that "patriotic" Americans rather than foreigners would man the vessels, thus improving prospects in case of war. He also suggested an expanded governmental control over private vessels through the creation of a regulatory shipping

board. Others supported similar ideas, and a Shipping Board Bill passed Congress several months later in August 1916. Once again Owen had followed the president's direction.²⁰

While Congress had been debating the proposals for a governmental merchant marine, a grave threat to both American shipping and to American neutrality arose--German submarine warfare. Suffering greatly from the effects of an efficient British naval blockade, on February 4, 1915, the Germans proclaimed a war zone around the British Isles in which neutral captains of neutral ships needed to use extreme caution. Immediately the Wilson administration told the Germans that they would be held in "strict accountability" for the sinking of any American ships.

During the next few months several incidents occurred that heightened tension between the United States and Germany. Then, on May 7, 1915, a German U-boat torpedoed the British passenger liner Lusitania, killing almost 1,200 people, including 128 United States citizens. Immediately Wilson protested, insisted on reparations, and demanded that such an incident not be repeated because international law forbade the sinking of passenger liners, even those belonging to belligerents. German officials made no public promise but secretly ordered all commanders of U-boats to cease sinking passenger liners.

When the Lusitania was destroyed, Owen, who was in Muskogee, immediately condemned the "illegal, inhuman, and barbarous" act. He predicted to the press that the president would act cautiously but would send a stern warning to Germany. Owen especially counseled restraint: "The ability of the United States to serve the human race during this gigantic international war would be better served by su-

preme self-control than by permitting the influence of passion to sweep us into sudden war."²¹

After Wilson sent his first strongly worded message (or "Lusitanic note") to the Germans, Owen praised his actions. Secretary of State William Jennings Bryan, however, had countersigned the note reluctantly because he believed Wilson had not been equally stern with the British when they had violated American neutral rights by confiscating American goods and ships on the high seas. In Bryan's opinion, this violated Wilson's own commandment to the American public to be neutral in "thought as well as in action." When Bryan resigned on June 8 in protest of another such note to the Germans, the American public was shocked. On the same day Owen abruptly left Oklahoma after receiving several telegrams from Washington. Newspaper reporters in the state immediately surmised that he was a possible candidate for the vacated position of Secretary of State. Over the next several days Oklahoma's press continued to speculate, and some stories predicted that Owen would become head of the Department of the Treasury if Secretary McAdoo were called upon to replace Bryan. Proud of their prominent senator, Oklahomans were too optimistic. Wilson appointed career diplomat Robert Lansing instead.²²

In August 1915 a commander of a German U-boat violated orders and sank the British liner Arabic. American protests over the incident forced the Germans to promise publicly not to sink any more ships. With the crisis thus subsiding, Owen returned to themes of peace. In November 1915 he wrote the president explaining why the war started and offering a solution to future conflicts. He contended that the Europeans were at war due to the structure of their governments which had

allowed a small limited group of men to lead their countries to war. In the proper type of government the leaders were "instrumentalities" of the people and more attuned to their will. Thus, People's Rule provided the "best safeguard" against war.²³

Several months later Owen elaborated on this idea in a letter to his friend Judson King, Secretary of the National Popular Government League, who was in Europe. King had joined other passengers on Henry Ford's "peace ship" pilgrimage, an idealistic mission with the goal of persuading the Europeans to stop fighting. In his message to King, Owen contended that the policies promoted by the National Popular Government League were ideal for preventing a future war in Europe. To Owen, the solution was simple: "Europe should use our experience with organized democracy to avoid the pitfalls of machine politics."²⁴

In an attempt to bolster popular government at home against war, in December 1916, Owen again introduced his resolution requiring a referendum if the government of the United States sought to declare a war of aggression. Former Secretary Bryan, now a leading pacifist, warmly endorsed Owen, referring to him as one of the "stauncest defenders of the right of the people to rule." "Let the people rule," Bryan wrote in the Commoner. "Nowhere is their rule more needed than in deciding upon war policies."²⁵

Over the next several weeks Owen continued his pacifist themes. On January 5, 1916, he introduced a joint resolution calling for a world conference on international law in Washington in May 1916. Also, on January 5, in a debate on the floor of the Senate, he recommended that the United States government should warn its citizens to stay off belligerent passenger ships, and if governmental officials had to go

abroad, they should be sent on an American ship. This argument was a response to the sinking of the steamship Persia, which had a United States consular officer on board when it went down in the Mediterranean Sea late in 1915. On the same day that Owen made these comments, his colleague, Senator Gore, introduced a resolution that would have denied passports to United States citizens for travel on belligerent passenger liners. When Owen took the same position as Gore, he was drifting away from his normal support of Wilson's policies. In fact, the president, who was committed to insuring the observance of international law in regard to passenger ships, decided to force a showdown on Gore's resolution. With his leader's will thus reasserted, Owen withdrew his support from Gore's proposal and returned to the Wilson fold.²⁶

As Owen withdrew from his pacifism, he quickly began embracing preparedness. Late in January 1916 in a nonpartisan discussion before New York City's Republican Club, he proposed an "artisan army" as a novel solution to balancing peaceful and warlike goals. This army would be composed of unemployed young men who would learn trades, such as mechanics and electrical engineering. This would enable the United States to become more efficient, like the Germans, although he did not think his proposal would foster militarism as it had in Germany. "We are considering present and future welfare, not necessarily warfare," he explained.²⁷ Also, the artisan army would be a "means of balancing prosperity and periods of depression."

Preparedness became increasingly important as an issue over the next several months, and President Wilson, who at first had resisted the movement, began advocating programs to ensure United States readiness for war. Wilson had been forced to this position partially be-

cause of continued German aggression against such passenger ships as the French liner the Sussex, which was destroyed in March 1916. Because of American protests, the Germans issued their Sussex pledge, in which they announced a cessation of submarine warfare if the United States would be equally stern with the British. Wilson, nonetheless, continued to promote preparedness as an issue in his reelection campaign of 1916. As one of the principal speakers for the campaign, Owen gave many speeches and wrote articles praising not only preparedness, but also every aspect of Wilson's foreign policy. He also joined a host of other Democratic propagandists in emphasizing that Wilson had "kept us out of war."²⁸

This slogan for peace probably helped Wilson win a narrow victory over Republican Charles Evan Hughes in November 1916. Consequently, Wilson soon undertook several new initiatives to persuade the warring countries to stop fighting. But these efforts were futile. On January 31 the German government announced a resumption of submarine warfare in the war zone and would sink all ships of all countries. Owen was in Oklahoma advocating his proposal to deny federal courts constitutional review. When he heard the news, he said, "There is only one course left."²⁹ On February 3 Wilson broke diplomatic relations with Germany, and Owen hurried back to Washington.

As events pushed the United States toward war, Owen never hesitated in his support of American entrance into the massive conflict. On March 1, 1917, when the Zimmermann telegram was made public, Owen voted in favor of bolstering naval defenses. The telegram, sent by German Foreign Secretary Arthur Zimmermann to the German minister in Mexico City, proposed an alliance between Germany and Mexico if the United

States declared war on Germany. In return, Mexico would receive Texas, New Mexico, and Arizona. Also, the Mexicans were encouraged to contact the Japanese to see if they too would ally against the United States. That same day, while the Naval Appropriations Bill was being debated, Owen suggested that no one should assume that Japan had any intention of joining an alliance with Germany and Mexico. Nevertheless, he argued that the Pacific coast should be fortified "against any aggression from abroad."³⁰

The Senate, early in March, also deliberated on the much more urgent question of arming American merchant ships. President Wilson had addressed Congress on February 26, requesting authority to supply guns for private ships. The House soon voted for the proposal, but a group of senators filibustered the request during the last few days of the Sixty-fourth Congress, which ended on March 4. Senators Norris and LaFollette led the filibuster against the bill, but their actions were tacitly approved by such regular Republicans as Senator Henry Cabot Lodge of Massachusetts. The regular Republicans wanted to force Wilson to call an extra session so they could have input on his policies, and they too filibustered by speaking at length on a variety of bills that were periodically being considered in between the off-and-on debate over arming merchant ships.³¹

On the last day (March 4), it became clear that the eleven senators who opposed Wilson's bill would not let it come to a vote. Consequently, Democratic leaders decided to kill the remaining hours themselves with lengthy speeches in favor of the bill. They especially wanted to deny the floor to LaFollette, who customarily used parliamentary maneuvers to gain designation as the last speaker on important

questions that interested him. Owen became part of this strategy. Supporters of the Armed Ship Bill designated him and Hitchcock of Nebraska as the final two speakers. When LaFollette learned this, he approached Owen at his desk before he spoke and asked how long the Oklahoman intended to speak. Owen refused to give a clear answer; thus, LaFollette walked back to his desk frustrated and angry. LaFollette was also paranoid, perhaps justifiably, because he had heard that some senators were carrying pistols and planned to keep him from speaking. As the business of the Senate wore on, tempers flared and unseemly arguments broke out among the senators.³²

LaFollette's ally, Senator Norris, concluded a speech with just three hours remaining in the session. As he finished Owen and LaFollette both rose and asked for recognition. The presiding officer chose Owen, thus further agitating the frustrated LaFollette. Owen spoke strongly in favor of the bill to arm merchant ships. He explained that he did so because the people of Oklahoma desired it and because the Germans had forced the United States to arm merchant ships to protect its rights under international law. The German military autocracy's lust for world power had left the United States no choice. As Owen finished, he tried to hand the floor to Hitchcock, a violation of parliamentary procedure. Immediately LaFollette jumped to his feet in protest, but to no avail. Hitchcock gained the floor and was still speaking when the session ended at noon March 4.³³

As Congress was adjourning, President Wilson condemned the opponents of his bill as a "little group of willful men" who were bent on rendering the government helpless. In reality, Wilson's opponents had talked less than half as much as the supporters of the bill; thus the

result was not a typical filibuster. But the opponents had blocked the legislation because its consideration would have required unanimous consent. The public, angry at the unpatriotic obstructionists, demanded a change. Within one day of the closing of the session, Owen provided the answer--his old proposal of cloture. He circulated a petition that a majority of senators signed to commit themselves to putting limits on debate. Wilson not only endorsed Owen's action but also made cloture a prerequisite before he would call a special session of Congress. On March 6 party caucuses in the Senate met and approved a change in rules. The next day Owen and other members of a special bipartisan committee, met with Wilson at the White House to get his approval, and on March 8 the Senate voted 76 to 3 to limit debate upon the demand of a two-thirds majority. Owen's persistence again had enabled him to achieve a goal, one that also reflected the wishes of Wilson.³⁴

After a brief special session of a few days Congress again recessed until Wilson called a more expanded special session to convene in April. In the meantime German submarines sank several United States ships, prompting Wilson to call for Congress to convene even earlier than expected on April 2. In response to a request from Owen, dozens of civic and social organizations sent their opinions to him concerning the probability of the nation going to war. The sentiment was overwhelmingly in favor of war if President Wilson requested it. Shortly after Congress assembled on April 2, Wilson addressed a joint session and requested a declaration of war. Owen naturally voted in favor of the resolution two days later.³⁵

Once war was declared, Congress immediately began consideration of

several vital measures concerning the mobilization and fusing of the war. The first order of business was the formation of the army. On April 5, Wilson, following the advice of his General Staff sent Congress a plan to draft two million men. The response was quick and very negative as politicians railed against the idea of a nonvolunteer army. Many were wary of how their constituents would react. Also, further complicating the issue was the announcement by Theodore Roosevelt that he wanted to organize a division of United States volunteers under his command. The surge of patriotism and the high popularity of the Rough Riders enabled his friends in the Senate, such as Henry Cabot Lodge, to push through an amendment to the Army Bill that gave Roosevelt a commission.³⁶

Owen was one of several Democrats who deserted Wilson on the vote. The president was solidly against his chief critic in foreign affairs becoming an officer. Owen probably deserted Wilson on the issue because of Roosevelt's high popularity in Oklahoma where old members of the Rough Rider regiment of the Spanish American War were numerous. Also, Roosevelt had designated Fort Sill, Oklahoma, as his proposed headquarters. Although Roosevelt's plan passed the Senate, Wilson mustered enough support in the House to defeat the proposal. Later, in a letter to Roosevelt, Owen informed him that it had given him pleasure to vote for the ex-president's division. Owen admitted that he preferred the selective draft, but he had great respect for Roosevelt.³⁷

Owen's support of Wilson in the other major issues of the first weeks of the war fluctuated. He participated to only a limited extent in the deliberation on the Liberty Loan Act of April 14 and the Espionage Act of June 15. However, he took charge of several amendments to

the Federal Reserve Act that were designed to improve the Federal Reserve System. Enacted in June 1917, these alternatives varied in importance. For instance, one allowed the hiring of new staff members for regional reserve banks; another change was designed to attract state banks and trust companies into the system. Perhaps the most important amendment allowed federal reserve notes to be counted as reserves in the regional banks. This was an idea that Owen had advocated when the original act was passed, but Representative Glass and others defeated the proposal. During the remainder of the war, Owen continued to submit new bills that altered the system as the need arose. These originated from the Federal Reserve Board, the Secretary of the Treasury, or the Comptroller of the Currency.³⁸

As Owen was shepherding the first of these changes in the Senate in the spring of 1917, he became very upset with the Wilson administration over a petty issue involving wartime pork barrel. Sometime in May he heard rumors that several training camps would be established in Texas, but none had been designated for Oklahoma. He hurriedly made an appointment at the White House and expressed his displeasure to Wilson in an excited manner. Wilson assured Owen that "such sites were being selected upon a purely practical and business basis," but promised to refer the matter to Secretary of War Newton D. Baker.³⁹

About two weeks later Owen, having received no response from Baker, wrote a reminder to Wilson. The senator's loyal secretary, James W. Beller, enclosed a cover letter without Owen's knowledge to Wilson's secretary, Joseph P. Tumulty. Beller wanted to convey just how "keenly he [Owen] feels about the discrimination against his state."⁴⁰ Owen felt neglected and believed he was being treated

shabbily despite his persistent past loyalty to the president. It was not until the next year that the army began surveying the area around Muskogee as a possible site for a cantonment.⁴¹

Owen's demand for a lucrative home-state military project contradicted his simultaneous attempts to impose frugality on other wartime spending. In June 1917 he became concerned about the cost of newsprint paper mills, which had been escalating for months. As the war began, he sought to bring the costs under control especially, since the government would increase its use of paper during the war. He introduced a resolution that would have put the production of newsprint paper under the control of the Department of Commerce. The proposal was not adopted.⁴²

Over the next several weeks Owen also began scrutinizing major expenditures by the government. On July 18, 1917, he criticized the appropriation of \$640 million for aircraft, which he believed exorbitant. "I am not willing to sit here," he said, "and impose taxes upon the people . . . and leave no adequate safeguard to protect the people of this country against departmental or indirect graft."⁴³ His remedy was an amendment to the appropriations bill to create a committee to oversee aviation expenditures. He also objected to an immediate vote on the bill, causing a delay in its consideration for several days. James K. Vardaman of Mississippi and Thomas W. Hardwick of Georgia also opposed the measure because it provided for the drafting of men into the aviation corps.⁴⁴

During these early days of the war many Americans quickly grew impatient with any delays in passing war legislation. The New York Times condemned Owen and his two allies: "They have struggled to prevent

measures for national safety. They have hampered the Government in a dangerous crisis. They have earned the cordial approval of the enemies of this country.⁴⁵ Stung by the editorial, Owen rose to a question of personal privilege before the Senate to answer the charges on July 20. He argued that he intended to safeguard the public's money, not to hold up legislation, and that the accusation of the New York Times was unjust. "It is a gross abuse of the power of free speech, and a thing that deserves severe condemnation," Owen concluded.⁴⁶

The alleged obstructionism that the New York Times had criticized was part of the typical struggle between legislative and executive branches during wartime. Vardaman and Hardwick were members of an emerging anti-administration clique in the Senate that also included Gore, Hitchcock, John K. Shields of Tennessee, and James A. Reed of Missouri. Republicans frequently joined these Democratic rebels to embarrass Wilson or to thwart his designs to extend his executive prerogatives. Thus, Owen became their ally in his attempts to regulate the enormous wartime expenditures and like all dissenters who delayed urgent legislation, he was castigated by the press.⁴⁷

This criticism did not deter Owen from joining the rebellious senators again. On July 21, 1917, he introduced an amendment to a pending bill to create a Food Administration, which would set prices and determine what quantities and types of food needed to be conserved or produced. Owing to America's entrance into the war, prices were skyrocketing. On May 20 while Congress was in recess, Wilson had established a quasi-legal Food Administration to begin dealing with the emergency. When Congress convened, the formulation and passage of a Food Administration bill became one of the principal goals of Congress.

But price controls and regulation of food were extremely controversial. Farmers, food processors, agricultural implement dealers, and others associated with the production of food lobbied at cross purposes for their own individual interests. Northern textile manufacturers wanted cheap cotton, while southern cotton growers wanted the best possible prices. And Republicans in both houses of Congress wanted to restrict the president's power.⁴⁸

One of these Republicans--Senator John W. Weeks--decided to amend the food administration bill in order to restrain the president. The Lever bill, which became Wilson's official measure, passed the House late in June, 1917. When it reached the Senate, Weeks added an amendment to create a Joint Committee on the Conduct of the War. Designed after the congressional committee that attempted to restrain Abraham Lincoln during the Civil War, this proposal was highly objectionable to Wilson. Weeks had first introduced the plan on April 9, but Wilson's congressional allies had scuttled it. Though the proposal was not germane to the control of food, Weeks offered it as an amendment to the food administration bill.⁴⁹

Realizing that such a committee could be dangerously powerful but still desiring congressional oversight on expenditures, Owen suggested a substitute for the Weeks amendment. He proposed a "Joint Committee on Expenditures in the Conduct of the War." Owen's proposal strictly limited the Committee's actions to evaluate how money was spent. His amendment was adopted and the complete bill passed the Senate on July 21.⁵⁰

Wilson had been unaware of the change until the bill passed. He objected immediately to it, and quickly wrote Representative Ashbury F.

Lever, the congressman from South Carolina who was sponsor of the bill in the House. Wilson told Lever to reject the Senate's version of the food administration bill because of Owen's amendment.⁵¹ The president also wrote Owen a note, emphatically condemning the Joint Committee on Expenditures in the Conduct of the War. "You cannot have reckoned the embarrassment and constant hampering that the existence and activity of such committee would impose on the Executive."⁵² He asked Owen to reconsider his proposal, which would place Wilson's actions under the daily "espionage" of Congress.

Owen soon submitted a lengthy reply to Wilson in defense of his proposal on August 2. He explained that the enormous expenditures that were already underway proved that much supervision was needed. His only aim was to protect the tax moneys of the people. Then he reminded Wilson that he had constantly urged "Common Counsel" in the conduct of the war, and that was all that Congress desired. "I cannot conceive how such a committee would embarrass or hamper you, much less that such a committee . . . can be justly designated as a Committee of 'daily espionage.'"⁵³

This letter may have convinced Wilson of Owen's sincerity, but it did not convince him that Owen was correct. He immediately wrote the Oklahoman yet another letter arguing that a congressional committee would merely be a discussion group that would slow the process of correcting fraud and excessive spending. The executive officials could handle such problems in a much more direct and efficient manner. Wilson closed his letter on a conciliatory note: "I have realized throughout that your own personal desire . . . was certainly not to be obstructive in any way but rather to be helpful."⁵⁴

Thus ended the first major disagreement between Owen and his party leader. The war tended to make political issues more intense and controversial despite all talk of joint effort and pulling together to defeat the enemy. Wilson later succeeded in persuading Congress to drop the undesirable provisions in the bill.

Throughout the war Owen continued to be interested in war finances. In September 1917 when the War Funding Bill increased taxes, particularly on excess war profits, he unsuccessfully tried to persuade the Senate to add a federal inheritance tax to the measure. Also, in the spring of 1918 he took a prominent part in the shaping of the bill creating the War Finance Corporation.⁵⁵

This governmental agency was created to loan money to essential industries that could not obtain credit to build or expand. There was a serious shortage of credit because the government was borrowing huge amounts of money that ordinarily would have been invested in industry. Thus, there was a need to provide sufficient capital for necessary expansion of essential industries. Written by Secretary of the Treasury McAdoo, the bill to create the War Finance Board would also have created a Capital Issues Committee, which would determine what industries were entitled to credit and what new industries should be established. If businessmen wanted to start a new industry they would have to apply to the committee before they could issue stock. If they did not obtain the authority to build, then they could be fined and imprisoned. The legislation was unprecedented, and the Capital Issues Committee would have wielded almost dictatorial power over the financing of business expansion. Many Senators objected to this coercive power, however, and those provisions were dropped.⁵⁶

Owen opposed the bill because the new committee would have duplicated the functions and powers of the Federal Reserve Board. Also the bonds to be issued to raise revenue had no governmental backing originally. Owen and his colleague Henry F. Hollis threatened to oppose the legislation if changes were not made. Once their objections were met, the bill passed easily on May 7, 1918. Again, Owen demonstrated that he was a formidable force in financial legislation.⁵⁷

The financial question on which Owen worked the most during the war was his proposal for a foreign branch of the Federal Reserve system. Vast amounts of American credit flooded into Europe during the war. Europeans used their dollars to buy American goods, thereby greatly stimulating the economy of the United States. However, American businessmen who purchased European products found that the dollar had depreciated drastically due to its overabundance in foreign markets. Consequently Owen suggested a way to stabilize the value of the dollar in foreign exchange. He proposed a Federal Reserve Foreign Bank. This system was to consist of foreign branch banks that would establish United States dollars at par with other currency. Traders could go to the banks to exchange their currency at a set rate, regardless of fluctuations within countries. The bank would take any loss on the exchange. Owen believed this would make the dollar the means of international commerce and would cause New York City to become the financial center of the world. To promote this plan he wrote dozens of lengthy letters to Wilson, McAdoo, the Federal Reserve Board, and the other interested people and organizations.⁵⁸

About the time Owen first proposed the idea, he came into contact with Nathan Musher, a man who was virtually a fanatic about the plan.

Musher was the owner of the Baltimore-based Pompeian Company, which imported olive oil from the Mediterranean area. Before the war, Musher had suggested the concept of a foreign branch to the Federal Reserve Board. He was irritated by the expensive interest payments he had to make to various banks when he needed to exchange United States dollars for Italian or Spanish currency. Also, just before the United States entered the war, Musher had purchased on credit a large shipment of olive oil from Europe. Shortly after the United States declared war, an executive order from President Wilson forbade all exports of gold from the United States. This meant that Musher would have to use depreciated United States dollars in the form of credits to pay off his debts in Europe. He was not alone, for other businesses had made similar transactions.⁵⁹

Believing that this was unfair, Musher began a relentless campaign late in 1917 to obtain special permission to export gold. He wrote letter after letter and sent application after application to the Federal Reserve Board asking permission to export the gold he needed to pay his debts, amounting to \$1.25 million. Because this would set a precedent and might cause others to want the same privilege, the Federal Reserve Board continually refused Musher's requests.⁶⁰

In the meantime, Musher appealed to Owen for assistance, and the Oklahoma senator obliged by writing several letters to the Federal Reserve Board and to President Wilson asking for a reconsideration of Musher's requests. Also, Musher paid for numerous large advertisements in newspapers in Baltimore and its vicinity, propagandizing for the establishment of the Federal Reserve Foreign Bank. The onslaught of persistent requests irritated the officials of the Federal Reserve

Board, particularly its governor, W. P. G. Harding. Also the constant advertisements that United States dollars were not at par in Europe threatened to weaken the confidence in the dollar at home and abroad. When considering all of this, Governor Harding reached the conclusion that Musher's antics were probably being financed by Germany. What else could explain these unpatriotic demands for special treatment? Also Musher could not possibly afford to pay for the expensive advertisements. As a result, Harding convinced Secretary of the Treasury McAdoo to instruct secret service agents to investigate Musher, Owen, and any of their associates who had joined in the demands for a Federal Reserve Foreign Bank. When President Wilson learned of the investigation, he requested that McAdoo stop. But McAdoo did not heed the request.⁶¹

Unaware that he was the target of a secret inquiry, Owen continued to ask Wilson and the Federal Reserve Board to allow Musher to export gold. Finally, in April 1918 the license was granted. At that time the officials of the Federal Reserve Board concluded that if Musher went bankrupt it would destabilize large banks in the District of Columbia and Baltimore that had underwritten his debts. Thus, the Federal Reserve granted Musher's request in order to keep the banks solvent. Even after the decision, Harding's operatives continued to monitor Musher's and Owen's actions over the next several months. All of this was indicative of the suspicious mentality created by the war. Governmental officials who set policy that they believed was essential for United States security and stability naturally assumed that anyone who opposed them was under the influence of the enemy. Also, in Musher, Owen found someone of equal persistence and energy in promoting

self interest.⁶²

Harding and the others who were doubtful of Owen's loyalty should not have been. Not only was he committed to Wilsonian objectives, but also he turned his talents for publicity toward a crusade promoting the war effort. He wrote and spoke extensively about the causes of the war. Ten days after the United States declared war, Owen presented a detailed history of the causes of the war. He explained that militarism was deeply engrained in German culture. He then described how the German military autocracy encouraged the Austrians to make unreasonable demands on Serbia following the assassination of Austrian archduke Franz Ferdinand. This inevitably forced all of Europe to be drawn into the conflict, and it was the Germans who then violated international law through the murderous treachery of submarine warfare. The war was thrust upon the United States; there was no choice but to act. Neither original nor unique, Owen's interpretation of the causes of the war covered every main point that governmental propagandists soon distributed widely. And Owen, like every loyal politician, did his part in spreading the authorized story of how the United States was forced into the war. During the war he delivered many speeches at public gatherings and even wrote a book near the end of the war illustrating how Germany had violated all of God's commandments in its crimes against the world.⁶³

Like most politicians, Owen realized the importance of projecting an image of supporting the government during the war. A majority of the public came to equate loyalty to the country with loyalty to President Wilson's policies. Prior to the war, Owen had supported Wilsonian policy unfailingly. He was the president's chief advocate in the Sen-

ate during the controversy over the Panama Canal tolls, and he solidly supported Wilson's Mexican policy. As the United States drew closer to war, Owen showed tendencies of pacifism, but each time Wilson moved toward conflict, Owen enthusiastically endorsed him.

Ironically, the first major differences of opinion between Owen and Wilson came after war was declared. From that point, Owen's support for Wilson frequently wavered. The Wilson administration's failure to locate a war camp in Oklahoma and the control of expenditures led to this split. The disagreements caused bad feelings between Owen and Wilson for the first time, but the unpleasantness was only temporary.

In monetary affairs, Owen followed the leadership of the administration as he had during peace time. He frequently took a leading role in pushing administration measures through the Senate. To officials of the Federal Reserve Board, however, Owen's promotion of the Federal Reserve Foreign Bank was disruptive. They also thought that his support of Musher was harmful. Thus, even in monetary affairs, Owen's loyalty to the president's policies was not complete. Not surprisingly, Owen later failed to follow the dictates of the president on issues of peace. He would become a leading advocate of conciliation on the League of Nations, despite instructions from Wilson that Democrats should not compromise.

FOOTNOTES

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CHAPTER IX

PROMOTING THE LEAGUE, RUNNING FOR PRESIDENT,

AND REVISING HISTORY

From the beginning of American involvement in the war, most patriotic citizens insisted that Congress follow the dictates of Wilson, an attitude that the president carefully cultivated. Because most Oklahomans realized that Owen's support of Wilson had wavered, his loyalty to the president became a potential issue during the senator's campaign for reelection in 1918. In truth, there had been no real alienation between the two, and Owen anticipated that no Democrat would challenge him for the nomination. He was surprised when Robert Galbreath, a Tulsa oil man, filed against him in June. Owen previously had been on friendly terms with Galbreath and had supported him for Oklahoma's Democratic national committeeman in 1912 against the candidate former Governor Haskell had endorsed. Owen felt a bit betrayed and hoped that friends would convince Galbreath to withdraw. But Galbreath could not be deterred. He immediately initiated a campaign quite critical of the senator in three particular areas. He questioned Owen's dedication to representing Oklahoma, his effectiveness in providing benefits to the state, and his loyalty to Wilson.¹

Galbreath did not originate his criticisms of Owen; others had paved the way for him. For instance, many Oklahomans had noticed that Owen's trips to the state had become much less frequent. Early in 1918

Will Geers, editor of the Tishomingo Capital-Democrat chided Owen for being surprised at the state's development which he had noticed at a recent visit. Claiming that Owen really resided in New York, Geers commented: "Wouldn't you like to have a representative who is a little closer to our people? We would. The senator keeps his fine horses in New York, his automobile in Washington and his asses in Oklahoma."²

Galbreath and his supporters attempted to capitalize on such animosity toward the senator's alleged snubbing of the state. They said that Owen no longer kept a residence in the state, having converted his home in Muskogee into a boarding house. Galbreath contended that the people of Muskogee were so alienated by Owen's abandonment of the town that they would vote against the senator in the primary. The challenger even proposed limiting the primary to Muskogee County to let the people there decide the nominee.³

According to Galbreath, Owen's disinterest in Oklahoma caused the state to be ignored when locating federal projects. He explained that several southern senators had succeeded in placing important war plants and military cantonments in their states even though the locations were not as advantageous as Oklahoma.⁴ A newspaper friendly to Galbreath claimed that Owen was ineffective in acquiring military projects because of the "strained relations between the White House and the junior senator from Oklahoma."⁵

Owen responded to Galbreath's challenge by playing the role of the statesman too busy with war matters to bother with common politicking. Owen traveled to Oklahoma late in July to make several speeches for the Oklahoma Council of Defense--an agency established by Governor Williams to promote support for the war. Owen's opponent criticized these

appearances because the Council of Defense had earlier announced that no political candidates would be allowed to appear for the agency. To Galbreath it was obvious why Williams invited Owen to speak for the council: Williams wanted to become federal judge and could gain the senator's endorsement by befriending him during the campaign. Galbreath was probably correct, but most Oklahomans were not swayed by this or any of the other charges. Owen won every county on election day (August 6) and defeated Galbreath by a larger percentage than he had defeated Haskell in 1912. Most Oklahoma Democrats probably realized that the breach between Wilson and Owen had been exaggerated. During the campaign for the general election, Owen carefully depicted himself as a staunch friend of the president, and the strategy worked. He led the Democratic slate with more than 55 percent of the vote (105,050) over Republican W. B. Johnson (77,188) and Socialist Patrick Nagle (7,259). Owen was probably aided by the public's realization that the war was rapidly drawing to a close. Germany agreed to an armistice less than a week after the election.⁶

Despite the obviously imminent victory, Democrats throughout the country were not as fortunate as Owen in the elections. Republicans won control of the House by a substantial margin and gained a majority of two in the Senate. The Democratic loss of control of the Senate meant that Owen would lose his chairmanship of the Committee on Banking and Currency. For President Wilson the outcome was even more unsettling, because it made his plans for a peace settlement for the war even more difficult. Any treaty would have to be ratified by the Senate, and with the Republicans in control, Wilson's position was weakened. The president was undeterred in his resolve to be a dominant

factor in drawing up the peace treaty. A few days after the armistice, he announced that he would lead the American delegation to Paris where he hoped to fashion a peace settlement based upon his Fourteen Points-- a peace plan he had originally proposed in January 1918.

Perhaps desiring to capitalize on the publicity of the president's trip, Owen decided to journey to Europe as well. On December 3, 1918, at a special farewell luncheon before his friends of the National Popular Government League, he announced that he intended to study economic conditions in Europe in order to formulate ideas for reconstruction of the economy. Also, he wanted to discuss his idea of a Federal Reserve Foreign Bank with financial leaders in London and Paris. The dollar was still not at par with the currencies of several neutral countries, and Owen desired to aid American importers who purchased commodities in those nations. The Department of the Treasury and the Federal Reserve Board still showed little interest in the proposal, but some American businessmen and at least one academician, Professor Harold L. Reed of Cornell University, supported Owen's idea for the Federal Reserve Foreign Bank. Owen's friend, Nathan Musher, likewise continued to promote the plan. In fact, Musher used his contacts in Europe to arrange hotel accommodations for Owen.⁷

Owen's association with Musher was a source of potential embarrassment. After Musher had won the special privilege of exporting gold to Spain to save his import business in olive oil, he had bragged to his friends about his influence with Owen and the president. Emboldened by thwarting the rules imposed by the Federal Reserve Board, he began speculating openly in foreign exchange, particularly trying to manipulate the market in Italian and French currencies. An executive

order issued on January 26, 1918, had forbidden any dealer in foreign exchange to transact business without a license and without filing detailed reports with the Department of the Treasury. Musher blatantly ignored the rules and carried on his speculations at a time when the federal government was seeking to stabilize European currencies as part of a broad economic policy toward Europe. Musher's activities threatened to disrupt this policy. Therefore, the Department of the Treasury and the Federal Reserve Board closely monitored Musher's actions.⁸

The Office of the Cable Censor, still in operation despite the war being over, was one of the tools used to keep track of Musher. As Owen sailed for Europe in December 1918, the censors began intercepting Musher's messages to Europe. In this way investigators learned that Musher was making reservations for Owen at hotels in Europe and periodically was instructing Owen to intercede with the French and Italian governments to help gain approval for Musher's proposed purchase of French francs and Italian lire. Treasury and Federal Reserve officials reached the conclusion that Owen was a partner in speculations with Musher and was providing him with inside information. Owen, however, believed that Musher wanted to purchase currency merely as a "hedge" against fluctuations in currency in the Mediterranean countries where he did business. Carter Glass, who had been appointed as Secretary of the Treasury in 1918, made special note of the controversy for possible use against Owen in the future. He also cabled President Wilson, warning him not to meet with Owen when he arrived in Europe.⁹

Unaware of any investigations, Owen visited London, Paris, and Madrid, playing the role of a touring statesman. Early in January 1919

financial and governmental leaders in London met with him and held a special dinner in his honor at the Savoy Hotel. Designated as "one of the pillars of American financial statesmanship," Owen addressed the gathering with an explanation of the functioning of the Federal Reserve System. Distinguished financial experts, such as Reginald McKenna of the London Joint City and Midland Bank and John Maynard Keynes of the British Treasury, attended the dinner.¹⁰

A few days later, Owen arrived in Paris, where the peace negotiations were about to begin. Colonel House, who was a member of the official American delegation, conferred with Owen on January 5. The quarrelsome attitude of many Senators back home was already undermining Wilson's standing with other principal leaders, and House was "anxious to educate" Owen about the situation "so he may go back to the United States and to his colleagues in the Senate and tell them some of the mischief they have wrought."¹¹

President Wilson also met with Owen briefly. With the president and House so courteous, Owen began making several suggestions about the peace negotiations and provisions for the treaty. He had a long conversation with Lord Robert Cecil, a British official, and conveyed their discussion about the League of Nations to the president. Wilson politely acknowledged Owen's suggestions, but already had sufficient advice on such matters; thus, Owen had little real impact on the early negotiations at Paris.¹² His assessment, however, of the general attitudes of the principal British and French negotiators was accurate. He realized that they intended to impose heavy penalties on Germany and warned against such a course. He predicted to a reporter from the New York Times: "Germany will bide her time, increase her strength and

population, feed her hatred on the desire for revenge, and eventually come back with far greater force."¹³ His prediction was uncannily prophetic.

While in Paris, Owen also investigated the financial situation and met with officials concerning his proposal for a Federal Reserve Foreign Bank. He was appalled by the inflation of the French currency. Owen visited Madrid briefly late in January for his friend, Musher, and returned to Paris for a short time before sailing home on February 10. Arriving in the United States about one week later, Owen immediately began using the information that he had collected to recommend postwar legislation.¹⁴

By the time of Owen's return from Europe, he was beginning to lay the groundwork for his candidacy for president in the election of 1920. Probably he hoped that his reputation in financial affairs would add to the possibility of winning the Democratic nomination. Evidence that he had gathered on his trip reconfirmed the necessity for his earlier proposal of a Federal Reserve Foreign Bank. Throughout 1919 he continued to promote the issue in letters to President Wilson, in interviews with newspapers, and on the floor of the Senate. He even published a brief book on the issue.

By this time he had expanded on his original ideas for such a bank of exchange. The main office would be located in New York, where a centralized service of taking all orders for foreign exchange would be provided. When exporters or importers needed to exchange money here or abroad, they would thus have a reliable service provided for them at a standardized fee. Branches of the bank in Europe would hold gold which could be used in exchange and could be used to stabilize all currencies

at a fixed rate with the dollar. All unnecessary middlemen, speculators, and profiteers would be eliminated from the business of foreign exchange. The bank would be government-controlled and would have merchants for directors rather than bankers.¹⁵ Explaining his goal in creating a Federal Reserve Foreign Bank, Owen said:

Such a bank could not only bring the American dollar to par, but what is more important could fix the American dollar at commercial-par and maintain it there as a standard measure of value for international contracts throughout the whole world. Unless this is done America cannot become the financial center of the world.¹⁶

President Wilson politely referred Owen's letters on the Federal Reserve Foreign Bank to the Department of the Treasury, where his proposal was promptly rejected. Secretary of the Treasury Glass was even less inclined than former Secretary McAdoo to favor the proposal, for he was solidly opposed to the federal government injecting itself into a field normally handled by private banks. Most other high officials in the Department of the Treasury agreed that the government should not undertake such projects. With Wilson depending on their advice, Owen's proposal had virtually no chance of passing. This was also true for another bill that Owen introduced in June 1919 to create a Foreign Finance Corporation. This proposed governmental agency would have extended long-term credit to European governments and businesses in order to facilitate their postwar recovery.¹⁷

Owen submitted this new proposal because he astutely realized that conditions in Europe were rapidly changing. Although there had been an overabundance of United States dollars in Europe during the war, now a scarcity was occurring because of the curtailment of loans from the United States government to the allies. This caused the value of dollars to increase so much that European governments began forbidding

the purchase of American exports. Owen believed that only if American credit was extended would Europeans be able to have enough money to purchase goods from the United States. He was not alone in this opinion. Frank A. Vanderlip, the New York financier, likewise, warned that the devastated European economy could not possibly recover without massive long-term credit. Like Owen, he proposed that the federal government should join in the effort, although his plan called for a combined effort by the government and a consortium of international banks. When Vanderlip first began calling for such aid late in May 1919, Owen immediately held a conference with exporters from New York in his office and unveiled his plan for them.¹⁸

The initial response was favorable, but again the officials of the Department of the Treasury opposed Owen's plan, as well as Vanderlip's and others similar to it. Treasury officials wanted less, not more, governmental involvement. Their formula for economic reconstruction of Europe depended heavily on the idea that a return to private channels of investment and finance were superior to any governmental interference. When Senator Walter E. Edge of New Jersey submitted a compromise proposal drawn by lawyers of the Federal Reserve system, Owen vigorously supported it. The Edge Act, passed in December 1919, allowed the formation of private corporations that would invest in European bonds. These corporations would then use the European bonds as security for issuing their own bonds to the public in the United States as a way of raising revenue. The government would regulate these corporations and would subscribe up to 20 percent of the corporations' bonds to build confidence in them; thus, the government would take only a limited role in the operation. Although Owen endorsed the Edge Act, he argued that

only governmental operation of a large centralized corporation would meet the demand for credit in Europe. Later events proved him correct. Europe did not easily recover and United States exports declined dramatically.¹⁹

With his proposals for a Federal Reserve Foreign Bank and a Foreign Finance Corporation, Owen was continuing his well-established promotion of more governmental involvement in financial affairs. This was a position he had taken during the original discussions of the Federal Reserve Act in 1913. At the same time another pattern in Owen's philosophy was emerging--his tendency to emphasize the monetary theory of economics. Inherent in his proposals for a Federal Reserve Foreign Bank and a Foreign Finance Corporation was the idea that a manipulation of the supply of money was the key to economic stability. This emphasis on the supply of money and the desire for more governmental involvement clashed with the theories of more conservative officials of the Federal Reserve System and the Department of the Treasury. These conservatives preferred a more eclectic and complex interpretation of economics and advocated domination of the economy by private interests rather than by the government.

Owen was not simplistic in his assessment of rising and falling prices, for he recognized that wartime costs, excess profits taxes, local profiteering and other factors affected the cost of living. But he believed the supply of money was the most important of all factors. Accordingly, when the Federal Reserve System began posturing itself for an increase in the discount rate, Owen objected. When the regional banks finally acted in January 1920, with the blessing of the Federal Reserve Board, Owen became the principal critic of such action. Fed-

eral Reserve officials publicly justified the increase to six percent as a means to curb excessive speculation in the stock market. Privately they also feared that the gold reserves in the country could not cover the massive amounts of currency and credit in circulation. Owen believed that other methods could be used to curtail the extension of credit for speculation and that an across the board increase of the discount rate would penalize legitimate commercial expansion and would lead to a depression. Over the following several months prices fell dramatically and a severe depression hit the agricultural sector of the economy. As this happened, other leaders, particularly from farm states joined with Owen in criticizing the policies of the Federal Reserve banks.²⁰

The disruption of the agricultural sector of the economy was part of a much larger adjustment that occurred at the end of the war. Small businessmen, factory owners, and workers had to grapple with the difficulties of returning to a peacetime economy. Along with this economic instability came the political unrest of the Red Scare of 1919 and 1920--a hysterical reaction to the labor unrest and apparent radicalism of working men. The Red Scare was caused by many factors. The anti-German hatred manufactured during the war did not simply disappear with the armistice; instead, it was transferred to foreigners from Russia and eastern Europe. This xenophobic attitude was further exaggerated because of the news of the Bolshevik revolution in Russia and the Bolshevikis' subsequent threats to export their revolution to other countries. Many United States citizens began interpreting events at home as being the result of communist subversion. When workers went on strike in various industries and in various parts of the country, many

people assumed that it was part of a grand Bolshevik design. Also the discovery of several bombs sent through the mail in the spring of 1919 merely reconfirmed the suspicions that communists were behind the general unrest in the country. Those caught up in the hysterical mind set were relieved when Attorney General A. Mitchell Palmer ordered agents of the Justice Department to round up alleged radicals and deport them to Russia.

In the midst of all of this, any organizations or leaders who had liberal views were considered probable allies of the Bolshevik plot to overthrow the American government. Among many other groups, the National Popular Government League came under attack. While Owen was still on his European trip in February 1919, the league sponsored a speech on recent events in Bolshevik Russia. A reporter from the Washington Post attended the meeting and wrote a story indicating that the gathering had advocated a "Red America." Judson King, still secretary of the National Popular Government League, immediately wrote a circular letter to members of Congress denying the reporter's charge. During the following months the league boldly continued to sponsor controversial discussions at its weekly forums. One speaker advocated the repeal of the Espionage Act and another spoke in favor of the steel strikes. Following Attorney General Palmer's raid on the homes of suspected radicals in January 1920, a League member, Assistant Secretary of Labor Louis F. Post, became the principal critic of that action. Also, in May 1920 the League published a pamphlet written by twelve eminent lawyers who severely criticized the violations of civil liberties during Palmer's raid.²¹

On several occasions Owen joined with his fellow members of the

National Popular Government League in trying to curb the Red Scare and to protect civil liberties. During the war, however, Owen had been caught up in the intense anti-German atmosphere. Early in 1918 he recommended to Wilson that he employ trial by court martial against citizens accused of treason, and later he told an audience that a statue of Frederick the Great should be dumped in the Potomac River. But during the Red Scare he was more rational. In September 1919 he allied with Senator Borah in denouncing the presence of United States troops in Russia, where they had been sent during the war but had not yet been ordered out. Even if Europeans wanted to help overthrow the Bolsheviks with their armies, the United States should not be involved.²²

Early in January 1920, Owen was one of several senators who spoke convincingly to defeat the Graham-Sterling Sedition Bill, which was designed to suppress dissent to the government during peacetime.²³ On January 21 he warned an audience at a meeting of the National Popular Government League that the "arbitrary power" proposed by the bill would be abused, and that threats to the government had been exaggerated. "Ninety per cent of the talk about the danger of a Bolshevik 'revolution' in this country is nonsense," he said. "It is time to discount hysteria and return to normal thinking."²⁴

While the Red Scare was attracting much of the nation's attention, the debate over the proposed League of Nations and Treaty of Versailles likewise stirred the country. On this issue Owen became a major participant. He began outlining his own ideas on the question of peace and the war aims of the United States a few weeks after its declaration of war. By late May 1917 he submitted a resolution on war aims for

comment to Secretary of State Robert Lansing. Owen intended to introduce his resolution in the Senate with the goal of giving Congress an opportunity to help formulate goals for the war. Lansing quickly wrote Wilson and recommended that the president confer with Owen to keep him from introducing his resolution. Lansing believed Owen's ideas were good but thought the timing was wrong. "I am not sure how the various Allied Governments would view this formal declaration . . . without our consulting them," Lansing explained.²⁵ As the secretary advised, Wilson dissuaded Owen from introducing the resolution. Divided into seven sections, Owen's proposal suggested territorial changes in Europe that later were advocated by Wilson when he finally made his formal peace proposal. Among other things, he called for a return of conquered land to the nations that had been attacked, demanded the establishment of sovereignty for the people of Austria and Germany, and insisted on the establishment of freedom of the seas.²⁶

The following August, when LaFollette and other senators began proposing peace resolutions, Owen conferred with Wilson and then introduced an expanded version of his original proposal. This new resolution included most of the same provisions of his earlier plan and added several sections outlining an "international organization of all civilized nations." Various groups throughout the country had been advocating such an international organization, and Wilson was considering the concept as well.²⁷

On January 8, 1918, Wilson finally presented his peace program to Congress. Soon referred to as the Fourteen Points, Wilson's proposals included an abolition of secret diplomacy, the establishment of freedom of the seas, the removal of economic barriers to trade, a reduction of

armaments, and an adjustment of colonial claims with input from the inhabitants of the colonies that would trade hands. Several of Wilson's points dealt with changes in European boundaries under the guiding principle of "self determination" for the people who lived in the areas that would be changed. The capstone to Wilson's Fourteen Points was the proposal of a "general association of nations" that would provide collective security and guarantee the territorial integrity to all countries. Owen immediately became one of the strongest supporters of Wilson's peace plan. In late January he introduced a resolution endorsing the president's Fourteen Points and over the next several months spoke in favor of the plan, particularly emphasizing the necessity of the League of Nations, as Wilson's final proposal was now called.²⁸

Throughout 1918 Owen was perhaps Wilson's most reliable ally on the floor of the Senate whenever the question of peace was being discussed. In October the Germans began communicating with Wilson, indicating that they were interested in his Fourteen Points as a basis for peace. When Wilson began replying to the German messages, his arch-rival Henry Cabot Lodge and the devout belligerent Miles Poindexter criticized the president. They accused Wilson of being too conciliatory and feared the Germans were trying to dupe him into calling an armistice so they could stall for time and prepare their defenses against an Allied invasion of Germany. Owen immediately rose to defend Wilson's wisdom in dealing with the Germans. He said that Wilson would not allow the Germans to surrender without first dethroning the military and promising to accept a peace based on the Fourteen Points.²⁹ A few days later Wilson forcefully demanded that the people of Germany

oust the Kaiser and the military before an armistice would be signed.

Praising this "perfect" reply to the Germans, Owen wrote Wilson:

When I answered on the Senate floor Senator Lodge's criticism, I fully foresaw the issue. I had complete confidence in your ability to handle it to the very best advantage, which you have so splendidly done.³⁰

Within days after the armistice, the Senate again began debating the Fourteen Points that were to be the basis of the peace negotiations to be held at Versailles, the old palatial city of Louis XIV near Paris. The principal concern was the League of Nations. On November 15 several senators, including Poindexter and Penrose, said they feared that the League of Nations would commit the United States to decisions that would compromise the United States Constitution and abrogate the Monroe Doctrine. Owen, disagreeing with this assessment, once again jumped to the defense of Wilson and the League. He believed the League of Nations would be a deterrent to war and would forestall any future arms race. Curiously, he also injected his domestic progressive philosophy into the proposal, characterizing it as an opportunity to establish "universal people's rule."³¹

Wilson soon announced that he would head the United States delegation to Europe to oversee the negotiations of the peace treaty. After arriving in Versailles early in 1919, he soon found that many of his idealistic Fourteen Points were unattainable, except for the League of Nations, which he uncompromisingly insisted should be included in the final treaty. Early in the conference Wilson directed the formulation of the section of the treaty dealing with the League of Nations, which he called the "covenant." In February he took a leave of absence from the conference and with his League covenant in hand, returned briefly to the United States to sell his proposal to the Senate. Owen contin-

ued to defend Wilson's proposal before the Senate, which was growing increasingly critical under the leadership of Wilson's nemesis, Senator Lodge, who was chairman of the Committee on Foreign Relations and therefore would have charge of considering the treaty when it was submitted. In a lengthy speech delivered on February 26, Owen discussed the covenant of the League of Nations section by section. He realized that opponents strongly objected to Article X, which committed all member nations to take action against any country that started a war. This did not disturb Owen; in fact, he insisted that it was a crucial necessity. He proposed the insertion, nevertheless, of a minor amendment that in part said: "Nothing contained in the instrument itself should be construed as granting any rights to the League over the internal affairs of member nations."³²

Owen's willingness to compromise on the wording of the articles dealing with the League and his admission that the proposal was "not a perfect document" indicated a conciliatory attitude. In contrast, the president grew increasingly intransigent when Republican senators demanded major changes in the League covenant. Anticipating this opposition, Wilson had purposely tied provisions covering the League of Nations to the entire treaty so the Senate would not dare reject it. He then returned to Europe to finish the process of drawing up the treaty. When he returned to the United States in July, he brought with him an imperfect treaty. It contained provisions for reparations forced upon Germany, which Wilson had unsuccessfully opposed at the peace conference. He also had been forced to compromise away a portion of his principle of self determination of peoples, for the European boundaries and the colonial adjustments violated that principle in

many particulars. But Wilson's League covenant remained intact, embedded securely in the treaty.

The League was not as safe as it seemed. Senator Lodge attacked the League covenant with vigor and defiance when the treaty was submitted to the Senate. He was supported by other Republicans who demanded substantial amendments or reservations before they would ratify the treaty. On August 12 Lodge inaugurated his opposition with an eloquent speech against the League. The Democrats called upon Owen to refute Lodge's criticism two weeks later. In a lengthy rebuttal on the floor of the Senate, Owen attacked Lodge for his opposition, accusing him of blocking approval simply to enhance the position of Republicans. This was obviously true, Owen asserted, because Lodge actually had advocated an international organization similar to the League of Nations as recently as 1915. Concerning Lodge's fears that other nations would conspire to destroy American independence, Owen replied: "The Senator is seeing ghosts."³³

Lodge and the Republicans, of course, were not dissuaded by arguments, and with a forty-nine to forty-seven majority in the Senate, they were able to pack the Committee on Foreign Relations with members unfriendly to the League. Also, Lodge, as chairman of the committee, stalled the treaty and the League by opening time-consuming hearings when it reached his committee. Because public support also began declining, Wilson decided to take the issue to the people in September 1919. He made excellent progress in a speaking tour throughout the Midwest and West, but while on his trip he collapsed at Pueblo, Colorado, on September 25, 1919, and later suffered a paralyzing stroke. Directing the crusade for ratification from his sickbed in the White

House, Wilson stubbornly ordered Democrats to support the treaty only if the covenant was left in its original form. No reservations or amendments would be allowed.

As the bitter struggle between Wilson and his opponents developed, Owen continued to support the president. On the Senate floor, he defended some of the most questionable provisions of the treaty--such as Japanese control over the Shantung region in China--and constantly supported the League when it was attacked by opponents.³⁴ On September 1, 1919, he was the principal speaker for the nonpartisan League of Nations Association at Stony Brook, New York. In much of his address he attacked Senator Lodge. He reminded the audience that Lodge had for years advocated nonpartisanship in foreign affairs with the maxim "Party lines cease at tidewater." But Owen accused Lodge of violating this very principle:

With his factious opposition, with his destructive criticism, with lining up a party opposition against the righteous judgment of mankind, the honorable Senator has forgotten this wise maxim in partisan excitement.³⁵

Over the following weeks Owen continued to accuse opponents of partisanship, and he particularly defended Article X against the argument that it would force America to go to war without authorization from Congress.³⁶

Despite his stalwart support, Owen had a much stronger tendency to compromise than Wilson, who came to guard jealously against any important changes in the League covenant. Wilson had not always been so immovable on the question of reservations. On August 19, at a conference with the members of the Senate Committee on Foreign Relations, Wilson had suggested that an interpretative resolution separate from the treaty might be acceptable. The next day Owen introduced just such

an interpretative resolution that covered most of the complaints raised by opponents. Among other things, the resolution guaranteed the right of Congress to declare war, reconfirmed the validity of the Monroe Doctrine, and called for the Japanese to withdraw from the Shantung region as soon as possible. Because Owen was not a member of the Committee on Foreign Relations, there was little chance of his proposal being considered. Minority leadership on the committee fell to Senator Hitchcock of Nebraska. Also, Wilson, particularly after his stroke, became intransigent to any amendments and commanded Democratic senators not to allow any changes.³⁷

As the Senate continued its consideration of the treaty, Owen began separating himself from the uncompromising directives of the White House. On October 15, 1919, he offered an interpretative amendment that had two parts. One part of his amendment dealt with Britain's control over Egypt. The treaty had given Britain a "protectorate" over Egypt. Owen wanted the United States to recognize only "nominal" control without "sovereign rights over the Egyptian people." Although this was a direct rejection of an article of the treaty, Owen contended that he had not abandoned his unqualified acceptance of the treaty. Also, as part of the same resolution, Owen offered an interpretation of the treaty as a whole. He suggested that nothing in the treaty should be construed as abrogating the original Fourteen Points. Some critics had charged that the treaty had failed to follow the Fourteen Points, and Owen sought to refute their charges.³⁸

When the treaty was finally reported from the Committee on Foreign Relations to the Senate, several days were spent altering it. Several reservations recommended by Lodge were agreed upon with the votes of

Republicans and a few Democrats who abandoned Wilson. Except for his own reservation concerning Egypt, Owen followed the president's directive to vote against significant reservations. And when the treaty with Lodge's reservations was brought to a vote, Owen dutifully opposed it. It lost thirty-nine to fifty-five. Thirteen "irreconcilable" Republicans, who objected to the League in any form, joined the Democrats in rejecting the treaty with Lodge's reservations. Only four Democrats abandoned Wilson and voted for Lodge's version of the treaty. However, Owen, having done his duty to his president and his party, decided to join Lodge.³⁹

Later in the day the Republicans allowed another vote on the Treaty with Lodge's reservations. Just before the roll was called, Owen announced that he was switching his position. He explained that he preferred a treaty without any amendments but had voted for those earlier proposed by Senator Hitchcock as a compromise. Now that it was clear that the Republicans would block any version of the treaty except with the Lodge reservations, Owen was switching. Calling for compromise, he appealed to his colleagues:

In voting for the Lodge reservations, which are subject to several very serious objections, I do so in a spirit of conciliation with the hope that my example and that of others may break down the barriers of excessive party and personal pride in the interest of our beloved country. We are all Americans, and in foreign affairs we should not divide as Republicans and Democrats, whose divisions are based on domestic differences alone.⁴⁰

The new vote likewise failed forty-one to fifty-one.

Lodge and the Republicans later allowed a vote on the treaty without reservations, but it too failed by a vote of thirty-eight to fifty-three with Owen voting for passage. It was clear that the Treaty, and therefore the League, would not pass without compromise. Wilson's

strategy of linking the League with the treaty had failed.⁴¹

After the defeat of the treaty, the first session of the sixty-sixth Congress soon ended. When the new session convened early in December, many Democrats in the Senate began negotiating for a compromise. Owen did not participate in a major way in these first discussions, but after the Christmas break he became perhaps the most important advocate of conciliation. He was motivated to take a leading role by former Secretary of State Bryan, who arrived in Washington to promote the acceptance of the League in virtually any form. As had been the case so many times in the past, Owen agreed with Bryan on a major issue.⁴²

Bryan and Owen displayed their unity on the issue of the League at the Jackson Day Banquet in Washington, D.C., on January 8, 1920. Both were speakers, along with a host of other party leaders--Attorney General Palmer, Champ Clark, Secretary of the Navy Josephus Daniels, former Ambassador to Germany James W. Gerard, Governor James Cox of Ohio, and several senators. Many of the speakers were presidential hopefule, and this included Owen, who had recently announced that he was a candidate.⁴³

The sensation of the evening occurred when a letter from President Wilson was read. It called for the ratification of the treaty "without changes which alter its meaning." And if the effort failed in the Senate, it should become a "great and solemn referendum" as part of the presidential campaign of 1920. When the chairman of the banquet finished reading the letter, the audience arose, cheered, and waved flags and napkins. At the guest table Bryan and Owen remained conspicuously silent and in their chairs. When Bryan later spoke, he argued that

there should be no delay, that Democratic senators had tried but failed to achieve ratification without reservations, and that compromise was the only solution. Owen and Gerard were the only other speakers to advocate conciliation.⁴⁴

Within the next few days Owen sought to bring about a compromise as he and Bryan had suggested. Owen and several other Bryanite senators called an informal conference at Owen's apartment. Twenty senators attended to discuss the possibilities for compromise rather than waiting for the presidential campaign to decide the issue. Owen hoped that any changes could be made in a way that would be acceptable to Wilson.⁴⁵ After the meeting he told a reporter, "I am now satisfied that something definite will develop during the coming week and that an adjustment with the Republicans will be reached."⁴⁶

Using the harmony created at this first conference, Owen soon convinced Senator Hitchcock to join the effort to effect a compromise. Hitchcock, in the role of ranking Democrat in foreign affairs, accompanied Owen to Lodge's office on January 15. Lodge agreed to appoint three additional Republicans and to meet with several Democrats who sought compromise. The result was a bipartisan conference that met from January 15 to 30, 1920, to try to forge a compromise on the League. The other three Republicans that Lodge chose to participate were Harry S. New of Indiana, Irvine L. Lenroot of Wisconsin, and Frank B. Kellogg of Minnesota. Democrats included Owen, Hitchcock, Thomas J. Walsh of Montana, Kenneth D. McKeller of Tennessee, and Furnifold M. Simmons of North Carolina. During the meetings, these senators moved toward a compromise. However, when the press reported that the conference was approaching an agreement, Senator Borah and other irrecon-

cilables demanded that Lodge make no concessions concerning the League. Probably no agreement would have been reached in any event, and the meetings ended in failure on January 30.⁴⁷

Soon the Senate leaders brought the treaty back to the floor for discussion. Many of the arguments and attempted amendments were once again discussed as they had been in the fall of 1919. Early in March, Owen announced that he would vote for all forms of the treaty--a version with Lodge's reservations, one with Hitchcock's reservations, or one acceptable to Wilson. "The differences are not sufficiently important to justify delay in declaring peace," he asserted to his colleagues.⁴⁸

On March 10 some Republicans offered a new proposal with modified provisions for the controversial Article X. Owen quickly called another conference that twenty Democrats attended, but the last-ditch effort fell apart. Owen continued to state publicly that he would support even Lodge's reservations. On March 19 he held true to his promise and voted for Lodge's version of the treaty. Twenty other Democrats likewise abandoned Wilson, but the vote of 49 to 35 was far short of the two-thirds majority necessary for ratification. A few days after the vote Owen, with the blessing of Bryan, offered a resolution for a constitutional amendment to allow a simple majority of the Senate to ratify treaties.⁴⁹

Some political observers believed Owen had favored the compromise on the treaty because he was a candidate for president and wanted Bryan's support. Actually, Owen had advocated compromise weeks before Bryan stepped back into the political scene, but Owen also, no doubt, realized that Bryan's friendship might be very helpful. As early as

December 1, 1919, Owen made friendly overtures toward Bryan. He agreed to introduce a bill favoring a publicity pamphlet in national campaigns and exchanged views concerning the next minority leader of the Senate.⁵⁰ Bryan in return wrote warmly about Owen as a presidential possibility and noted that Democrats in Oklahoma seemed to be organizing for him. To this Owen replied: "I have really done nothing to promote my own candidacy, but have left the matter in the 'lap of the gods."⁵¹ This was only partially true. In its early stages, Owen had no direct connections with the "Owen for President" movement that had emerged in Oklahoma; once his supporters had inaugurated the campaign, his office worked closely with the principal leaders of the movement.

Promotion of Owen's candidacy began in the spring of 1919 when several of the senator's friends began calling for the formation of Owen-for-President Clubs. Harlow's Weekly, a statewide periodical, became one of the earliest and most ardent boosters of the movement. On May 18, 1919, the first local club was formed at McAlester, Oklahoma, which led to the organization at the state level in July 1919, with Governor James B. A. Robertson as president and all former governors (including Owen's rival Haskell) as honorary vice presidents. By August Owen's former secretary, James W. Beller, established national headquarters for the club in Washington, D.C. It immediately became the real control center for the campaign, issuing press releases, corresponding with convention delegates from other states, and directing the activities of Owen's supporters. Late in December 1919 Owen announced that he would be a candidate in response to the call from his fellow Oklahomans. Soon, D. Haden Linebaugh, who had been United States attorney because of Owen's support but who was now a private

attorney, set aside his law practice to devote all his time to Owen's campaign.⁵²

Despite solid support from Democratic leaders, Owen's strength in the state was not overwhelming. When Owen's friends in the congressional delegation printed a speech by Representative William W. Hastings endorsing Owen and then distributed it using a congressional frank, several editors of newspapers in Oklahoma objected. Also, in a straw vote, which the Oklahoma Publishing Company conducted, Owen only narrowly edged out Bryan, who was not even a candidate for the presidency. Nevertheless, Owen easily won control of the state's delegation at the Democratic convention in February 1920. Also, Owen became very confident after a three-week speaking tour in several western states in April 1920. Bryan joined him at several of his stops and shared the platform with him in Los Angeles and Salt Lake City. Owen then toured several towns in Nebraska, where he spoke in favor of Bryan's control of Nebraska's delegation to the national convention.⁵³ After also making speeches in several states along the Mississippi River, Owen returned to Washington, D.C., and immediately wrote his friend, Samuel Untermeyer in New York. "Had a very interesting trip and I believe the Rocky Mountain States will support me from the temper of those I met," wrote Owen.⁵⁴ Untermeyer then arranged several speaking opportunities in New York and New England for Owen and contributed \$1,000 to his campaign.⁵⁵

On June 10, Owen arrived in San Francisco, the site of the Democratic convention. He was the first candidate on the scene, and was well received by the press, especially the newspapers controlled by William Randolph Hearst, who was friendly to Owen. Having little real

chance for success, Owen learned that Untermyer was too ill to attend the convention. Untermyer had considerable influence with the New York delegation. Following the usual preliminaries, Owen was nominated by Linebaugh on June 30, followed by a big demonstration from the Oklahoma delegates. Even before the nominating speeches it was apparent that there was no dominant front runner. Numerous favorite sons had hopes of becoming a dark horse winner, especially since Warren G. Harding, Ohio's favorite son, had just won the Republican nomination. Former Secretary of the Treasury McAdoo, Governor Cox of Ohio, and Attorney General Palmer quickly emerged as the front runners when the balloting began on July 3. Their respective positions fluctuated over several days of balloting until Cox finally won on the forty-fourth ballot on July 6. Throughout the contest Owen had continually received between approximately thirty and forty votes.⁵⁶

After the third ballot, Bryan successfully delivered nine votes out of sixteen for the Nebraska delegation. Oklahoma's twenty delegates voted for Owen and a smattering of delegates from Arizona, Massachusetts, Tennessee, Arkansas, Missouri, and a few other states supported him. When the last ballot was cast, Owen stubbornly remained a candidate, which angered some of the Oklahoma delegates who wanted to switch their votes. Owen's poor showing illustrated the difficulty of a candidate from the West gaining the nomination, and it revealed the inability of Bryan to influence the party he once virtually dominated.⁵⁷

Owen campaigned extensively for Cox in the months that followed the convention. Much to his dismay, Cox lost by landslide proportions to Harding in November. The Democrats also lost numerous seats in both

houses of Congress as the voters of the country seemed to reject the Wilsonian and progressive idealism of the past. The Democratic party thus weakened, Owen had little of the power and influence he had once wielded; he thus appeared to lose partial interest in his job. He remained active in several areas. During the remainder of 1920 and throughout 1921 and 1922, he frequently and vigorously attacked the policies of the Federal Reserve Board. Particularly, he continued to criticize their maintenance of a high discount rate. Again he argued that the contraction of credit was "wholly unwise and ruinous to legitimate production."⁵⁸ As the stagnation of the economy turned into a depression, particularly in the agricultural sector, other leaders joined Owen in attacking the Federal Reserve Board.

In response to the hard times, an agrarian-progressive coalition emerged in an attempted return to liberalism. Owen joined with this bloc in support of aid to workers and farmers. He also opposed the return to protectionism in the Fordney-McCumber Tariff of 1922. With this revival of progressivism, Owen returned to Oklahoma to campaign for Democratic candidates, including Jack Walton, the Democratic gubernatorial nominee who was supported by the radical Farm-Labor Reconstruction League of Oklahoma.⁵⁹ When progressive Republicans and Democrats won decisively in November, Owen was elated. He wrote former President Wilson that a "great progressive reaction" was occurring. "The work begun by your Administration will be carried forward to a glorious conclusion," Owen told his former party leader.⁶⁰ In December Owen also took part in a nonpartisan national conference for progressive leaders organized by Senator LaFollette. Agrarian and labor leaders attended along with several progressive senators and represen-

tatives. From this point until the end of his senatorial career Owen continued to support progressive proposals, but he was not the dominant figure that he once was.

His once intense interest in Indian affairs likewise waned in his last years in the Senate. The pressing matters of the days immediately following statehood had long since passed. Owen continued to introduce legislation allowing tribes to sue the government, promoted special expenditures for the Indians, and dealt with a wide range of affairs affecting the Indians. One of the most controversial issues that he faced was the use of peyote among the various tribes of Indians. Several tribes in Oklahoma had begun using the drug as part of their religious rites, and officials of the Bureau of Indian Affairs had banned its use. Owen aided ethnologist James Mooney in trying to get the ban lifted.⁶¹

In foreign affairs Owen continued to advocate that the United States should join the League of Nations. He also warmly embraced the Washington Disarmament Conference of 1921. In other areas of foreign affairs he was significantly influenced by the National Popular Government League. The organization continued to hold forums in the early 1920s and turned much of its attention to foreign matters. The National Popular Government League became an ardent foe of colonialism, sponsoring speakers who demanded that the Japanese leave Shantung and that the British abandon India. In April 1922, Owen and other members signed a lengthy report condemning the presence of American marines in Haiti.⁶²

Early in 1922 Owen revived his old proposal of a Federal Reserve Foreign Bank and combined it with his old idea of a Foreign Finance

Corporation. Again, he traveled to Europe where he discussed his ideas with officials of various countries. Many European leaders were interested in acquiring long term credits and some endorsed his plan of a Federal Reserve Foreign Bank. But he failed to gain support for his proposals in Congress.⁶³

In 1923 Owen became increasingly concerned about relations between France and Germany. He particularly objected to the French occupation of Germany's Ruhr industrial district when the Germans failed to make some of their reparations payments. Owen had earlier argued for more favorable terms for the French in repaying their own debts to the United States, but in January 1923 he strongly objected to the French invasion of German territory. During the following summer he again traveled to Europe, and while in France he openly criticized Premier Raymond Poincare' and the continued French occupation of the Ruhr district.⁶⁴

While still in France in September 1923, someone gave Owen a copy of Livre Noir [Black Book], a French translation of secret documents that were found in the archives of the Russian foreign office and made public by the Bolsheviks. What he read startled him. The book outlined several secret agreements made by French and Russian officials prior to the war. These agreements clearly revealed that the Russians and French had drawn up plans for war with Germany and indicated that both countries would use such a war to gain advantages in Europe. The Livre Noir also contains several dispatches between Russian Ambassador to France Alexander Izvolski and Russian Minister of Foreign Affairs Sergei Sazonov. The messages revealed that the Russians were pleased with the belligerent attitude of the French people. Finally, the book

also includes several of the secret agreements made after the war began between the French and Russians in which they agreed to certain territorial gains at the expense of Germany. These details motivated Owen to research the topic further. After reading more secret documents and several revisionist works, he concluded that the war was thrust on Germany by the expansionist leaders of Russia and France. Russia, in particular, he condemned for its imperialistic designs.⁶⁵

On December 18, 1923, he presented his findings to the Senate. Although he concluded that the Russians and French were more responsible for starting the war, he condemned militarism in general as the overriding cause. America was still justified in declaring war because the rulers of Germany committed numerous acts of war against the United States first. And the outcome of the war was satisfactory:

Happily for the freedom of mankind the war resulted in the destruction of the three great military dynasties--of the Hohenzollerns of Germany, the Hapsburgs of Austria, and the Romanoffs of Russia.⁶⁶

The reaction to Owen's discourse was immediate. Most of the newspapers of the country gave only passing notice, but the two large German-American periodicals--the American Monthly and the German American World--immediately hailed the speech as a masterpiece. Both magazines printed portions of the speech and made reprints available at nominal cost. The editors also solicited more articles from Owen. George Sylvester Viereck, editor of the American Monthly and one of the most uncompromising German-Americans in the country, labelled Owen as "courageous" and a "statesman." He likened Owen to prominent German Americans. Viereck exclaimed, "Happy the day that will hail in the White House an Owen or a Shurz!"⁶⁷

Prominent educators and historians likewise praised the speech

Owen gave in the Senate. "I am fairly amazed at your command of the historical evidence and at your skills in marshaling it," wrote Ferdinand Schevill, Professor of Modern European History at the University of Chicago.⁶⁸ Others who complimented Owen included Sidney B. Fay, Professor of History, Smith College; Edwin E. Borchard, Professor of Law, Yale University; and Nicholas Murray Butler, President of Columbia University. Owen soon made contact with other liberal revisionist politicians from Europe: E. D. Morel, member of the British Parliament and editor of Foreign Affairs; Francesco Nitti, former premier of Italy; and Herman H. Aall, Swedish attorney and Secretary of the "Neutral Commission of Investigation into the Causes of the World War."⁶⁹

Revisionists throughout the world warmly welcomed Owen into their fraternity. Particularly friendly was Alfred von Wegerer, leading German propagandist and publisher of revisionist materials. Early in 1924 he published Owen's Senate speech of December 18 in the German language. After Owen's retirement from the Senate, Von Wegerer published another speech that Owen delivered in March 1926 to the Foreign Policy Association in Boston. Likewise, the Neutral Commission of Investigation into the Causes of the World War used a letter from Owen inquiring about the war as a basis for a book length dissertation over the causes of the war. Finally, Owen also wrote and published his own book, The Russian Imperial Conspiracy, 1892-1914, which was widely distributed by German-American groups in the United States in 1927 and 1928.⁷⁰

While Owen's new cause was widely praised by foreigners and liberal educators, many Oklahomans were not pleased. They reacted quite negatively to his original speech in 1923, for they rejected the rev-

elation that the hated "Huns" were not entirely at fault for the war. His political opponents hoped the issue could be used to unseat him. In February 1924, Owen made the issue purely academic when he announced his retirement from the Senate. Many political observers in Oklahoma reacted with surprise to the announcement. Several newspaper editors, normally friendly to Owen, indicated it was a wise choice due to Owen's apparent political apathy.⁷¹

Interest in politics revived suddenly for Owen during the Democratic National Convention in the summer of 1924. He joined Bryan as a principal speaker opposed to a resolution that condemned the Ku Klux Klan. The Klan had risen to power in the early 1920s and had become a potent political force in several southern states. Owen supported a resolution that generally condemned religious intolerance and violence; he opposed, however, the resolution offered by the minority of the resolutions committee that condemned the Klan by name. He feared it would disrupt the party. Later, when the balloting for the presidential nomination became deadlocked, the Oklahoma delegation began supporting Owen. He was in and out of the voting for several ballots, but received only a handful of votes outside the Oklahoma delegation. John W. Davis of West Virginia won the nomination on the 103rd ballot. Davis lost to President Calvin Coolidge in November.⁷²

Following the election, Owen quietly served out the rest of his term. Retiring on March 4, 1925, at sixty-eight years of age, he remained in Washington, D.C., and opened a law practice. As he left office, Owen probably looked upon his last term with mixed emotions. After his election in 1918, the Democrats reverted back to minority status in the Senate. That decline in power killed any chances of

Owen's favorite project--the Federal Reserve Foreign Bank--from being established. It also lessened his influence in other areas, such as the promotion of the League of Nations.

It was in his support of the League of Nations that Owen seemed most sincere and principled. Even before the entrance of the United States into the war, he spoke in favor of international cooperation. As with many other issues that he supported, he was quite willing to compromise. He became a leader among the Democratic Senators seeking conciliation. Owen wanted a League in any form. Perhaps here, as in his other pursuits, he was too willing to give ground; but his willingness to make concessions was far more realistic than Wilson's stubborn refusal to allow any changes in the League covenant.

While advocating the high ideal of international cooperation, Owen also called for a return to sanity at home during the Red Scare. He was one of the rational leaders who condemned abuses of civil liberties as others were exploiting the national hysteria for their political benefit.

Owen's championing of high principles offered potential political benefits for him as well. He knew it, and he tried to use it to his advantage. Like most senators he harbored desires to become president, but even with Bryan's support, he was little more than a favorite son candidate. Owen, as much as any senator, had promoted populist-Bryanite principles. By 1920, however, such ideals were outmoded and had little appeal to the public.

After the national Democratic convention of 1920, Owen seemed to lose interest in his job. His criticism of the discount rates of the Federal Reserve system was probably his most impassioned activity.

Monetarist thinking made him increasingly antagonistic to Federal Reserve officials, who totally dismissed the quantity theory of money. Owen still claimed to be the father of the Federal Reserve system, but increasingly criticized his offspring.

Owen's last great crusade--the revision of war guilt--gained the most public attention for him in his last term. His abrupt change on the issue once again indicated his tendency to alter his position rapidly. It was similar to his days as a lawyer-lobbyist when he switched arguments with ease if necessary or expedient. It also illustrated his propensity for gaining the limelight. Thus, even until the end of his career Owen found a way to attract attention.

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CHAPTER X

CONCLUSION

In retirement Owen remained very active. He carried on a law practice, specializing in Indian matters and a variety of other cases, usually on a contingency basis. He was also a frequent visitor to the Democratic cloakroom in the Senate, where he discussed current matters with senators and reminisced about past accomplishments.

During the 1920s and 1930s, Owen became sometimes obsessed with the controversy over who authored the Federal Reserve Act. In major books, Glass, Willis, and several other political and financial leaders all claimed they were principal architects. Most interested people came to believe Glass was the principal author because he truly deserved a large share of the credit, and because he did not retire and remained in the public limelight. This became a bitter disappointment for Owen. He periodically corresponded with old colleagues, who usually soothed his ego by agreeing that he deserved the greater credit.¹

Owen did not spend all of his time mulling over this problem, for he remained interested in national political issues. In 1925 he made headlines across the country when he became the first prominent Democrat to bolt the party in opposition to its presidential nominee, Alfred E. Smith of New York City. Owen disliked Smith's strong anti-prohibition position and his connections with the Tammany political machine; he gave his support, therefore, to the victorious Republican

Herbert Hoover. Owen soon regretted his decision, for when the Depression began, Hoover supported a program of tight credit in the Federal Reserve system. Owen so disliked this policy that he repented for his betrayal of his party and strongly endorsed Democrat Franklin D. Roosevelt for president in 1932. After Roosevelt assumed office and implemented liberal monetary policies, like abolishing the gold standard, Owen praised his actions and enthusiastically endorsed the New Deal. Owen later turned critic when Roosevelt began emphasizing costly and bureaucratic public works projects instead of implementing inflationary policies. For Owen, the solution to the Depression was so simple: stimulate commerce through controlled inflation. He continued to support the New Deal, but constantly suggested ways to improve it.²

By the late 1930s Owen's health began failing, and he became almost totally blind. This did not deter him from giving advice to governmental officials. With World War II approaching, he sent several letters advising the Secretary of State on preparedness and neutrality. As the war was ending, Owen set out to invent a global alphabet that would provide a uniform writing system for several languages. It was designed for diplomats in the crucial postwar era. Owen was in his late eighties when he devised the alphabet.³

Owen's wife died in October 1946 and his own health continued to deteriorate. In early July 1947 he underwent prostate surgery. Never fully recovering, he died on July 19 at the age of ninety-one. His death brought a wave of eulogies in the newspapers of Oklahoma, and once again the press outlined his career. The Daily Oklahoman was representative of the comments on his passing. Referring to him as Oklahoma's best asset in early statehood, the newspaper said: "The

state was young and it had things to learn, but it sent to the senate a veritable Chesterfield, who met in every detail the requirements of a scholar and a gentleman."⁴

Owen's role was significant in the history of Oklahoma and the United States. Although born in Virginia, he became one of the most prominent politicians to represent Oklahoma. Few other political leaders of the state have accomplished achievements of such national importance, and few have gained such widespread notoriety.

Much of Owen's success was attributable to his background and training. Born to a family of prestige, he grew up among professionals and entrepreneurs. Nurtured by a forceful and pretentious mother, he acquired an education that made him a part of a small elite group of those with college educations. He was well aware of his privileged background and developed a style and demeanor that marked him apart from those of lower standing. He also displayed a conspicuous competence and efficiency that impressed virtually everyone who dealt with him.

With this ability and refinement, Owen, not surprisingly, rose quickly to prominence soon after arriving in Indian Territory. He instantaneously gained insight into the structure of Cherokee government and society, and with great brashfulness began manipulating events with the goal of gaining wealth and power. At twenty-nine years of age he became the United States Indian Agent for the Five Civilized Tribes, the most powerful governmental position in Indian Territory. He obviously desired to be a leader.

Early as agent, Owen appeared earnest in his attempts to serve the interests of the Indians. But red tape, widespread corruption, an in-

efficient bureaucratic structure, and insulting aspersions on his character caused him to conclude that diligent protection of the Indians was futile. Although he still remained efficient in conducting daily duties, Owen became more self serving and more opportunistic as agent.

After resigning as agent, Owen used his wide contacts and intimate knowledge of Indian affairs to become the most important lawyer-lobbyist in Indian Territory. His business interests expanded. He became a member of the elite group of leaders who dominated the territory. In many ways he was the stereotypical mixed blood: an advocate of economic progress who callously manipulated events with the goal of acquiring wealth, even at the expense of the sovereignty of the Indian governments. Owen became a virtuoso in that role.

Owen likewise mastered the legal complexities of court cases involving tribal claims against the federal government. Few other attorneys made so much money from such cases. None could match Owen's dogged persistence, energy, and imagination in pursuing claims for the Indians. Critics charged that Owen's fees were exorbitant and unjustified. In his dealings with the Mississippi Choctaws, this accusation was probably true. In other instances, however, the large fees were more reasonable when considering that Owen took the cases on a contingency basis. The approximately \$200,000 he received in the Eastern Cherokee case represented almost six years of work and expenses in pursuing the claim. Without his persistent efforts, the tribe might have received nothing.

Whether Owen's actions as lawyer-lobbyist were justified or not, the skills he developed while pursuing claims were valuable for an as-

piring politician. His persistence and adaptability to new situations became useful characteristics when he entered politics. With considerable shrewdness he usually perceived what course of action afforded the best opportunities for success. Possessing a lawyer-lobbyist's mindset, he was not hampered by introspection and self questioning, and with his pragmatic insight, it was not surprising that he immediately embraced the popular movement of progressivism when he became a United States senator. The change in posture, however, was dramatic. The opportunistic, pragmatic lawyer-lobbyist quickly transformed into a highly principled, idealistic progressive.

It was as a progressive leader that Owen rose to national prominence. His philosophy, rhetoric, and actions as an advocate of the progressive movement symbolized some of the problems and weaknesses of that movement. Much of his rhetoric was based upon the old populist ideas that emerged in the 1890s. He advocated the initiative and referendum, the direct election of senators, the direct primary, the recall of judges, and other reforms designed to enhance the power of the people in government. Although Owen was not responsible for the adoption of initiative and referendum in Oklahoma, he traveled to several states and campaigned for their adoption. He was one of the leaders in the Senate who worked persistently for the direct election of senators. He crusaded through publicity and speech-making for the other reforms as well. He was consistent in his support of these issues, but the reforms were ineffective. They did not provide the panacean political environment envisioned by their advocates. Thus, in an area where Owen was most consistent, the outcome was not consequential.

In monetary reform, Owen's rhetoric was also populistic. Like the

Populists, he insisted on an elastic currency, ample money for all segments of society, and governmental control of the banking system. When his words were transformed into action, however, the outcome fell short of these goals, and Owen was usually eager to compromise away the rights of the people in favor of the banking interests. He admitted that his main goal with the Aldrich-Vreeland Act in 1908 was to provide stability. Although he initially demanded governmental control over the Federal Reserve system in 1913 and won the right for the president to appoint all members of the national board, he later argued that the system should be operated primarily for the benefit of bankers. When Wilson appointed only conservatives, Owen did not complain.

As in monetary policy, many of Owen's actions in other areas indicated that he was more committed to efficiency and stability than to true populistic-progressive reforms. His support of a cabinet-level Department of Health indicated this same type of desire for efficiency. His promotion of a Legislative Reference Bureau, stricter cloture rules for the Senate, and other similar changes likewise show a tendency to value organization and efficiency. Even prior to his senatorial career, Owen sought efficiency and stability in Indian Territory when he advocated a United States District Court and when he established the First National Bank of Muskogee. Thus, typical of progressive politicians, Owen used populistic-progressive rhetoric to get elected and to promote change, but when that change came about, it favored efficiency and logical organization over the rights of the common man. The condemnation of business corrupting government became a catalyst for reforms that fell short of actually altering the power structure. The changes were usually probusiness.

Owen was also quick to abandon reform if it conflicted with home-state economic interests. For example, he supported higher petroleum rates in the Payne-Aldrich Tariff despite his earlier demands for across the board cuts in tariff rates. This inconsistency was typical of progressives. Nationally they called for uncompromising reform unless it harmed home-state constituents. Perhaps this type of provincialism has been true for all politicians of all eras, not just progressives. In order to be reelected, politicians must safeguard the area they represent. And Owen, like all politicians, found ways to rationalize away his inconsistencies.

Regardless of comparisons, it was clear that Owen resented governmental restrictions and interference in Oklahoma, but believed the federal government could regulate villains elsewhere. Federal officials could keep Standard Oil from controlling Oklahoma's independent petroleum producers, and the national government could restrain Wall Street bankers from manipulating the monetary supply at the expense of local businessmen and bankers. Owen saw nothing wrong with being probusiness for Oklahoma but proregulation for national monopolies. With a clear conscience, he could openly promote Oklahoma corporations in the Senate yet go to Illinois to campaign against Sullivan for being unduly influenced by giant Chicago businesses.

In addition to Owen's importance as a progressive leader, his contributions during the presidency of Wilson were also noteworthy. After playing the role of the brash outsider during the administrations of Roosevelt and Taft, Owen became an insider, a stalwart support of Wilson's domestic and foreign policies. Owen's assistance with the Federal Reserve Act, repeal of the Panama Canal tolls, the campaign of

1916, and other major concerns, made the Oklahoman one of Wilson's strongest allies in the Senate. The president was well aware of this loyalty and held Owen in high regard.

Owen was not always cooperative with Wilson, for there were disagreements during and after World War I. Perhaps most significant was Owen's abandonment of Wilson on the League of Nations. Owen was willing to compromise on the League. Characteristically, he sought a solution that would salvage some type of involvement in the international organization.

Owen's greatest single accomplishment was his contribution in the passage of the Federal Reserve Act. Although the actual wording of the legislation was primarily the work of Carter Glass, Owen deserved much credit for his persistent hard work in sponsoring the legislation in the senate. He had supported many of the major concepts of the Federal Reserve Act for years. This long-time advocacy, according to Owen, proved that the act was primarily his work. He took too much credit, but others gave him too little.

Glass and the members of the Federal Reserve Board thought most of Owen's ideas about banking were unscientific or too populistic. Most of his ideas, however, were eventually adopted. Although Owen was not always consistent, he generally advocated control of the stock exchange, bank guarantees, and a manipulation of the discount rate and other controls to stabilize the economy. Over the years, these and other ideas were adopted or have become widely accepted. In the long run, Owen's position prevailed on most major issues of banking and currency.

As in monetary policy, Owen was more often right than wrong in his

decisions on issues. This brought him national notoriety. He hoped his prestige would catapult him into the presidency, but it did not, even with the support of his old friend Bryan. Perhaps his national stature was simply not large enough, or perhaps his plan for the presidency did not fit the timing of events. If Owen failed to live up to the expectations of his own ambitions, he was in any case an industrious and productive United States Senator of the first order and one of the most important politicians to represent Oklahoma.

FOOTNOTES

¹Kolko, Triumph of Conservatism, 242-243; W. E. Chilton, Sr., to Robert L. Owen, September 17, 1937, Correspondence File, Robert L. Owen Papers, Carl Albert Congressional Research and Studies Center, OU.

²New York Times, July 16, 1928, 1, 3; Wyatt W. Belcher, "Political Leadership of Robert L. Owen," Chronicles of Oklahoma 31 (1953):366; Daily Oklahoman, October 31, 1932, 9; Otis L. Graham, Jr., An Encore for Reform: The Old Progressives and the New Deal (New York: Oxford University Press, 1967), 94-95.

³Daily Oklahoman, March 23, 1941, 9; Robert L. Owen to Cordell Hull, October 4, 1938, November 2, 1938, Correspondence File, Owen Papers, Carl Albert Congressional Research and Studies Center, OU; Daily Oklahoman, July 20, 1947, 1.

⁴Daily Oklahoman, July 20, 1947, 1, July 21, 1947, 4; Lynchburg News, July 20, 1947, 1; Daily Oklahoman, July 22, 1947, 10.

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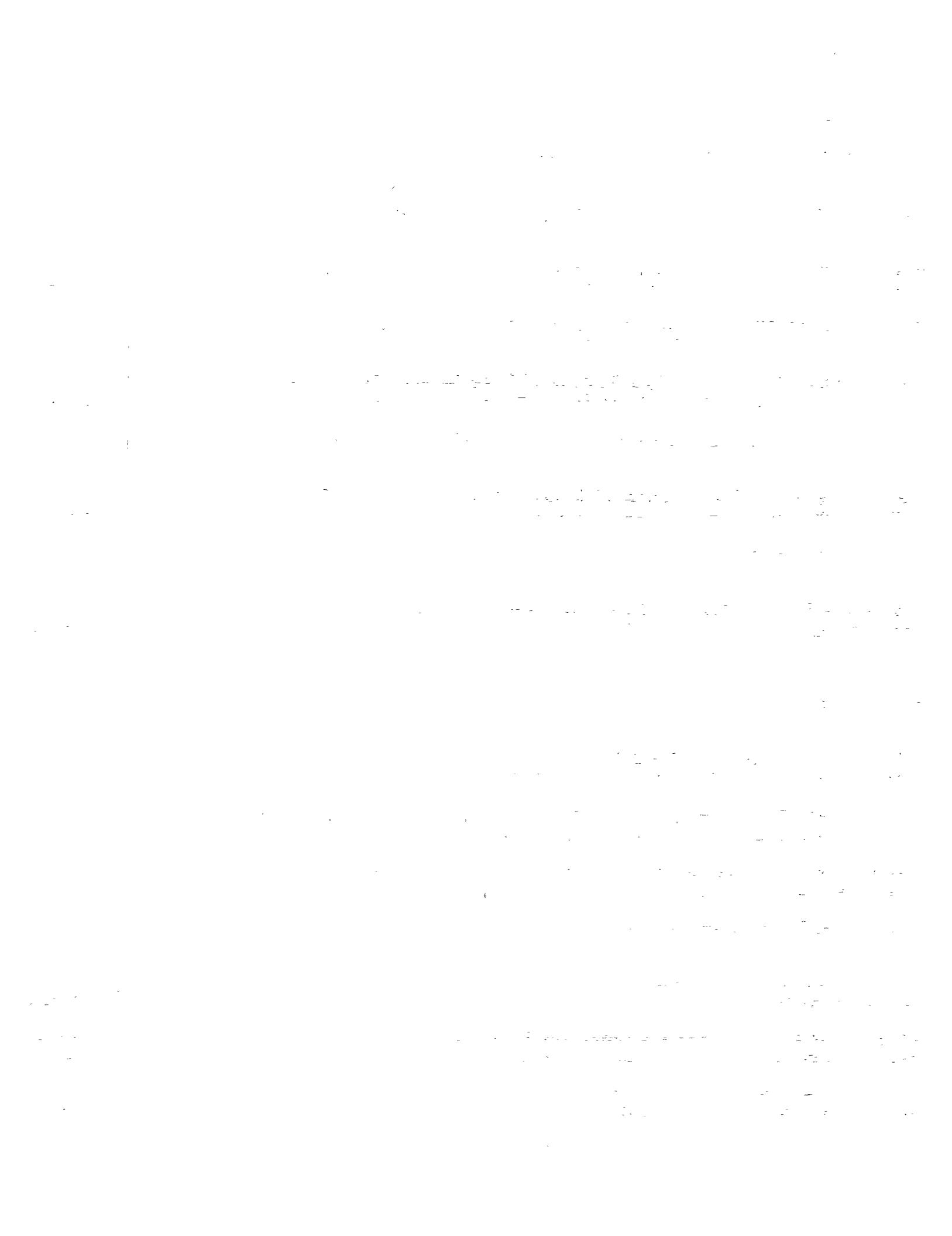
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