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PROHIBITION IN OKLAHOMA, 1907 - 1959

A DISSERTATION

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BY

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Norman, Oklahoma

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PROHIBITION IN OKLAHOMA, 1907 - 1957

A DISSERTATION

APPROVED FOR THE DEPARTMENT OF HISTORY

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PREFACE

Prohibition in Oklahoma comprises one of the most colorful and dramatic movements in the state's social and political history. From statehood in 1907 until 1959, it held the commonwealth firmly in its grasp, compelled politicians to do its bidding, and fostered an attitude among Sooners which regarded its existence as a beneficial experiment. Despite its half-century duration as a part of the state constitution, a general history of the movement has never been chronicled. When the author first conceived this project nearly five years ago, only one scholarly study had been written, and that treated the 1949 repeal election. Since 1964, however, two of Professor Arrell M. Gibson's graduate students at the University of Oklahoma have produced very fine theses on narrow aspects of the prohibition experience. This writer is greatly indebted to them, for in many instances he has relied upon their findings. Also, Professor Robert S. Walker's brief but excellent pamphlet on the 1959 repeal contest has been extremely useful.

Although the following work is ambitious in scope, its pretensions are modest. The author could easily dismiss the reason for

attempting such a many-faceted study by alluding to the "need" for a mountain climber to scale the highest peak. In this case, however, a simple explanation will not suffice, although it is unquestionably true that all history has an inherent value of immense importance to scholars or the general populace. There has long existed a necessity for works which explored the development, progress, or lack of accomplishments of prohibition in the various states, for indeed each had a character and a certain fascination all its own. Thus, the aim here is to analyze the influences which shaped one of the state's basic social policies, and to account for the gradual transformation of a public attitude which finally rejected it after more than fifty years. Except for a final concluding note, no effort has been made to assess the effects of the legalized sale of liquor after 1959.

Such an undertaking is an arduous one even for the accomplished historian, for prohibition has built-in difficulties. Participants in the drama often mixed "fact" with fiction, and what they sometimes considered as "truth" was nothing more than a figment of the imagination. Moreover, the student of Oklahoma history is often confronted with a scarcity of documentary sources of special interests groups. These monumental problems, nevertheless, should not deter the courageous, even though the student is often forced to reason deductively from a limited amount of material. This does not, however, excuse unfounded assertions; rather, it is an admonishment against unrestrained dogmatism.

The approach employed in this work is simple. Usually, the author has resorted to a chronological treatment of events. By and large, especially after 1933, his focal point is the repeal election initiated by wets or dries determined to make their will manifest. It is here that one feels the tenor of the prohibition movement, and is able to examine the structure and the function of special interest groups. This does not suggest that the paper acquires a purely political orientation for in the final analysis, it is a social movement, the product of a political process, with which the writer is concerned. And very significantly, it is a narrative which has as its preoccupation the study of a state system of liquor control.

The author wishes to express his appreciation to the many persons who have made this study possible. Mrs. Dorothy Williams, Mrs. O. C. Cooke, and Mrs. Manon Atkins of the Oklahoma Historical Society Library were especially helpful in locating materials. The staff of the Manuscripts Division and of the Phillips Collection at the University of Oklahoma rendered valuable service. Without the assistance of Dr. W. Neil Franklin, Chief, Diplomatic, Legal, and Fiscal Branch of the National Archives, the two chapters on the 1920's never could have been written. Dean Carl Riggs of the Graduate College is due special thanks for his assistance in acquiring a research grant.

To the professors of the author's dissertation committee, especially its director, he will forever remain indebted. Not only have

they guided this particular endeavor, but each of them has at some time personally conducted a part of the writer's program since he entered the university as a confused graduate student. Any shortcomings are due to the student's personal limitations; whatever strengths the work possesses are a tribute to men who cared.

Finally to my wife who should stagger at the mention of the word "prohibition," the writer pays his sincerest appreciation. That she endured and paid deference to what passed as "scholarship" is a tribute to "woman's humanity to man."

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PROHIBITION IN OKLAHOMA, 1907 - 1959

CHAPTER I

TOWARD SOBRIETY: THE FIGHT FOR TEMPERANCE IN OKLAHOMA TERRITORY

From the founding of Jamestown to the closing of the American frontier, liquor, alias "John Barleycorn," happily accompanied adventuresome settlers to the broad expanses of the West. Often his influence has gone unnoticed, and historians have on many occasions failed to give him proper historical note. True, indeed, he never succeeded in drastically altering that peculiar creature called an "American" whom Frederick Jackson Turner claimed was the product of a rugged frontier environment. And nor were his basic physical properties changed as he moved beyond the "hither edge of settlement." Perhaps this accounts for much of his relative obscurity. Surely, if one had stood at Cumberland Gap or even at South Pass and watched the westward trek, among the procession of fearless pioneers his presence would have been vividly manifest. In fact his pervasive "spirit" may have fortified weaker souls who otherwise would have remained "back East," carefully shielded from the "savagery" of hill and forest by the protective custody of "civilization."

Always a force in American history, Barleycorn time and again moved among the political and social hierarchy and commanded respect. If he sometimes met with ostracism, it was only temporary, and most knew he was destined to reappear to claim what he deemed his rightful place in a liberal and free society.

Pioneers of Oklahoma Territory accorded liquor a favorable position upon the establishment of their government in 1890.¹ One of the first laws passed by the newly-formed legislature regulated the sale and traffic in intoxicants. The act required the Board of County Commissioners to grant licenses for the sale of malt, spirituous, and vinous liquors upon application by petition of thirty of the resident taxpayers of the town, if the county came under the township plan. Where this form of organization did not exist, a license was granted when Commissioners received a petition from thirty citizens of the precinct where the sale of intoxicants was to take place.² Specifically, the law required that applicants should be of "good" character and of "respectable" standing in the community.³

¹Prohibition in Indian Territory had long been the policy of the United States government. Enforcement, however, had proved difficult, and any resourceful Indian could acquire strong drink from clever peddlers who plied their trade in violation of federal statutes.

²W. F. Wilson (comp.), Wilson's Revised and Annotated Statutes of Oklahoma, 1903 (2 vols.; Guthrie: State Capital Co., 1903), I, 841.

³Ibid.

The Board acted upon an application only when requests for permits were published in the two largest newspapers in the county. In the absence of such journals, notices were posted in five public places, and if residents of the town registered no objections in writing, the Board issued a license upon the payment of a \$200 fee.⁴ Permits lasted for one year and were non-transferable. Unlike retailers, wholesalers paid an annual tax of \$100 in all counties where they established business.

To discourage violations, the Territory established severe penalties. The statute of 1890 decreed that:

Any person who shall sell. . .or give away upon any pretext, malt, spirituous, or vinous liquor, or any intoxicating drinks, without having first complied with the provisions of this act, and obtained a license. . .shall. . .be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars, or be imprisoned not to exceed one month in the county jail and shall be liable in all respects to the public and to the individuals, the same as he would have been had he. . .obtained a license.⁵

According to those who opposed the sale of alcoholic beverages, pandemonium reigned because of its distribution.⁶ The licensed

⁴Ibid. It was not unusual for an applicant to have his character challenged through the filing of a remonstrance by one of his fellow citizens. As a general rule, the Commissioners gave objections great consideration. On occasions, cases were even appealed to the supreme court of the Territory. For cases in point, see Watkins vs. Grieser, 66 Pac., 332; and Swan vs. Wilderson, 62 Pac., 422.

⁵Oklahoma, Statutes, 1890, Art. 1, Chap. 48, 655.

⁶Ernest H. Cherrington (ed.), Standard Encyclopedia of the

saloon, they contended, was simply "licensed crime," and the government which sanctioned it was morally responsible for the evil it wrought.⁷ That the bar was a "dark shadow resting upon every community where it was found," was the considered opinion of one of Oklahoma's "dry" journals.⁸ One devout prohibitionist wrote that Oklahoma City, the "hub" of the whiskey traffic, was given over to "revelry, debauchery, throat cutting, robbery, and all the usual industries accompanying and being part of the saloon system."⁹ There is some question, however, whether liquor and the "denizens of the saloons" could claim all credit for the city's moral ills.

Supporters of the law, on the other hand, maintained that a direct correlation existed between saloons and prosperity. If by chance they did foster some crime and vice, it was all incidental to progress; the problem resided in the individual, not the bars. It was this group which fought so vigorously but vainly to maintain the saloons in 1907; and when they were outlawed by constitutional mandate, their advocates worked long and hard to restore them. The liquor forces might have

Alcohol Problem (6 vols.; Westerville: American Issue Publishing Co., 1925), V, 2056. Hereafter cited as Cherrington, Encyclopedia.

⁷ Watonga Republican, January 24, 1894.

⁸ Ibid.

⁹ William E. Johnson, Ten Years of Prohibition in Oklahoma (Westerville: American Issue Publishing Co., 1917), 7. Hereafter cited as Johnson, Prohibition in Oklahoma.

been successful had it not been for the militant Woman's Christian Temperance Union (WCTU) and the Anti-Saloon League's success in mobilizing sentiment against the whiskey traffic.

The WCTU was the pioneer temperance organization in Oklahoma and Indian territories. A branch of the Union was first founded in Muskogee in 1888, roughly two years before Congress passed the Organic Act. Organized by Miss Frances Willard and Miss Anna Gordon,¹⁰ president and secretary, respectively, of the national association, the group soon affiliated with the central body, which had been formed at Cleveland, Ohio, fourteen years earlier. Upon the creation of Oklahoma Territory, a unit of the temperance society was established at the First Methodist Episcopal Church in Oklahoma City. After statehood the two branches amalgamated, thus forming the Oklahoma WCTU. By the end of 1907, there were chapters in all the larger cities and towns of the new state,¹¹ and it had become a powerful social

¹⁰Abbie B. Hillerman, History of the Woman's Christian Temperance Union of the Indian Territory, Oklahoma Territory, and the State of Oklahoma (Sapulpa: Jennings Printing and Stationary Co., 1925), 35. Hereafter cited as Hillerman, History of the W. C. T. U. Frances Willard led an extremely interesting and exciting life. Two notable works deserve mention: Anna Gordon, Frances Willard (Chicago: Woman's Christian Temperance Union Publishing Assoc., 1921); and Mary Earhart, Frances Willard: From Prayers to Politics (Chicago: University of Chicago Press, 1944).

¹¹The Oklahoma Almanac and Industrial Record, 1908 (Oklahoma City: Oklahoma Publishing Co., 1908), 89.

and political force second only to the Anti-Saloon League.¹²

The WCTU attacked the liquor interests with revivalistic fervor. With its watchwords "Agitate, Educate, Organize," and its methods described as "Preventive, Educational, Evangelistic, Social, and Legal,"¹³ the WCTU vigorously pushed its campaign for sobriety throughout the Territory. During the 1890's, the Union held monthly meetings, and carried out an intense but unsuccessful campaign to repeal the law permitting the sale of liquor.¹⁴ Far-reaching accomplishments in building sentiment against the saloon had to await the arrival of the Anti-Saloon League, an organization which in less than a decade did more than any other in bringing Oklahoma into the Union as a dry state.

The passage of the territorial liquor law in 1890 prompted a stern reaction from the prohibitionists. One eventual result of that reaction was the summoning of a temperance meeting which became the Oklahoma Anti-Saloon League. At the insistence of several Oklahoma City ministers, this assembly was called together to "secure legislation

¹²Unfortunately, few records exist covering the early years of the WCTU. Most of what is known is contained in Miss Hillerman's work cited above, and in newspaper accounts.

¹³Minutes. . . of the Oklahoma Woman's Christian Temperance Union, 1907, 7. Hereafter cited as Minutes of the W. C. T. U.

¹⁴Cherrington, Encyclopedia, V, 2057.

tending to better the conditions then existing." James L. Brown, a member of the First Territorial Legislature, and a determined prohibitionist was its most instrumental force. He believed that the only way to realize the group's objective was "to form and bring into existence, slowly and in a quiet way, the most powerful organization that could be obtained, composed entirely of men who were opposed to the liquor traffic on principle. . . ." ¹⁵

Brown and other Oklahoma City dry leaders united and signed articles of organization. Familiar with the success of the eminent Howard H. Russell, General Superintendent of the National Anti-Saloon League, in organizing local and state Leagues across the country, Brown extended him an invitation to visit Oklahoma City. Early in 1898 a group of Oklahomans met the renowned reformer at the First Baptist Church, and from this assembly came the Oklahoma Anti-Saloon League. ¹⁶

The League enjoyed remarkable growth. Nearly all Oklahoma towns were organized into county units. On January 20, 1899, the Leaguers held their first general convention in the First Baptist Church of Oklahoma City with Russell present to help with the organizational details. The convention elected Tipton Cox of Hennessey

¹⁵American Issue (Oklahoma edition), October, 1912. All citations hereafter refer to this edition.

¹⁶Ibid.

president; other officers included: vice president, J. W. Sherwood of Kingfisher; secretary, T. H. Harper of Oklahoma City; treasurer, F. E. McKinley of Guthrie; and superintendent, H. E. Swan of Oklahoma City.¹⁷

The league clearly stated its policy--"The Saloon Must Go." It would relentlessly "organize the Territory and agitate the question that . . . Oklahoma might come into the Union with a stainless banner and with constitutional prohibition."¹⁸ In anticipation of that eventful day, the League endeavored to expose the lawlessness of the saloons, to show that they opened on Sundays, that some conducted gambling rooms, and that others operated houses of prostitution in conjunction with what already constituted a "morally depraved" business. The men also strove to focus attention on what they considered the dominance of the saloon element, not only in politics,¹⁹ but over those who held responsibility

¹⁷Ibid., April, 1915. By the turn of the century, the Oklahoma Anti-Saloon League claimed a membership of 15,000. Its real strength, however, was perhaps much greater since many prohibitionists gave the organization their support, but were not formally associated with it. See El Reno News, November 1, 1900; and Cleveland County Leader, November 1, 1900. Some idea of the founding and growth of local Leagues may be followed through the papers. See, for example, Ibid., December 16, 1899; Frederick Enterprise, May 31, 1906; Chickasha Daily Express, September 17, 1900; Eufaula Indian Journal, August 2, 1901; El Reno News, December 21, 1899; Stillwater Gazette, January 31, 1901; Daily Oklahoman, January 21 and February 7, 1900; and Kingfisher Free Press, January 4, 1900.

¹⁸American Issue, October, 1912.

¹⁹For material on the alleged alliance between the liquor

enforcing the law.

When the League entered the field in Oklahoma the groundwork for liquor reform already was laid through the activities of the church and the WCTU. Its object, then, was not so much to form new opinion as to mobilize an already existing attitude for political action. Since the days of Dr. Benjamin Rush's publication on the baneful effects of alcohol upon the human body and mind in the 1790's, temperance had been preached; and for three-quarters of a century, the moral aspect of the liquor question had been proclaimed. But the Anti-Saloon League was not content to rest its case upon the moral issue alone; it knew the value of political action, and it demonstrated its power by influencing voters.

Although its methods were political, the Anti-Saloon League was not partisan.²⁰ As one of its exponents once remarked, "It is not playing the elephant or the donkey as a favorite but it is in politics to help elect good men to office and to keep bad men out. . . ."²¹ Its leaders believed that it would be unwise to present candidates for office by forming a third party. The League represented the sentiment for

element and politicians in one Oklahoma city see Albert McRill, And Satan Came Also: An Inside Story of a City's Social and Political History (Oklahoma City: Briton Publishing Co., 1955), 59. Hereafter cited as McRill, And Satan Came.

²⁰H. G. Furbay, "The Anti-Saloon League," North American Review, CLXXVII (September, 1903), 434.

²¹Peter H. Odegard, Pressure Politics: The Story of the Anti-

restrictive legislation in all parties, and it exerted pressure by administering punishment to the recreant regardless of party.

The Anti-Saloon League prided itself as "the church in action." Working through the churches, it could reach every part of a territory or state, and its power and influence were directly proportional to the strength of certain Protestant groups. As seen, it was especially strong in the smaller towns and the rural areas of the territory. The church, League officials eagerly pointed out, was a machine, and the League was a "machine within a machine."

Profit-conscious liquor men had justifiable reason to fear such a dedicated organization. Perhaps one of the officers of the National Brewers Association came close to the truth when he stated that in the controversy with the League his organization was not dealing with a theory which was the "delusion of the fanatic alone, but with a real condition which was in the hands of a well-organized force," administered by tireless and dynamic workers. To offset the progress made by the temperance groups in the Territory, equally aggressive action had to be taken by those who favored the saloon system.

If the prohibitionists had resolved that the tavern and the liquor system must go, a strong commercial interest had determined that they must stay. Shortly after the announcement that the Anti-

Saloon League (New York: Columbia University Press, 1928), 35. Hereafter cited as Odegard, Pressure Politics.

Saloon League had been organized, those concerned about the future of the whiskey business called a meeting in Oklahoma City for the purpose of counteracting the expected temperance crusade. A speech by Henry Overholser, one of the city's future mayors, expressed the sentiments of most of the businessmen in suggesting that the dries were out to ruin them. Said he:

I. . .believe that the best interests of Oklahoma City are threatened, and thought it well for the businessmen and taxpayers to get together and consider what has to be done to uphold Oklahoma City in her march of progress. The people who are pushing this Anti-Saloon League have imported a man to manage their campaign, a man who neither knows nor cares anything about the conditions. . .here. He pays no taxes here, and when he has done the business interests what damage he can, will draw his salary and seek greener pastures. The small towns have succumbed to the on-slaughter of these people. . . .There is a brilliant future before us and I. . .do not propose to see it marred and ruined by a set of people who would be much better minding their own business.²²

Whatever merits Overholser's statement contained, he was correct in one respect--the League was enjoying an increasing amount of success. In the year prior to statehood, for example, one of the Territory's papers estimated that there were as many as forty completely dry towns;²³ another counted one hundred.²⁴ In Woods County, only five towns had saloons in 1906--Alva, Ingersol, Carmen, Aline,

²²McRill, And Satan Came, 57.

²³Daily Oklahoman, May 4, 1906.

²⁴Sayre Headlight, November 8, 1906.

and Helena. Washita County compiled a more impressive record; the last saloon at Cordell, the county seat, was refused renewal of its license in April of that very same year, and the lone whiskey establishment which remained in the entire county was at Bessie. At Hennessey, home of the Anti-Saloon League's first president, where there had been four saloons in 1905, the town "had the lid on tight."²⁵ Beaver and Comanche counties, with the exception of Lawton in the latter, had fallen in line with the growing sentiment against the liquor traffic.²⁶ At Weatherford, which had fourteen saloons in 1900, all had been closed by statehood. Indeed, it was an impressive record.²⁷

The prohibitionists were greatly aided by decisions of the courts. Many judges required applications for licenses to comply strictly to the letter of the law. In some localities the bench ruled that newspapers had no obligation to publish requests for permits.²⁸ The

²⁵Ibid.

²⁶Ibid.

²⁷Personal interview with Mrs. Nellie Holmes, Tulsa, Oklahoma, March 16, 1963. Mrs. Holmes and her family came to Weatherford in 1900. For years she has been an active member of the WCTU, and has won national recognition for her untiring work. Weatherford, she recalled, had a population of 2,500 people and fourteen saloons in 1900, but "one by one, they went out." Mrs. Holmes' husband was also active in temperance work, and for several years he served as president of the Weatherford Temperance Society. For a brief sketch of Mrs. Holmes' work see the Oklahoma Messenger, November, 1962; Union Signal, LXXXVIII (December, 1962), 11; and Tulsa Tribune, January 12, 1963.

²⁸Sayre Headlight, November 8, 1906; and also Dora A. Stewart, The Government and Development of Oklahoma Territory (Oklahoma City: Harlow Publishing Co., 1933), 316.

territorial statute, it will be recalled, required that notices of application appear in the two papers of largest circulation in the county.

Temperance had been promoted to such a degree that by 1906, the year before Oklahoma's admission into the Union, prohibition throughout the Territory seemed possible. The Daily Oklahoman, which fought to the bitter end to maintain the saloons,²⁹ ventured the opinion that if a vote had been held in 1906, a majority of the people would have cast dry ballots. While the "wets" may have carried such cities as Guthrie, Oklahoma City, and Shawnee, and a few other of the larger towns, the rural vote would have obscured them. It appeared that a sufficient number of "liberally oriented" cities did not dot the landscape to give the liquor interests a majority.³⁰

²⁹The Daily Oklahoman was founded in 1894 by the Reverend Mr. Samuel Small, a roving evangelist and a former editor of the Atlanta Constitution. Small's paper had two major objectives--single statehood and prohibition. After miserable failure, he sold the paper, left Oklahoma City and never returned. Under new management the paper fought for single statehood, but opposed prohibition to the end.

³⁰At statehood, Oklahoma was predominantly rural and overwhelmingly Protestant. In 1907 there were only five urban centers of more than 10,000 population. Those were: Oklahoma City, 32,451; Guthrie, 11,657; Enid, 10,086; Muskogee, 14,418; and Shawnee, 10,955. Six cities had a population of 5,000 to 10,000: Ardmore, McAlester, Chickasha, Tulsa, El Reno, and Lawton. Of the 239,837 church members, the Methodists were the most numerous with 68,611. In numerical order, the Baptists claimed 67,541; Catholics, 31,123; Disciples, 23,575; and Presbyterians 14,352. U. S. Bureau of the Census, Thirteenth Census of the United States. Abstract, with Supplement for Oklahoma, 1910, 590-91. U. S. Bureau of the Census, Special Reports: Religious Bodies, 1906, Part I, 252.

The controversy between wets and prohibitionists was heightened by the drive for statehood and the presence of the Indian. If Oklahoma and Indian Territories should come into the Union as a single state, drys were determined to have Congress restrict the liquor traffic in the new state's constitution. Since the United States government had a moral responsibility for the Indians, they reasoned, and inasmuch as various treaties had guaranteed the tribes protection from alcohol, prohibitionists believed it would be not only just but legal to continue this policy after statehood.³¹ Regulation should not, and legally could not, they held, be left to the police power of the state; and if Congress did not have the authority to outlaw the manufacture and sale of liquor in all parts of the new state, it did have the power to

³¹As early as 1802, the president of the United States was empowered to prevent the sale of liquors to the Indians. When the Indian Territory was established, as noted earlier, Congress passed a prohibition law. But long before the Five Civilized Tribes left the Southeast, they had enacted prohibition laws. Indeed the Choctaws claimed that Neal Dow, the Maine apostle of temperance, was still a boy when they kindled the first council fire against whiskey. Upon removal to their new home in the West, the Choctaws and other tribes included restrictive liquor provisions in their statutes. But despite the efforts of the tribes, the Federal government, and the moral preachments of the missionaries, the traffic defied suppression. A useful study on the subject is Gwen W. Zwick, "Prohibition in the Cherokee Nation, 1820-1907" (unpublished Master's thesis, Department of History, University of Oklahoma, 1940); Grant Foreman, "A Century of Prohibition," *Chronicles of Oklahoma*, XII (June, 1934), 133-41, is also valuable. Peter J. Hudson, "Temperance Meetings Among the Choctaws," *Ibid.*, XII (June, 1934), 130-32, is brief, but colorful and informative.

restrict it on the eastern side, and on Indian reservations within old Oklahoma Territory. Ideally, dry forces contended, the ban should include the entire state, for if the territorial side voted wet, its very proximity to the Indian country would pose a threat to temperance among the Indians.

Therefore opponents of the whiskey traffic directed their attention to Congress. The National Anti-Saloon League, represented in some forty states, favored the continuation of the federal prohibitory policy whether Congress granted single or double statehood. "While we remain absolutely neutral on the question of the kind of statehood per se," one dry resolution directed to the Congressional Committee on Territories began, "we nevertheless record a firm conviction that the people of Oklahoma. . . are not warranted in asking statehood with Indian Territory at a disregard of their solemn treaty contracts with the Indians."³² The Inter-Church Federation, the Lake Mohonk Conference, and various other groups across the country representing millions of members, also sent resolutions urging the Committee to recommend prohibition. Congressmen received hundreds of letters and petitions asking a favorable vote on the issue. A spokesman for the General Assembly of the United Presbyterian Church, the Evan -

³²U. S. House of Representatives, Hearings on Prohibition in the Proposed State of Oklahoma Before the Committee on Territories, 59th Cong., 1st Sess. (Washington: Government Printing Office, 1905), 10.

gelical Lutheran Church, the Baptists, and the Methodists appeared to argue their case.³³ Congress could hardly remain immune to such persistent pressure.

While Congress debated the liquor question, prohibitionists in Oklahoma and Indian territories took steps to insure sustained temperance sentiment. A special organization within the Anti-Saloon League had been established in September, 1904, with the purpose of promoting prohibition in both territories. This was the Indian Territory Church Federation founded at McAlester, with A. S. McKennon, one of the members of the Dawes Commission (1896), as president.³⁴ The Baptists and the Methodists also became increasingly vocal. The liquor traffic, the Methodist Temperance Committee reported in 1905, was an enemy of the church and one of Satan's "most successful agencies for destroying souls." The exclusion of liquor from the state was necessary to protect the church.³⁵ Both the Anti-Saloon League and the WCTU stepped up their campaigns as the possibility of statehood improved.

In 1905, Oklahoma dries received the aid of an unexpected but

³³Ibid.

³⁴E. M. Sweet, "C. N. Haskell and Oklahoma Prohibition" (Haskell Collection. Division of Manuscripts, University of Oklahoma), 3.

³⁵Minutes of the Oklahoma Methodist Episcopal Church, 1905, 77. Hereafter cited as Minutes, Methodist.

valuable ally--Carry Nation. Widely known for her hatchet "jobs" on saloon stock, this apostle of temperance came to Guthrie and established headquarters. Fortunately, for the saloon men, she left her hatchet behind. Most of her time was directed toward making speeches and founding branches of her Prohibition Federation. Carry's organization sought to do a number of things: primarily, it worked to destroy the liquor traffic, and to obtain constitutional prohibition in Oklahoma. It declared for the election of a prohibitionist president, and fought for legislation against swearing and the sale of cigarettes; and it spoke out for woman suffrage.³⁶

The Prohibition Federation possessed great appeal, especially to the women of Oklahoma, mainly because Carry had organized it. The organization worked closely with the Anti-Saloon League, the WCTU, and local temperance groups in both territories. Soon it became an important force in generating sentiment for constitutional prohibition. To disseminate her propaganda, the "Woman with the Hatchet" purchased the Harvest Home Mission in Guthrie and installed a press on which she printed the Smasher's Mail and the Hatchet.³⁷

Wets did not stand idly by while temperance groups pressed

³⁶Herbert Asbury, Carry Nation: The Woman With the Hatchet (New York: Alfred Knopf, 1929), 288.

³⁷Ibid., 289.

their fight. The organization of prohibition forces aroused saloon men to such a degree that in 1904 they formed the Liquor Men's Association to raise funds to turn back their aggressive enemies.³⁸ The German American Association, founded in the same year, also vowed to protect the right of its members to determine what they should or should not drink.⁴⁰ And the Citizens League, composed primarily of men from the business community, lent its support in the fight against the "destructive element."⁴⁰

By 1906, however, it became apparent to wets that the fight for saloons would apply only to Oklahoma Territory. In the Oklahoma Enabling Act Congress declared for single statehood, and required continuation of prohibition in the Indian Territory, which before 1907 comprised the eastern half of present Oklahoma. The dry clause in the Act, imposed as a condition for statehood, provided that:

The manufacture, sale, barter, giving away or otherwise furnishing. . . of intoxicating liquors within those parts of said state [~~Oklahoma~~] known as the Indian Territory and the Osage Indian Reservations and within any other parts of said state which existed as Indian Reservations on the first day of January, Nineteen hundred and six [~~shall be~~] prohibited for a period of twenty-one years from the date of the admission of said state into the Union, and thereafter until the people of said state shall otherwise provide

³⁸Cherrington, Encyclopedia, V, 2059.

³⁹Daily Oklahoman, April 4, 1907.

⁴⁰Ibid., May 17, 1907.

by amendment of said constitution and proper state legislation.⁴¹

The new state, however, was permitted to establish an agency to supervise the sale of liquors for medical and other prescribed purposes. The act outlined penalties for violation of the prohibitory clause. Significantly, except for the former Osage Nation, it placed no restrictions upon Oklahoma Territory.⁴² Clearly, the congressional action represented a victory for the drys. But could they after years of hard work convince the Founding Fathers to write prohibition into the new state's constitution; and if they did would the people accept it?

⁴¹U. S. Statutes at Large, XXXIV, 269-70.

⁴²See Appendix A for the prohibition provision of the Enabling Act.

CHAPTER II

BORN SOBER

At the Oklahoma Constitutional Convention both wets and dries energetically sought to advance their interests.¹ Prohibitionists sought a restrictive liquor clause in the constitution covering the entire state, while wets were equally determined to fight any limitation on the sale of intoxicants outside old Indian Territory.² The WCTU, headed by Miss Abbie Hillerman, organized a personal postal campaign and later established headquarters at Guthrie so that the women could maintain close contact with convention delegates. The group sent letters to ministers of all denominations, and to the staffs of Oklahoma's colleges and schools asking them to pass resolutions for prohibition and forward them to the delegates at Guthrie. Miss

¹See the first hand comments of a participant in the Convention in Paul Nesbitt (ed.), "Governor Haskell Tells of Two Conventions," Chronicles of Oklahoma, XIV (June, 1936), 212. Hereafter cited as Nesbitt, "Haskell Tells of Two Conventions."

²James R. Scales, "Political History of Oklahoma, 1907 - 1949" (unpublished Ph.D. dissertation, Department of History, University of Oklahoma, 1949), 47. Hereafter cited as Scales, "Political History of Oklahoma."

Hillerman, with enviable enthusiasm, carried petitions containing 5,000 names to the convention and placed them on delegates' desks.³ The Anti-Saloon League, anxious to sustain the success it was enjoying throughout the country, imported its top lobbyist from Washington, the Reverent E. C. Dinwiddie, to conduct its fight. On the other side were the liquor interests led principally by the Citizens League, headed by B. Levy of Guthrie and J. P. Goulding of Enid, which stressed temperance without prohibition.

The anti-liquor forces achieved what appeared to be an impressive victory before the stormy debate on the issue began. After the convention had been in session several days, members of the Anti-Saloon League requested the support of Charles N. Haskell of Muskogee, convention majority floor leader, in securing a friendly Committee on Liquor Traffic. He advised them to make a list of men upon whom they could rely, and indicated his willingness to present it to William H. Murray, president of the convention. Finally, the League named fifteen men whom they considered "safe." Haskell then offered them to Murray, who appointed the entire committee as recommended by the League.⁴ Eight of the members came from the Oklahoma side, seven from Indian

³Minutes of the W. C. T. U., 331.

⁴Nesbitt, "Haskell Tells of Two Conventions," 213-14.

Territory.⁵ After hearing both dry and wet points of view, the committee filed its report, recommending prohibition for Indian Territory and local option for Oklahoma Territory.

The Anti-Saloon League which through the leadership of the Reverend Dinwiddie became the dominant voice of the dry forces "swallowed its ambitions" and accepted the committee's report. When Dinwiddie and members of the League approached the influential Haskell and urged his support of the recommendation, the outspoken floor leader replied, "Now look here. . . let's not waste any time. I won't support ~~the~~ report. I am here for statewide prohibition." He thought the League had conceded its original objective because of Robert L. Owen who acted as an advisor to the group. Haskell wrote some years later that the liquor interests had "bluffed" Owen into believing that they were an all powerful force in the convention, and that, in turn, he had persuaded the dries to go along with the "compromise" report. Haskell emphatically pointed out to the temperance reformers that the Enabling Act had already guaranteed prohibition for Indian Territory; thus the committee's suggestion was not a "compromise," he declared, it was defeat! The constitution, exclaimed Haskell, "must be uniform; I ~~am~~ opposed to any calico constitution that makes a thing a law in one part of the state

⁵Proceedings of the Constitutional Convention of the Proposed State of Oklahoma (Guthrie: State Capitol Co., 1907), 72. Hereafter cited as the Journal of the Constitutional Convention.

and not in the other."⁶ The prohibitionists left Haskell once more pledged to their original goal.

Upon hearing petitions, amendments, substitutes, and amendments to substitutes, the convention decided to adopt prohibition for the entire state. Very cleverly, however, its members chose to submit the question separately in the forthcoming election,⁷ lest the uncertainty of public sentiment jeopardize the ratification of the constitution. The ordinance as finally drawn was authored by W. A. Ledbetter, and the suggestion to submit it separately came from Robert L. Williams, himself a personal wet.⁸

As election day, September 17, 1907, neared, both wet and dry factions stepped up their campaign. The German American Association saw prohibition as a threat to personal freedom and liberal institutions, and declared against it. Non-partisan, it clearly advanced its position in a public statement prior to the referendum on the proposed constitution and the prohibition ordinance:

. . .when a political issue is raised which is antagonistic to our views of life, threatens our liberal institutions. . . and infringes upon the personal privileges and rights of men, then we band together for the preservation of right and freedom. Such an issue is at hand just now. The German vote

⁶Nesbitt, "Haskell Tells of Two Conventions," 215.

⁷Journal of the Constitutional Convention, 415.

⁸Scales, "Political History of Oklahoma," 48.

will be cast solidly against prohibition. . . and we will support such candidates for state offices. . . who are known to uphold the liberal institutions of the country,⁹

The Citizens League continued its campaign by trying to convince the public that prohibition aided neither temperance nor business. The League warned that it would lead only to hypocrisy and "the habitual disregard of the prohibition law [would engender] disrespect for all law." Moreover, the organization maintained that "it [prohibition] benumbed the moral sense and leads to evasion [and] subterfuge. . . resulting not infrequently in perjury."¹⁰ Beyond this, however, were the economic consequences of a restrictive ordinance. It would, according to the League, cut off a valuable source of revenue; it would stifle business, discourage investments, depreciate the value of real estate, and encourage illegal sales; prohibition was totalitarian in nature for "force is not a proper or successful instrument of moral reform."¹¹ And the League raised the question: had not it been shown in other states with prohibition that it really could not dam the flow of ardent spirits?

Indeed, the liquor interests agitated the question with such intensity and bitterness that many observers believed they were jeopardizing their own cause. In a meeting with wets, William H. Murray warned that by their methods, they were "digging their own graves." If

⁹Daily Oklahoman, April 4, 1907.

¹⁰Ibid., May 17, 1907.

¹¹Ibid.

they persisted, he cautioned, many people would vote for the constitutional restriction of liquor. "Why not let up a little bit and let the public mind relax? You might win if the people are not too deeply aroused."¹² While Murray admonished wets to "relax," he consummated a "deal" with dries which helped to insure both statehood and statewide prohibition.

Shortly after his talk with the "liquor crowd," Murray held a conference with H. T. Laughbaum, E. C. Dinwiddie, and E. M. Sweet of the Anti-Saloon League. During this meeting he promised that if the League backed statehood, he would support prohibition. President Theodore Roosevelt, he reminded them, was opposed to the constitution and had threatened to refuse the state admission to the Union unless a Republican, Frank Frantz, was elected governor. Roosevelt would need some encouragement; and Murray set forth the League's chore:

If you will merely put your best workers to work and you devote your efforts to writing letters to every Temperance Organization, every church, and every person of prominence in the United States, covering every section of the country urging them to write Roosevelt, you will guarantee statehood; and if you will guarantee statehood, I will guarantee prohibition will be adopted. Leave that to me and I will leave to you

¹²Gordon Hines, Alfalfa Bill: An Intimate Biography (Oklahoma City: Oklahoma Press, 1932), 212.

the guarantee of statehood.¹³

With the Murray bargain sealed, drys felt profoundly confident of victory. The Tulsa World¹⁴ in April of 1907 predicted that prohibition would carry, especially in the Indian Territory which had to remain dry under the provision of the Enabling Act. A sizeable segment of the population on that side believed that there should be no sectional discrimination of any kind within the new state, and had decided to vote for prohibition, if for no other reason than to "play a joke on [the] Oklahoma [side] by making that end dry."¹⁵ On the eve of the election the Daily Oklahoman, although it hated to admit it, thought the drys would win.¹⁶ The Anti-Saloon League and its followers, however, did not relax their efforts, and on the day before the election, they staged a large demonstration in Convention Hall in Guthrie to unify the various groups for prohibition.¹⁷ As the roar of drums slipped into silence, and the drys made their way home, drier perhaps from the day's activities, uncertainty still existed about the effectiveness of the campaign which had been pushed forward with full force since the 1890's.

On September 17, 1907, the people of Oklahoma and Indian

¹³William H. Murray, Memoirs of Governor Murray and True History of Oklahoma (3 vols.; Boston: Meador Publishing Co., 1945), I, 333-34.

¹⁴April 13, 1907.

¹⁵Ibid.

¹⁶September 16, 1907.

¹⁷Ibid.

territories accepted the constitution by a vote of 180,333 to 73,089.

The prohibition clause was less a favorite; it carried 130,361 to 112,258. Contrary to previous speculation, Indian Territory did not play a "joke" on the Oklahoma side; it was just the other way around, for fifteen of the seventeen counties which opposed the dry proposition were in the eastern part of the state! These were Carter, Coal, Craig, Creek, Johnston, Latimer, McIntosh, Nowata, Osage, Pittsburg, Rogers, Sequoyah, Wagoner, Washington, and Pushmataha. On the Oklahoma side, Logan went narrowly against prohibition, while Oklahoma County was decisively wet.¹⁸

In that same election the Democratic candidate, Charles N. Haskell, defeated Republican Frank Frantz for the Governorship. Haskell, of course, was no stranger to the prohibitionists. At the Constitutional Convention, Haskell had nourished a close relationship with Dinwiddie and other dries, had urged Murray to appoint the men suggested by the League to the Liquor Traffic Committee (although they did prove a disappointment), and he had always voted favorably on prohibition. During the gubernatorial campaign, he further sealed this friendship. Both party platforms had judiciously avoided the liquor question, but the two candidates had been pressured to state their views. When pushed to

¹⁸Seth Gordon and W. B. Richards (comps.), Oklahoma Redbook, 1912 (2 vols.; Tulsa: Tulsa Daily Democrat), I, 295. Hereafter cited as Gordon and Richards, Oklahoma Redbook.

declare his position, Frantz replied that "every man has a right to vote his individual opinion," and "my own views are binding on no one. . . ." He noted further that it should not matter to the public how his vote was cast since it would "in no way influence my course as Governor."¹⁹ Frantz's evasiveness did not satisfy the drys.

At Norman, Haskell was questioned about his attitude. His answer demonstrated much more political prudence than his adversary's. "If I were not a candidate for public office," he informed his listeners, "I would have the privilege of telling you that this was none of your business," but "I. . . would not vote for a man who tried to conceal his personal or political intentions."²⁰ The implication not to vote for Frantz showed through Haskell's subtlety. "The man who hides," he continued, "is a coward and this is no time to have a coward in charge of the new government. I intend to vote for statewide prohibition."²¹ Finally, Haskell charged his opponent with intemperance.²² Doubtless, his stand at Norman, his record at the Constitutional Convention, and Frantz's failure to refute successfully the allegation that he occasionally imbibed endeared Haskell to many a dry heart.

¹⁹Oscar Fowler, The Haskell Regime: The Intimate Life of Charles Nathaniel Haskell (Oklahoma City: Boles Printing Co., 1933), 120. Hereafter cited as Fowler, Haskell Regime.

²⁰Ibid.

²¹Ibid.

²²Shawnee Daily Herald, September 3, 1907.

Oklahoma's first governor wasted little time in setting forth his policy. In his inaugural address, he promised to enforce the law:

By a majority of more than eighteen thousand voters, the people of Oklahoma have declared in favor of statewide prohibition. That is now the law in this state; not placed in our constitution as a political requirement nor for mere sentimental purposes, but because a majority of the people believe that humanity will be better by having such a law and by having it enforced. I stand here today as one of your officers to assure you that law will be enforced, and I hope that when tomorrow morning's November 17 sun rises and forever thereafter as long as this law shall be the will of the people, that there will be no one within our border/s/ disposed to violate it, because that violation is bound to meet with the punishment presented in the law.²³

While prohibitionists were joyously congratulating each other, and as Haskell was steadfastly pledging to stand by the constitution, wets were preparing for an age of legal sobriety. In Oklahoma City it was reported that all saloons were doing a rushing business.²⁴ One whiskey establishment, the Wetzenhoffer and Turk Company, began to dismantle early, and it printed a three column spread in one of the local papers advertising "Alfalfa Bill Bourbon" for one dollar a quart, and pints of "Old Crow" for fifty to sixty cents. The owner of the company wrote: "It would be useless. . .to go into details with you as you all understand our reason for giving these extremely low prices."²⁵ A

²³Inaugural Address of Governor C. N. Haskell, November 16, 1907 (Guthrie: Leader Printing Co., 1907), 9.

²⁴Oklahoma News, November 16, 1907.

²⁵Daily Oklahoman, October 13, 1907.

Ponca City dramsman posted above his saloon this consoling statement: "Hush little saloon, don't you cry; you'll be a drug store, by and by."²⁶ A dispatch from Lawton noted that "much liquor is being stored away" for dry times.²⁷ The New State Brewery Company at Oklahoma City, owned by Anheuser-Busch, closed its doors, and some 27,000 gallons of beer went into the sewers.²⁸ Prohibition spelled disaster to 550 retail saloons, thirty wholesale houses, and two breweries.²⁹

As Saturday, November 16, 1907, drew to a close, citizens gathered at the bar to sip farewell to the past and to toast the new order destined to take place the next day. At Oklahoma City, "good fellows, soaks and all" assembled to pay their respects to the parting of the ways. By eleven o'clock, one writer has noted with a bit of colorful exaggeration, "hades had taken a recess and was using Broadway and Main for a playground."³⁰ By midnight, there was nothing but a drunken mob.³¹ Pandemonium finally staggered to an end, and it appeared there would be peace in the new state.

In December, Governor Haskell asked the First Legislature for

²⁶Mary Goddard, "Well Went Dry Just 50 Years Ago," Daily Oklahoman, November 13, 1957 (Magazine section).

²⁷Ibid.

²⁸American Issue, July, 1912.

²⁹Eufaula Indian Journal, February 7, 1908.

³⁰McRill, And Satan Came, 118.

³¹Ibid.

enforcement legislation vitalizing the constitution. Vigorously maintaining that "prohibition will prohibit," he thought successful and uniform enforcement could only reach realization by giving the governor unhamp-
ered authority.³² County attorneys had already informed the executive that conditions were serious in their jurisdictions; thus Haskell asked for a firm statute so that law officers would not have to remain "silent witnesses" to evasion of the constitutional mandate.³³

Responsive to the governor's request, the legislature considered an enforcement measure. A bill in accord with Haskell's thinking was introduced in the senate by Richard A. Billups, an attorney from Cordell and Chairman of the Senate Prohibition Committee. The "Billups Prohibition Bill" passed the upper chamber by a vote of 36 to 7 on December 18, but not without vigorous objection from a very vocal minority.³⁴

In light of future developments, some of these are significant enough to note in some detail.³⁵ Senator G. O. Johnson, although he favored prohibition "if it can be enforced," emphatically exclaimed

³²Seventh Special Message of the Governor to the First Legislature, December 12, 1907 (Guthrie: Leader Printing Co., 1907), 18.

³³Ibid., 18-19.

³⁴Journal of the Senate of the State of Oklahoma, 1907-1908, 65. Hereafter cited as Senate Journal.

³⁵Those voting against the bill were Senators P. S. Curd, H. S. Cunningham, G. O. Johnson, Frank Mathews, H. E. P. Standford, P. J. Yeager, and J. P. Goulding. See Ibid.

that the proposed measure strikes down the strong arm of personal rights to gratify fanaticism." He also opposed the law because it would impose upon the people an "unjust" expense.³⁶ Senator P. J. Yeager advanced two of the arguments propounded by the Citizens League and the German American Association during the election. He claimed the proposed enforcement legislation would make good citizens violate the law and thereby make criminals of honest men. "It abridges the great domestic principle that we shall each enjoy ourselves as conscience dictates so long as we do not interfere with the rights of others or the public good." The law, said Yeager, was undemocratic and unjust, and besides adding undue expense upon the citizenry, it would bolster the Republican party by 25,000 votes.³⁷ Senator P. J. Goulding added that the law was "inquisitorial," and could subject the people to a "star chamber investigation."³⁸ And to Senator H. E. P. Standford the spirit of the bill was "akin to that which, in the days of our Puritan Fathers, led to the burning of witches at the stake."³⁹

Objections aside, the senate sent the bill to the house. At the insistence of William H. Murray, speaker of the house, the lower chamber added a dispensary feature which provided for a state agency in accordance with the enabling act and the constitution, and in towns

³⁶Ibid.

³⁷Ibid., 65-66.

³⁸Ibid., 66.

³⁹Ibid.

of 1,000 population. Irritated by this change, the senate rejected the amendment by unanimous vote (32-0).⁴⁰ In February, 1908, Senator J. Elmer Thomas suggested that the legislature postpone consideration of the bill until a committee of senators and representatives, along with Governor Haskell, drafted a measure in compliance with the prohibition section of the constitution.⁴¹

The committee considered the Billups Bill until March, 1908. Senator Billups then presented the committee's version of his bill to the senate and recommended acceptance of the dispensary (state agency) provision added by the house. The senate divided over the measure, but finally decided to pass it provided that the dispensary provision of the constitution became effective at once, and that agencies to be established in towns of 1,000 for the sale of liquors for medicinal and scientific purposes not be created until approved by a vote of the people.⁴² Under the leadership of Speaker Murray, the house passed the bill by a slim margin.⁴³ On March 24, 1908, Governor Haskell signed the "Billups Booze Bill," as opponents of the measure derisively dubbed it.

Oklahoma's first statutory liquor law, like its constitution, was very detailed. It consisted of three articles: the first two dealt

⁴⁰Ibid., 179-80.

⁴¹Ibid., 180.

⁴²Ibid., 357.

⁴³Journal of the House of Representatives of the First Legislature of Oklahoma, 1908-1908, 160. Hereafter cited as House Journal.

with the dispensary, and the other contained provisions relative to preventing the sale of liquor except through the agencies established by the state. The law provided for a state agency system (dispensary) operated by a superintendent appointed by the governor. In each incorporated town of 2,000 or more a local agency could be created; but counties with towns of less population were entitled to one dispensary at a place designated by the superintendent. The Billups Bill stipulated, however, that agencies could be established in towns of 1,000 people if Oklahomans approved such a provision in a referendum, November, 1908. Unquestionably, this legislative concession violated the section of the enabling act which provided for one dispensary in towns of 2,000; and where towns of no such size existed, Congress had specifically granted that a county "shall be entitled to have only one such agency."

Persons could purchase liquor only upon prescription from licensed doctors. A "patient" who wished to secure "medicine" from the dispensary had to make a sworn statement as to his name, and the purpose for which the liquor was bought. Physicians who recommended intoxicants except for a disease which required such treatment were liable to a fine of \$200 to \$1,000, or imprisonment from thirty days to one year, or both. Other notable provisions of the law provided penalties for drinking in public, bootlegging, advertising of liquors, and delivery of intoxicants by common carriers to fictitious names.⁴⁴

⁴⁴See the full text of Billups Bill in Oklahoma Session Laws,

Between April, 1908, and the November election, the dispensary feature of the Billups Bill was debated pro and con. One of the most vocal spokesmen for the system was Governor Haskell. Although he originally opposed the sale of whiskey for medicinal purposes, Haskell reversed his stand because of "pressure from the public."⁴⁵ In ardent defense of the agency, he pointed out that it did not represent a "beverage" dispensary--it was not a "barrel of whiskey with the head knocked in and a tin cup hanging conveniently near." The operation of the system, he assured Oklahomans, would be well guarded. Scolding the opponents of the dispensary, the chief executive stressed its importance to enforcement:

The complaint that the state is degrading itself and degrading its women and children by putting these medicinal sales of liquor under its control and direction, is a sudden awakening of pretended morality when it comes from a class of . . . individuals, who, in the last election were so unmindful of the morals of the state that they bitterly fought prohibition. I warn you that they are utterly unfit to advise those who are engaged in fighting for practical enforcement of prohibition and the elevation of moral conditions. . . .⁴⁶

1907-1908, 594-614. Hereafter cited as Session Laws.

⁴⁵Address of Governor C. N. Haskell. . . Before the Oklahoma Prohibitionists, April 15, 1908 (Guthrie: Leader Printing Co., 1908), 10. Hereafter cited as Haskell's Address to Prohibitionists.

⁴⁶Daily Oklahoman, March 25, 1908. For an interesting comment on the Billups Bill see "Billups Booze Bill," Outlook, LXXXIX (June, 1908), 311 (editorial page). Hereafter cited as "Booze Bill," Outlook.

Haskell, nevertheless, confessed his doubtful attitude about the economic value of the agency system to the state, but he supported it because of its "moral" worth. If total sales, he said, amounted to \$50,000 a year, the state would not lose \$15,000 a year. But in a speech to the Prohibition Party,⁴⁷ the governor admitted that the agency could represent an annual loss of \$25,000.⁴⁸ The truth, however, seems to be that the governor, as well as many other legislators, actually anticipated a profit from the agency, not a loss!

The Anti-Saloon League also supported the "dispensaries." Leaders of the organization claimed that opponents misrepresented the Billups law by using the term "dispensary," notwithstanding the fact it appeared nowhere in the constitution or the enabling act. The liquor interests wanted to prompt the people to repeal by making it impossible to get badly needed "medicine." The difference between the Oklahoma agency and the South Carolina "dispensary," wrote the editor of the American Issue, official organ of the Anti-Saloon League, "is the dif-

⁴⁷The Prohibition Party held its first convention in Oklahoma in 1902. As was generally true of the organization throughout the nation, it never became a powerful political entity; nor was it an effective agent in molding temperance sentiment. For a sketch of the party's history see D. L. Colvin, Prohibition in the United States: A History of the Prohibition Party and the Prohibition Movement (New York: George H. Doran Co., 1926). For a brief summary of the party's principles see "The Prohibition Party," Independent, LXVII (April, 1909), 929-30.

⁴⁸Haskell's Address to Prohibitionists, 12.

ference between alcohol for purposes of debauchery," and "medicine when the doctor prescribes it." It was not "booze when any boozier wants it."⁴⁹

Taking a cue from the Anti-Saloon League, the Protestant churches swiftly swung into line. The Baptists urged adoption of the Billups Bill in its entirety at the polls.⁵⁰ To defeat the agency, Presbyterians conjectured, was a clever attempt by the wets to bring back the saloon with all its attendant evils. Their convention in 1908 condemned the "combined host of liquordom." It deplored the efforts of "brewer, distiller, joint keeper, bootlegger, sons of darkness who disgrace. . . the father of our country by calling themselves 'Sons of Washington,' the lower class German American[s]. . . the Citizen's League, gamblers,"

⁴⁹American Issue, September, 1908. The father of the dispensary in the United States was "Pitchfork" Ben Tillman of South Carolina. As governor of the state, he succeeded in having it incorporated as a part of the 1895 constitution. It provided for government ownership of the saloon business, and attempted to eliminate the worst features of the liquor traffic. See John Eubanks, Ben Tillman's Baby: The Dispensary in South Carolina, 1892-1915 (Augusta: Privately Published, 1950); also, Ernest Cherrington (ed.), The Anti-Saloon League Yearbook, 1909 (Westerville: The Anti-Saloon League, 1909), 177-78. Hereafter cited as Cherrington, A. S. L. Yearbook. For the operation of the system in another state see Daniel J. Whitener, "The Dispensary Movement in North Carolina," South Carolina Quarterly, XXVI (January, 1937), 33-48.

⁵⁰Minutes of the Oklahoma Baptist General Convention, 1908, 18. The year before, however, the Baptists had opposed the establishment of dispensaries, declaring that they were "subversive of morals and good government and tended to destroy the value of the. . . victory won. . . for prohibition." See Ibid., 1907, 86. Hereafter cited as Minutes, Baptists.

and disgruntled politicians" of the baser sort and all the lawless anarchist class to overthrow our law." The liquor interests would like nothing more than to defeat the church and all good Christians by making the law inoperative, "bring it into disfavor [and] secure its [re]peal by re-submission. . . ." ⁵¹ The Methodists, meeting at Shawnee a month before the election, urged its members to vote for the only "proper way of handling the sale of. . . liquor under the constitution. . . ." ⁵²

Opponents of the agency system were equally as vocal as its advocates. Strangely enough, opposition came not only from anti-prohibitionists, but from many devoted drys who thought the dispensaries practically nullified the constitution. ⁵³ The Kay County Civic League, for example, an organization pledged to complete prohibition, adopted a resolution committing the group against the referendum. ⁵⁴ While the Anti-Saloon League held that the WCTU was supporting the agency, the women claimed they were not! ⁵⁵ J. E. Wolfe, a prohibitionist from Vinita, ridiculed the system in the following humorous,

⁵¹Minutes of the Synod of [the] Oklahoma Presbyterian Church, 1908, 95. Hereafter cited as Minutes, Presbyterians.

⁵²Minutes, Methodists, 1908, 70.

⁵³"Booze Bill," Outlook, 311.

⁵⁴Lexington Leader, October 2, 1908.

⁵⁵Mrs. Nellie Holmes, a long-time member of the organization, related to the writer that the Union considered the agency a "slip through." Personal interview with Mrs. Nellie Holmes, Tulsa, Oklahoma, March 16, 1963; see also Tulsa Times, March 27, 1908.

but meaningful, language:

Strange what a panacea for physical ills is wrapt up in a jug full of Sunnybrook [the agency's brand] liquid kill-devil, or a schooner of Budweiser rotgut. . . . For let it be known that the patient who loves this liquid hell-fire and damnation, has a disease that is chronic and established in its nature, and therefore requires a continual application of the "curative agent". . . .

What a run on this lovely, beautiful. . . institution called the State Dispensary there will be! Day in and day out these poor thirsty and sick mortals will be seen wending their way to the open door of this humane and sanctified state saloon. . . . Parsons. . . deacons, and dead-beats, and all sorts of thirsty citizens [will crowd] around to obtain the precious sip. Who could have conceived a more ingenious scheme to people hell than this State Dispensary Institution?

Come Out From Among Them And Be Ye Separate,
Saith The Lord, And Touch Not The Unclean Thing.⁵⁶

Others opposed the agency for a variety of reasons. The Sons of Washington,⁵⁷ organized to remove Oklahoma from the ranks of the dry states, and to protect the personal rights of its members, called the state's policy hypocritical. There were also those who believed that local agents would seek to maximize their profits by illegal sales. That a public agency could possibly develop into a powerful and corrupt political machine as had been the case in some other states was a genuine

⁵⁶Prohibition Files (Frederick S. Barde Collection, Oklahoma Historical Society, Oklahoma City). The Files will be cited hereafter as Prohibition Files (Barde Collection).

⁵⁷Care should be taken not to confuse the Oklahoma Sons of Washington with the Sons of Temperance which was an outgrowth of the Washington movement of the 1840's. The Oklahoma group was incorporated in 1908 as the Grand Lodge of the Sons of Washington. See the Lexington Leader, July, 1908.

fear shared by many. Republicans contended the system would be too expensive to operate.⁵⁸

Although the State Medical Association agreed to endorse the dispensaries after extended debate, favorable opinion was far from uniform. Many doctors shared the view of the Canadian County Medical Association which resolved shortly after the passage of the Billups Bill that:

Whereas, the dispensary system as provided for in the . . .booze bill is about to be established. . .we feel that the social status of the medical profession will be jeopardized by the operation of such a system, and whereas, the physicians will be held accountable for the prosperity of the dispensary. . .we do hereby condemn such system as being derogatory to our vocation and agree not to lend support toward the dispensary by refusing to write prescriptions. . .in any cases whatsoever.⁵⁹

While the public argued the merits of the agency, local dispensers and dispensaries already in operation experienced financial difficulties. There were a total of seventy-nine towns in Oklahoma entitled to a dispensary.⁶⁰ When the Billups Bill passed the legislature, great glee prevailed over the economic possibilities of the system. It was not long, however, before the cold truth became evident--the "medical" dispensaries were "sick." At Guthrie, citizens seemed remarkably

⁵⁸Daily Oklahoman, March 25, 1908.

⁵⁹Prohibition Files (Barde Collection).

⁶⁰Haskell's Address to Prohibitionists, 11.

free of ills; the local agent there for one five-week period sold only \$3.20 worth of liquor. In Oklahoma City with some 50,000 population, total sales between May and August of 1908 amounted to only \$8.00. Purchases at other representative cities up to August included: Hugo, \$15.57; Lawton, \$6.00; Blackwell, \$3.20; Shawnee, \$9.85; Ardmore, \$28.27; Durant, \$22.50; Alva, \$34.00; Arapahoe, \$1.60; and Mangum, \$15.85.⁶¹ In the sixty-five day period following the establishment of the agency system, the report of Superintendent Robert Lozier showed that the state spent \$8,437.96 in selling \$3,811.88 worth of whiskey and \$1,000 worth of alcohol. Total expenditures came to \$25,051.95.⁶² Such figures did not readily commend the agency to the taxpayers in November.

The issue in the election became very confusing. As indicated, both the constitution and the enabling act permitted the establishment of dispensaries in towns of 2,000 or above, and if a county did not have a town of that size, one dispensary could be created at some place determined by the state. The proposed amendment would have altered the Oklahoma Constitution by granting the legislature power to establish agencies in communities of 1,000 population, and at other localities.

⁶¹Prohibition Files (Barde Collection); see also New York Times, August 1, 1908.

⁶²Prohibition Files (Barde Collection).

The proposition appeared simple, but the ballot title made it an extremely perplexing issue. It read in part:

State Question No. 1 is a proposed constitutional amendment and relates to the law now in force, establishing a State Agency and local agencies for the sale of intoxicating liquors for medical and scientific purposes only; each sale to be registered; no sale to be made except upon prescription signed by a registered practicing physician; if adopted will amend the Constitution so as to authorize the Agency Superintendent, with the approval of the governor, to establish one such agency in each town of one thousand population, or wherever else a public necessity exists therefor.⁶³

In the November election, the amendment met with defeat, 105,392 to 121,573. Governor Haskell, therefore, closed all the dispensaries. Immediately, friends of the agency proclaimed that the vote had not been on the dispensaries then in operation, but on whether or not the people wanted to amend the constitution permitting them in towns of 1,000 and at other places. The ballot title, they said, was contradictory and void, as it prevented a voter from recording his wishes, since he might have been for one proposal and against the other, but could only vote yes or no.

The courts finally resolved the issue. In Alexander Drug Company vs Robert Lozier, Judge A. H. Huston of Logan County ruled that:

⁶³Biennial Report of Benjamin F. Harrison, Secretary of State of . . . Oklahoma. . . 1912 (Oklahoma City: Peerless Press, 1912), 20.

There is nothing here to indicate to the voter that he could express his will by his vote upon the question of the repeal of the law as it exists. In fact he was given no such opportunity. He might have been opposed to amending the constitution so as to authorize the Agency superintendent to establish an Agency in towns of one thousand population, and still have been in favor of the present dispensary system, which is in accord with the constitution. In such case he had no opportunity to express his will at all, and it cannot be presumed from information on the ballot that he could have known that a vote against the proposed amendment to the constitution should have operated as a vote in favor of the repeal of the present dispensary law.

The state agency, therefore, as it was originally enacted, except the unconstitutional part providing for agencies in towns of one thousand population. . . is still a law. . . .⁶⁴

Governor Haskell directed an appeal from the decision of the lower court.

In the meantime, he urged the legislature to take favorable action on the dispensary system.⁶⁵

It was not difficult to comprehend Haskell's ignorance of the financial status of the agency. Robert Lozier, its first superintendent, was perhaps honest but, nevertheless, an incompetent administrator. The state examiner sent the governor and the Democratic party into a roar when he reported that "during the period. . . Robert Lozier was superintendent, the accounts and records made of the transaction in the

⁶⁴On appeal Judge Huston's decision was upheld by the Supreme Court. See Robert Lozier vs Alexander Drug Company, 23 Okla., 1.

⁶⁵First Message of the Governor to the Second State Legislature, January 5, 1909 (Guthrie: Leader Printing Co., 1909), 10-11.

State Agency was very incomplete, erroneous. . . indefinite and were improperly kept."⁶⁶ He also found numerous cases "where acid had been used to make erasures on the books, checks, etc."⁶⁷ Haskell condemned Lozier's poor methods, but upheld his honesty.

Once the Oklahoma Supreme Court sustained the decision rendered by Judge Huston, Haskell had no choice but to re-open the dispensaries. In a special proclamation, he reactivated the agency system, but with certain reservations. The people of Oklahoma, he said, are

. . . entitled to have one agency kept and maintained by the state in every town of 2,000 people or more, and where no such town exists in any county, then at one place of less population in any such county, but that no such agency will be established or maintained until receipt of a petition in writing therefor presented to me by a reasonable proportion of the inhabitants of such town or county requesting the opening and maintenance of such agency. . . .⁶⁸

By the end of 1909, nineteen agencies had been established under a new superintendent, S. W. Stone, who replaced the inefficient Lozier.⁶⁹ Before the repeal of the agency law in 1911, never were there more than twenty dispensaries in existence.⁷⁰

⁶⁶"Report of the Special Committee on the State Agency ." (Special Collection on Prohibition, Oklahoma Historical Society, Oklahoma City), 1.

⁶⁷Ibid.

⁶⁸See Governor Haskell's proclamation in the Beaver County Herald, June 10, 1909.

⁶⁹Vinita Weekly Chieftain, June 11, 1909.

⁷⁰Fowler, Haskell Regime, 183.

CHAPTER III

HASKELL EXPERIENCES ENFORCEMENT WOES

The Billups Bill made provision for state control of the liquor traffic by establishing an enforcement office under the governor. Primarily, however, the execution of the law depended upon local officials who often were aided indirectly by such groups as the WCTU and the Anti-Saloon League.¹ Although granted that most county and city officers were honest, conscientious public servants, they had neither time nor resources to cope effectively with small bootleggers, to say nothing of the powerful ones.

The public attitude toward the question of enforcement varied during the Haskell period. Some applauded the law as an unqualified success, while others denounced it as outright failure. Unquestionably, prohibition had not been as effective as the friends of the movement desired. Before the end of 1908 (the year the liquor enforcement statute

¹About the time Oklahoma entered the Union, the Anti-Saloon League was becoming increasingly significant as a social and political force throughout the nation. Politicians feared its influence, and the liquor interests respected its power. See Herbert Asbury, The Great Illusion: An Informal History of Prohibition (Garden City, New York: Doubleday and Co., Inc., 1950), 94-104; and Odegard, Pressure Politics, 22-23.

passed the legislature), Fred S. Caldwell, Haskell's prohibition enforcement attorney, reluctantly admitted that he had not "been able to do all I hoped to, because local sentiment largely controls the enforcement of the law in the community," and that in some places progress had been slow in getting "citizens of influence to uphold the officers."² Caldwell's appraisal of the law, incidentally, coincided with what wets had preached during the 1907 campaign. In a prohibition state, they had maintained, wet and dry zones were as inevitable as winter and summer.

Governor Haskell, nevertheless, was determined to see the law uniformly enforced. The state realized some success in the prosecution of bootleggers, to be sure, but it was at best only temporary and violators, eager for profits at the expense of chance, returned to ply their trade in defiance of the Billups Bill. The state's enforcement officers raided sporadically throughout Oklahoma, but the liquor traffic confounded their best efforts. In Creek County, for example, in 1909 officers brought indictments against nearly 200 bootleggers,³ but the very next year wets and dries complained concertedly (although for different reasons) that the "boots" presented a greater problem than at any other time.

In an effort to compel obedience to the law, the state proceeded

²Daily Oklahoman, December 5, 1908.

³Ibid.

occasionally against county officials who failed to enforce the liquor measure. In 1908, Governor Haskell sent State Attorney General Charles West to Pottawatomie County to investigate an alleged unlawful combination between officials and bootleggers. West succeeded in forcing the resignation or removal of a county attorney, a judge, and a county commissioner, all of whom had received money from the whiskey interests for protection.⁴ Later in the year, West went to Tulsa County where he ousted other officers for neglect of duty. Prohibition enforcement attorney Caldwell forced the resignation of the Creek County attorney (which he personally considered the "rottenest" in the state from the standpoint of law enforcement), on the grounds that he had violated his oath of office by failure to enforce the prohibition law.⁵ In 1910, the county attorney and sheriff of Beckham County lost their jobs.⁶ By the end of the Haskell administration, no less than twenty county and city officers had been removed for failure to enforce the liquor statute.

The state expended roughly \$35,000 for enforcement during the first four years of statehood. Confiscations of liquor and fixtures amounted to \$250,000.⁷ These were sold out-of-state and the proceeds used in pro-

⁴Harlow's Weekly, June 5, 1914.

⁵Daily Oklahoman, August 8, 1908.

⁶American Issue, March, 1910.

⁷Cherrington, A. S. L. Yearbook, 1911, 140.

moting law enforcement. While state efforts were conscientious, they were not sufficient to enforce the law; in short the administrative task was too great. Had there been bountiful resources of men and money, it is doubtful whether enforcement could have been anywhere near absolute in areas where public sentiment did not support prohibition.

Unfortunately, criminal statistics in Oklahoma, especially of prohibition violations, were not systematically kept. Examination of the available data, however, revealed the immense difficulties involved in enforcing the law. While the records of arrests for drunkenness, for example, would not indicate the exact degree to which the law was enforced, figures for certain representative cities showed that violations usually increased with the passage of time. By a simple matter of deduction, this suggested the presence of a liquor traffic within the state.

In Oklahoma City, for example, liquor cases rose from 274 in December of 1907 to an average of 311 per month in 1908. Where there had been 37 arrests for drunkenness in January of 1908, there were 75 for the next month. By 1910, the city's condition improved little.⁸ And the same was true for other cities across the state, especially the larger ones. Lawton, for example, which registered 114 arrests for drunkenness in 1908, had 204 in 1910; Tulsa jumped from 769 to 1,366

⁸Figures for 1908 may be found in the American Issue, September, 1908, and the Daily Oklahoman, July, 1908. See statistics for 1910 in Ibid., November 2, 1910.

in the same period; Shawnee spiraled from 517 to 867; at Sapulpa arrests were up to 727 in 1910 compared to 598 in 1908; El Reno, which had 72 arrests in 1908, increased to 282 two years later.⁹ In six of the smaller towns of the state--Watonga, Geary, Blackwell, Newkirk, Kingfisher, and Perry--the number of arrests tripled between 1908 and 1910.¹⁰ Generally, however, it appeared that enforcement in the larger cities and towns presented a greater trouble than in the less populated areas.

The economics of enforcement complicated the suppression of the liquor traffic in many parts of the state. In fifteen counties--Grady, Comanche, Caddo, Kiowa, Murray, Carter, Johnson, Canadian, Seminole, Muskogee, Tulsa, Creek, Oklahoma, Pottawatomie, and Nowata--over 9,000 cases arose out of the illicit sale of liquor between 1908-1910, at a total cost to these counties of \$231,000. In Pottawatomie, less than a year after statehood, County Attorney Virgil Biggers lamented that the continuation of liquor law enforcement at the present rate would break the county.¹¹ By June of 1908 he had prosecuted 326 cases, two-thirds of which resulted in no convictions. These, the attorney estimated, cost an average of \$20.00 each, or a total of \$6,520.¹² Fines collected amounted to only \$2,000! Conditions improved little the following two years. Out of 1,150 cases filed in county court in 1910, 1,100 were alleged

⁹Ibid. ¹⁰Cherrington, A. S. L. Yearbook, 1910, 168.

¹¹Shawnee Daily Herald, June 8, 1908.

¹²Ibid.

liquor violations, prosecuted at a total cost to the county of nearly \$32,000.¹³ State officials, however, claimed that the counties as a whole came out even in the enforcement of the law, although some definitely incurred a deficit.

Governor Haskell held tenaciously to the belief that vigorous enforcement would yield enough income to cover all expenses. He contended that where officers saw that the convicted violators worked out their sentences when unable to pay, the county came out ahead, but where prisoners remained idly in jail, expenses increased, and thus helped to discredit the law. Most counties, however, were not as fortunate as Canadian, Custer, Comanche, or Adair, all of which reported a profit resulting from enforcement.¹⁴ In Canadian County, for example, there had been 222 actions under the prohibition law between November of 1907 and July of 1908. The cost of operation of the county seat, which included salaries of the judges, clerks, and jury fees, totaled \$5,300, while the collection of fines came to \$9,500; the value of all liquor seized amounted to approximately \$5,000.¹⁵

Despite the cost of enforcement and the record of prohibition in the new state, Governor Haskell's attitude remained unalterable. It was principally the liquor interests from outside Oklahoma, he said,

¹³Prohibition Files (Barde Collection).

¹⁴American Issue, March, 1910.

¹⁵Ibid.

who discouraged respect for the law. Haskell noted that:

I am aware that strenuous effort and organization ~~have~~ been made from the beginning of statehood. . . principally ~~by~~ persons and corporations ~~from~~ outside our own state, who would profit by a traffic now prohibited in our state, to arouse a public sentiment that might vote. . . prohibition out of our Constitution, and to create this sentiment no opportunity has been neglected to discredit the enforcement of the prohibition law, to throw in the way of enforcement every possible barrier, and to discredit the public officers whose duty it is to enforce the law, and to which every honest effort is being made; and while the vast majority of those who hoped for the success of the law have neglected to yield the active aid and support to law enforcement that they confess was their duty, they have by their indifference simply enabled the diligence of its opponents to create false impressions among the people.¹⁶

Haskell and the drys also blamed policies of the federal government for much of the state's troubles. The use of the mails by out-of-state whiskey companies to advertise in Oklahoma, the protection of interstate shipments of liquor under the commerce clause of the federal constitution, and the national government's policy of selling liquor stamps to persons in prohibition territory, they said, only undermined the efforts of the dry states. The governor once noted that:

It is true that the prohibition law. . . has its violators. It is true that the present policy of the Federal Government, particularly in affording the unrestricted use of the United States Mail, and the sacred protection of the interstate commerce laws, and the condoning of offences against the Federal Government by reason of a payment of a small federal tax, makes the successful enforcement of prohibition laws ~~difficult~~, and ~~it~~ often fall ~~s~~ short of our hopes and expectation ~~s~~, but this combined effort to destroy laws

¹⁶Daily Oklahoman, August 28, 1909.

that tend for morals and domestic happiness can never be an excuse for a backward state, but on the other hand should suggest renewed vigor, and a determined effort to compel respect and obedience to the laws of the state.¹⁷

Haskell's analysis of the role of the government was partly correct. In 1908, for example, 2,135 persons in Oklahoma bought federal liquor stamps,¹⁸ and in no year during the Haskell period did the federal government sell less than 1,000 stamps to Oklahomans. Indeed, an element of truth showed through in the statement of wets that if further evidence were needed to demonstrate how statewide prohibition broke down, "it is at hand in the number of persons who pay a special tax to sell liquor where all sale is forbidden."¹⁹ Those who held permits could, and did, obtain shipments of liquor from outside the state through interstate commerce. At Elk City in Beckham County, to illustrate, the records of the Rock Island Railroad revealed that between January and December of 1909, more than 1,033 barrels of beer, and 482 cases of whiskey were received.²⁰ At Purcell in McClain

¹⁷Ibid., February 16, 1910.

¹⁸In 1908, the names of all persons holding federal liquor stamps in Oklahoma were compiled by Governor Haskell's special enforcement attorney and distributed to law officials across the state. This list may be found in the Oklahoma Historical Society's Special Collection on Prohibition.

¹⁹The Yearbook of the United States Brewers' Association, 1909 (New York: United States Brewers' Association, 1909), 195. Hereafter cited as U. S. B. A. Yearbook.

²⁰See "Prohibition Hypocrisy." A leaflet distributed by the Local Option Committee (Special Collection on Prohibition).

County, the railroad agent reported that between July and September of 1909, a total of 2,502 gallons of whiskey came into that small rural town.²¹ Other shipments, no doubt, found their way into Soonerland by varied means. Most of the liquor sold in Oklahoma throughout its history arrived in the state through interstate commerce, just as it had during the territorial period.

It was not difficult, then, to comprehend Haskell's fight to subject such shipments to the police power of the state. In November of 1909, the governor wrote President William Howard Taft requesting his assistance in securing national legislation which would place the transportation of intoxicants under state regulation. In his letter to the Republican president, he described the methods employed by liquor men in evading the law:

One of the greatest enemies of prohibition is the abuse. . . of interstate commerce. The technical right to ship from non-prohibition territory into prohibition territory to a purchaser residing within prohibition territory under the protection of interstate commerce would of itself be a serious embarrassment to prohibition, but again this technical privilege is. . . most viciously violated.

The consignee, alleged to reside in the prohibition territory is usually a fictitious person, there being no bona fide purchase prior to the shipment, and no intention to deliver to the consignee named, but a convenient agent actually makes the sale of the consignment after shipment, and causes delivery to be made under the cover of interstate commerce including continued transportation and delivery from the terminus of the railway. . . to the residence of the

²¹Cherrington, A. S. L. Yearbook, 1911, 149.

alleged consignee, and the state and county authorities find it impossible. . .to seize or otherwise interfere with such shipment at any point of such railway. . .and so long as the eye of the state or county officers is upon them, the transportation company furnishes. . .the use of [its facilities] to retain and protect these shipments.²²

The governor's letter was forwarded to Taft's Attorney General, George Wickersham. In a letter to the president, a copy of which subsequently came to Haskell, Wickersham pointed out that efforts had been made to enact legislation designed to limit the introduction of intoxicating beverages into those states which forbade or restricted their manufacture or sale. Congress, he said, had recently passed a statute which permitted the sale of liquor only to bonafide consignees, and which required intoxicants sent under interstate commerce to be plainly marked as to contents and quantity.²³ The attorney general noted that since the subject had been recently investigated, the administration had no intention of recommending any legislation to the congress.

In his correspondence to Taft, the governor also complained of the acceptance of the federal revenue tax from dealers in intoxicants in dry territory, and the "improper" use of the mail service by out-of-state liquor firms in advertising their products. On the latter point,

²²Haskell's letter cited in, Letter from the Attorney General to President William H. Taft, November 15, 1909. (Haskell Collection, Division of Manuscripts, University of Oklahoma).

²³U. S. , Statutes at Large, XXXV, 1136.

Wickersham replied that in the absence of legislation, he could do nothing. As to the complaint about the federal tax, he pointed out that:

As to the matter of the acceptance of the Federal revenue tax in the state, I may say that, in view of the well-settled rule that the payment of taxes imposed by statute for national purposes does not give those who pay them authority to engage in the manufacture or sale of the articles upon which they are collected in any state which lawfully forbids such manufacture or sale and it seems clear to me that the Executive branch of the Government may not, under such circumstances and in the absence of legislation to that end, refuse to receive payment of such taxes. . . . Certainly, the Government could not properly refuse to accept such payment and then prosecute those who would thus become violators of the Federal revenue law.²⁴

Indeed, Haskell was correct when he asserted that Oklahoma would continue to experience interference with prohibition enforcement as long as the federal government maintained such policies.²⁵ And he could have added that it would prove difficult, if not impossible, as long as the people of his state furnished a market.

One could hardly leave the question of enforcement in Oklahoma without mentioning the activities of William Creekmore,²⁶ acknowledged "king" of the bootleggers. Soon after statehood, Attorney

²⁴Letter from the Attorney General to President William H. Taft, November 15, 1909 (Haskell Collection).

²⁵See Haskell's Address to Prohibitionists, 14.

²⁶The activities of Creekmore have been traced in McRill, And Satan Came, 175-81; also see Daily Oklahoman, May 30, 1917.

General West estimated that there were 1,000 bootleggers in Oklahoma City, most of whom belonged to the Creekmore organization. When Oklahoma entered the Union in 1907, the "king" was already in the illicit liquor business at Sapulpa, Indian Territory. Under an agreement made with a Joplin, Missouri, wholesale dealer, he received one dollar a case for all the liquor sold. Soon Creekmore's operations proliferated to include the entire state, and it became what many have alleged one of the greatest contraband liquor organizations in American history. Along with his expanding business, bootlegger Creekmore developed a powerful political machine. Whatever the "protection cost," that was what Creekmore paid.

In Oklahoma City, seldom did officers arrest a Creekmore man, but if independent or "small scale" bootleggers attempted to gain a foothold in the business, they met with little success.²⁷ When law officers conducted raids for "public consumption," they usually fell on helpless and unfortunate souls outside the Creekmore organization. Although the "king" worked out of Joplin, he spent much of his time in Oklahoma City, the "hub" of the operation, or traveling over the state mapping strategy or keeping in touch with the local situation. Until finally convicted in 1915 for violating federal liquor laws, Creekmore prospered. A jury gave him three years and three months in the federal

²⁷McRill, And Satan Came, 176.

penitentiary at Leavenworth. Following his release, the fallen liquor "king" returned to Oklahoma, gave up the whiskey business and decided to raise hogs for a living.

The existing state of enforcement which permitted men like Creekmore to ply their trade strengthened the efforts of the wets who sought in 1910 to have the prohibition law repealed. To many prohibition appeared as one huge joke. Gulick's Review denounced the state's hypocrisy in the following cryptic language:

Prohibition in Oklahoma is the rankest farce that ever cursed a state and the most stupendous piece of legislative folly that ever found its way inside the covers of the statute books of a commonwealth. Prohibition! When there are thousands of bootleggers traveling up and down the country; prohibition, when the streets of every town smell of whiskey; prohibition, when the cost of enforcement is [impoverishing] the counties and the state; prohibition, when drunkards reel from door to door. . . . And this is what the Billups Law amounts to in this state, a sumptuary law, mixed with the most questionable politics; a police regulation that is the laughing stock of the state; a mixture of demagogic dogmatic and pious puerilities, a combination of political piracy and religious [fanaticism]; a mixture of all that is doubtful in sumptuary restraint. . . . It is Belial smirking at virtue and virtue flirting with the devil. Prohibition in Oklahoma? Ye Gods, what a farce.²⁸

If prohibition were indeed a farce, as the Review asserted, the Second Legislature did nothing to stop the comical show. The Billups Bill went unaltered. However, the lawmakers passed an act which

²⁸Gulick's Review quoted in the Vinita Weekly Chieftain, April 8, 1910.

made it a felony, punishable by from one to five years in the penitentiary, to barter, give away, or to sell intoxicants to habitual drunkards, persons of unsound mind, and minors.²⁹ The legislature gave a concession to those who cared for apple cider by exempting it from the provisions of the whiskey statute.³⁰ An outstanding feature of the session developed when senators Clarence Davis of Bristow and J. P. Goulding of Enid introduced a local option measure; it met with defeat 27 to 14.³¹

With the failure of the Davis-Goulding resolution, the wets employed a new technique--repeal through the initiative process. Soon after the adjournment of the legislature, the Sons of Washington announced its intention of circulating a petition requesting a special election on local option. By February, 1910, the liquor forces secured a sufficient number of signatures. They submitted their petition to the Secretary of State, William Cross, who refused to honor it claiming that the measure was unconstitutional.

Governor Haskell supported Cross in his action, declaring that the initiative process was not intended for the introduction of unconstitutional measures. Moreover, he maintained that the prohibition question had been settled for twenty-one years by the enabling act and

²⁹Session Laws, 1909, 64-65.

³⁰Ibid., 387.

³¹Senate Journal, 1909, 307-08.

by the constitution. A vote on the issue would be null and void.

"Where the possibility exists," said Haskell, "that a law may be deemed void by the courts, the taxpayers of the state should not be burdened by the cost of an election." He would not place upon the state the cost of a vote certain to be invalidated.³²

The wets went to court in an effort to compel Haskell and his secretary to accept their petition. They argued before the Oklahoma supreme court that the enabling act merely required the constitution to contain the twenty-one year provision for Indian Territory, but it could not force the retention of that provision since the authority of Congress ceased after statehood. The court refused to take jurisdiction on the constitutionality of the legal questions involved until the amendment had been presented to the people. But it ordered Cross to file the petition. Haskell accepted the judgment of the court, and he reassured the wets that he had not intended to "deprive any element of our citizenship of any right or privilege they [sic] may have under the Constitution or laws of this state."³³ The governor set the vote on the amendment for the general election in November.

The amendment as drawn by the Sons of Washington provided that:

³²Letter from Governor Charles N. Haskell to the Secretary of State, February 15, 1910 (Files of the Secretary of State, Oklahoma City).

³³See comments on the case and those of Haskell in the Beaver County Democrat, September 22, 1910.

Qualified voters of any incorporated town or city . . . may . . . determine whether the sale or manufacture or other disposition of intoxicating liquors. . . may be licensed or permitted within such town or city; provided that the qualified voters of any county by a majority vote from time to time, two years at least to intervene between such elections, may prohibit or revoke the right to license or permit the sale of intoxicating liquors. . . within such incorporated towns or cities in such county.

For every license issued. . . the sum of \$500 shall be collected, in addition to the regular state, town or city, and county permit and license fee or tax, which shall be paid into the county treasury to the credit of the public road fund. . . . The state tax. . . shall be \$150. . . paid into the general fund. Every municipality shall. . . fix ^{its} license fee or tax. . . not to exceed \$1,000. . . the legislature may fix the state and county license fee or tax for the exclusive sale by wholesale of intoxicating liquors. . .
 . . 34

The prohibition election, like the one at statehood, saw a great deal of enthusiasm and activity on both sides. The prohibitionists, again led by the Anti-Saloon League, opened their campaign in Oklahoma City with a speech by Governor Haskell. He admitted that the prohibition law had its violators and often proved expensive, but he urged that the combined efforts to destroy laws that encouraged morality and domestic happiness should not serve as an excuse for a backward step. Haskell opposed the amendment on both moral and economic grounds. Intemperance, he said, destroyed a man's intelligence and his physical ability to support and educate his family, and to discharge his duties as a citizen. Therefore, he reasoned, the liquor traffic went counter to

³⁴Vinita Weekly Chieftain, November 3, 1910.

the public welfare. And moreover, bars did not increase the earning capacity of the people.

The major church groups which had been on guard for the "resurrection of the unscrupulous foe" (the liquor interests), put its members on a "ready" basis. Bishop William A. Quayle, of the Methodist Episcopal Church Conference, called upon all good Methodists to "do what the Anti-Saloon League asks," and "do business for God . . . country and state. . . ." They faced, he said, a "new war for independence."³⁵ Presbyterians declared that the battle between the forces of right and wrong "can never be terminated by a peace protocol," and that it would not be a "holiday task to defeat this cunning, deceptive . . . anarchistic enemy."³⁶ The Baptists thought the campaign one of "Law, Order, and Righteousness on one side, and Lawlessness and Sin on the other."³⁷

The WCTU organized its statewide campaign early. Its president, Mrs. Cora Hammet, conducted the Union's "whirlwind" program. The group sent out 25,000 copies of the local option amendment and pointed out its defects; more than 30,000 copies of the song "Keep

³⁵See the Bishop's comments in American Issue, August, 1910; but see also Minutes, Methodists, 1910, 267-68.

³⁶Minutes, Presbyterians, 1910, 167.

³⁷Minutes, Baptists, 1910, 69-70.

Oklahoma Dry" were also distributed.³⁸ With the able assistance of Ernest H. Cherrington, noted temperance writer and editor of the American Issue, speakers of the WCTU and the Anti-Saloon League toured the state warning of the dangers of the liquor traffic to home, church, and civilization.

The wets' program was supported principally by the Sons of Washington and the Oklahoma Business Men's League. The latter organization was led by Henry Overholser and claimed a membership of 2,000 in Oklahoma City, headquarters for both sides in the prohibition fight. By October, 1910, the League had established branches in all the larger towns of the state,³⁹ and before the election it claimed a membership of 30,000 with representation from all the counties.

The repealers hammered upon two major points. First, they said that prohibition had been given a fair trial and had proved a total failure without significantly diminishing the sale of liquor or drunkenness; and secondly, wets emphasized the revenue which would accrue to the state from the legalized sale of liquor. In an open letter to Dr. George Conger, superintendent of the Anti-Saloon League, the local optionists condemned prohibition and the League's program. "You

³⁸Cherrington, Encyclopedia, V, 2058.

³⁹Daily Oklahoman, October 9, 1910.

know," it began,

. . .that in every populous community in Oklahoma, there are more. . .bootlegging joints than there were saloons during the license days, and you also know that in practically every populous city in the state of Oklahoma police records show. . .more drunkenness than ever existed in the state. . . .

You know that the Internal Revenue Department reported⁴⁰ nearly nineteen hundred government licenses for the sale of liquors last year [1909] in Oklahoma, and you also know that by comparison this is much greater than those held in New Mexico, North Carolina, South Carolina, Utah. . .⁴⁰ [and] Wyoming, and that this fact condemns your program.

Wets stressed economics with equal fervor. The counties, they said, would receive about \$3,000,000 from approximately 1,500 whiskey establishments. Much of this money would go to the road and bridge fund for the development of better highways in the state.⁴¹ And besides this, repeal would release the taxpayers from the burdensome cost of enforcing the present law.⁴² Overholser of the Business League pictured what he considered an alliance between the church people and bootleggers which he said actually robbed the taxpayers.⁴³ In return, drys accused the wets of trying to "buy" the election.⁴⁴

⁴⁰Letter from the Local Option and High License Committee to Dr. George Conger, Superintendent of the Oklahoma Anti-Saloon League, September 8, 1910 (Barde Collection).

⁴¹Daily Oklahoman, October 28, 1910.

⁴²Ibid., November 6, 1910. ⁴³Ibid., October 24, 1910.

⁴⁴American Issue, December, 1910.

In November, 1910, the people defeated the second of six repeal amendments in Oklahoma history. Out of a total vote of 254,730, the local option measure picked up 105,041 votes.⁴⁵ Twelve counties gave the amendment a constitutional majority, while nine others voted "yes" but lacked a constitutional majority. Compared to the 1907 election, the drys increased their strength by some 3,000 votes.

In the gubernatorial race, the Democratic nominee Lee Cruce defeated the Republican candidate J. W. McNeil. Both parties seemed anxious to avoid entanglement in the prohibition issue. The Democratic platform, without mentioning the liquor law specifically, declared for "vigorous enforcement of all laws," and pledged its representatives to a continuation of that policy.⁴⁶ The Republicans condemned the Democratic administration for non-enforcement, and pledged the party to uphold the law as long as it remained on the books.⁴⁷ Both Cruce and McNeil were endorsed by the Anti-Saloon League, but many prohibitionists were skeptical of the Democratic candidate because of his willingness to accept any petition presented to him resubmitting the liquor provision of the constitution. Cruce's personal teetotalism, and his belief in prohibition as a desirable social experiment, no doubt

⁴⁵Cordon and Richards, Oklahoma Redbook, II, 307.

⁴⁶Ibid., 368.

⁴⁷Ibid., 377.

outweighed the disadvantages incurred by his attitude on resubmission.⁴⁸

Prohibition seemed in good hands.

⁴⁸The Prohibition party entered candidates in the election for governor, lieutenant governor, secretary of state, and state treasurer. All were unsuccessful. Seldom did the party receive more than fifty votes in any county. Throughout Oklahoma history, it made almost no impact upon the political scene or the prohibition movement. In fact, it was almost a nonentity.

CHAPTER IV

CRUCE AND WILLIAMS INHERIT A MOVEMENT

The defeat of the local option amendment clearly indicated Oklahoma's satisfaction with the status quo, despite cries of "hypocrisy" from a very vocal minority. After three years of the "noble experiment," there was little ambiguity in the minds of the drys that the "theory" of prohibition was well established, although enforcement, complicated by a number of problems, was impractical in many areas of the state. In fact, the Anti-Saloon League, previously devoted mostly to the creation of public sentiment, influencing legislation, and fighting the proposed constitutional amendment permitting the sale of liquor, shifted its policy to include greater emphasis upon enforcement, on the assumption that the prohibition "spirit" had thoroughly penetrated the hearts and souls of a majority of Oklahomans. The League was correct; the prohibition spirit abided, and so did the ardent ones. That Governors Lee Cruce and Robert L. Williams, pushed by the prohibitionists, demanded more stringent legislation, indicated insufficient laws, and implied John Barleycorn's presence.

Before Governor Charles N. Haskell left office, he made a

final appeal to the legislature to vitalize the constitution by giving the governor more power in the enforcement of prohibition. If succeeding governors were to be a strong factor in law enforcement, as most people of the state expected, sufficient legal authority must be granted.¹ Addressing himself to the dispensaries established shortly after statehood for the sale of liquors for medicinal and scientific purposes which had proved to be a total disappointment to the drys, a "hypocritical joke" to the wets, and a minor irritation to the bootleggers, the governor spoke in vague terms, suggesting that their continuance was a matter of "judgment."² Haskell also asked the legislature to request that Congress forbid the sale of liquor stamps in prohibition states and to restrict dealers in intoxicants the use of interstate commerce.³

Once the dry heritage had been handed to Cruce, he followed unerringly the beaten path laid out by his predecessor. Seconding the legislative recommendations advanced by Haskell, he made plain his position on prohibition. Cruce promised that "every power given into my hands by the Legislature and the people of the state, will be exhausted in an endeavor to give. . .the people. . .honest and effective enforcement."⁴ He would give no pardons to bootleggers; and if they

¹See Haskell's Message to the Third Legislature in House Journal, 1911, 61-62.

²Ibid., 61.

³Ibid.

⁴American Issue, February, 1911.

wanted to avoid confinement in jail, he admonished them to defeat the case in court or prepare to remain behind bars. He asked the legislature for greater power so he could remedy the problem of enforcement, and he called for the abolition of the dispensary system.⁵ The people, he said, had declared against the dispensaries by popular vote; and moreover, if it was wrong for the individual to sell liquor, the same was true for the state.⁶

The governor's reasoning regarding the dispensaries, however admirable, served only to camouflage the real issues surrounding their existence. The sober truth was that they had incurred general disfavor, while failing to live up to the financial expectations of the politicians. And, too, there had been numerous complaints of their misuse in many areas. The Anti-Saloon League, once a staunch advocate of the dispensaries and which had claimed that wets misrepresented the idea in 1908, had become a bitter opponent of the agencies. In commenting on the issue early in 1911, Dr. George Conger, the League's superintendent, denounced the system as "distasteful to us as to everyone else." In an attempt to vindicate the organization's past action, Conger remarked that the dispensary "was put in as a temporary measure in

⁵See Cruce's Message to the Third Legislature in Senate Journal, 1911, 117-18.

⁶Ibid., 117.

the first place [and] was not altogether satisfactory. . .but seemed to be about the best we could do at the time."⁷

From their re-establishment by Governor Haskell, the dispensaries had been confined largely to the reception and sale of confiscated liquors to out-of-state firms. Since the enforcement office came under the agency system, its superintendent also directed the activities of this branch.⁸ With only a profit of about \$4,000 for the year ending March 21, 1911, the frugal Cruce believed that the system did not warrant continuation.⁹

The idea of abolishing the enforcement activities of the agency system occasioned bitter utterances from two of its top officials. In his 1911 annual report, Caldwell said in substance that the expensive work carried out by the enforcement department had generally been without any appreciable results, and he urged its destruction by the forthcoming legislature. "The field work, that has been done the last three years by the so-called 'state enforcement officers' as a special department of the state agency under the direction of F. F. Cain as chief enforcement officer," he said, "has done the cause of bona fide

⁷Daily Oklahoman, January 5, 1911.

⁸The Anti-Saloon League also believed that the state enforcement office had not lived up to expectations. See, for example, the statement by C. F. Stealy, president of the Oklahoma League, in Ibid., February 26, 1911.

⁹Ibid., May 16, 1911.

law enforcement. . . injury."¹⁰ Caldwell pointed out, for example, that Cain and his men had operated almost continually in Oklahoma City for several months, yet very few places had closed as a direct result of their action. As if that were not enough to damn the department, he stated that officers were too frequently presented with exceedingly strong temptations to accept money from law violators in consideration of small privileges; and he subtly intimated that some had taken advantage of a few of these lucrative offers.¹¹

Cain countered Caldwell's attack with the charge that he had drawn a "nice fat salary," hired "sleuths," criticized more Democratic officials, advanced more theories, and gotten less done than any other one man. "I believe the majority of the officers connected with the department will agree," said Cain, "that under his plan of management, it would have been much better for the state if it had abolished [it] ten minutes after his appointment."¹² Alluding to accom-

¹⁰Ibid.

¹¹Ibid., January 15, 1911. For alleged instances of bribery see G. A. Reinmiller, "West vs Reardon," Sturms, IX (February, 1910), 35-36. Caldwell in commenting on enforcement pointed up a significant problem voiced by more than one officer. On many occasions when bootleggers were convicted, especially in city courts, they appealed their cases to county court, thus placing financial responsibility upon the county. Confronted by such a number of these cases, many prosecuting attorneys of the counties often dismissed them in the face of more important matters.

¹²Daily Oklahoman, January 8, 1911.

plishments under his leadership, he noted that not less than \$30,000 worth of goods had been turned over to the dispensary for sale in non-prohibition territory. Contrary to the faulty accusations leveled at him by the misinformed Caldwell, operations in Oklahoma City reaped success. He had "swamped" the jails, arresting "dozens" of violators with only a small force of ten men. What Cain carefully, and perhaps judiciously, avoided mentioning was that little of lasting value had been done to curtail the liquor traffic in the city.¹³

The politicians, too, recognized the failure of the agency system, and thus sought to redeem themselves of the error committed nearly three years earlier. In January, 1911, the legislature considered a bill which would have abolished the dispensaries, provided for the suspension of derelict officials, and permitted the destruction of confiscated liquors.¹⁴ As finally drawn, the legislation significantly altered the Billups Bill. The provision granting the governor authority to remove officers who did not perform their duties was deleted and the state agency (including the state enforcement department as well as the dispensaries), a constant headache since its inception, faded into history. The lawmakers, however, did give the governor the right to

¹³Ibid.

¹⁴For comments on the proposed legislation see American Issue, January, 1911; and Vinita Weekly Chieftain, January 6, 1911. Views of various Senators may be found in the Daily Oklahoman, February 11, 1911.

appoint one roving enforcement officer.¹⁵

As Governor Haskell requested before his departure from office, the legislature memorialized Congress regarding the interstate commerce problem and the federal tax paid by liquor dealers.¹⁶ As a result of national pressure from various dry groups and legislatures such as Oklahoma, the Congress in 1913 passed the Webb-Kenyon Act designed to subject interstate shipments of liquor to closer supervision.¹⁷

Despite the passage of more stringent legislation, successful control of the liquor traffic in Oklahoma proved difficult. After grappling with the prohibition puzzle for two years, Governor Cruce lamented that enforcement in many instances "has been weak, lax, and absolutely ineffective. . .;" he was convinced, nevertheless, the state could make the law effective.¹⁸ The passage of the Webb law and the existing state of enforcement gave the governor additional justification

¹⁵The law has been outlined above in extremely abbreviated form. For the statute in its entirety see Session Laws, 1910-1911, 154-66.

¹⁶See Senate Journal, 1911, 142-43.

¹⁷U. S., Statutes at Large, XXXVII, 699-700. For Oklahoma's response to the law see Harlow's Weekly, March 15, 1913; and Daily Oklahoman, March 1, 5, 7, 1913.

¹⁸Biennial Message of Governor Lee Cruce to the Legislature, 1913 (Vinita: Leader Printing Co., 1913), 15. Hereafter cited as Message of Governor Cruce.

for demanding a law which would give him the right to remove derelict officials. One special enforcement officer, he said, was not sufficient to solve the problem: "When the mayor of a city with dozens of policemen. . . will publicly acknowledge that he can't enforce the prohibition law in a single city, it would seem that enforcement not only in such city," but in any other city "by a single individual¹⁹ is a physical impossibility."²⁰

Mindful that public sentiment played a highly significant role

¹⁹From its commencement the enforcement office, created by the 1911 legislature had an interesting history, more because of its first appointee than for its work. Shortly after the establishment of the position, Governor Cruce selected W. E. MacLamore to hold down the post. Somewhat later, MacLamore was found making an "unofficial" visit to a roadhouse in Oklahoma City. The Civic League of the city complained to Governor Cruce, and an informal meeting was called to get at the heart of the situation. While it could never be proved by sufficient evidence that the officer was guilty of any criminal offense, Cruce, however, considered his action "indiscreet." At about the same time a citizen of Washington County charged that he had informed MacLamore of bootlegging joints in that county, and that the enforcement chief had supposedly raided the places, but as was later revealed, actually had not. With the confidence of the drys shaken, the governor had no choice but to ask for MacLamore's resignation. MacLamore, however, refused to step down. Cruce then appointed W. J. Caudill to fill the "vacant" spot, and for a time two officers held the job. Finally, the stubborn MacLamore succumbed, and Caudill took undisputed control.

²⁰Message of Governor Cruce, 20; also Edward E. Dale and Jesse L. Rader, Readings in Oklahoma History (New York: Row, Peterson and Co., 1930), 734-35. Hereafter cited as Dale and Rader, Readings; and for related statements Vinita Weekly Chieftain, September 29, 1911, and Daily Oklahoman, June 27, 1911.

in the execution of the law, and that in some areas of the state bootleggers were active in politics. Cruce saw his "ouster" plan as a solution to the state's enforcement trouble. The proper respect for the law could only develop through uniform enforcement:

To permit one sort of enforcement in Oklahoma County, another in Muskogee County, and still another sort in Carter County, amounts in the end to no enforcement. Laws statewide in their application should be statewide in their enforcement, and what is prohibited by state laws in Muskogee County should be prohibited in Oklahoma County and in every other county.

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In order that the Governor's authority may be defined and that his requests may be observed by local officials, ~~the~~ Legislature should give him the power to remove summarily from office any local official whose duty it is to enforce the . . . laws of Oklahoma. . . . Clothed with this authority the question of local sentiment would play very little part. It would ~~also~~ result in another thing which would immediately be helpful to better government; it would remove the bootlegger. . . from local politics. . . . They are sufficiently numerous in many localities to hold the balance of power.²¹

Although cognizant of the enforcement problem, Oklahoma's Democratic Fourth Legislature did not grant Cruce the authority he requested. The politicians feared that the power the governor demanded could be used as a political weapon in the hands of a chief executive anxious to strike at his enemies; they were not afraid of the proper use of power, but its possible misuse. From subsequent events, it appeared that the legislature was not only determined to keep Cruce

²¹Dale and Rader, Readings, 735.

from acquiring the authority he craved, but was equally as determined to place enforcement absolutely under the jurisdiction of local officers.

With the governor's proposal rejected, the most heated debate during the session developed from the attempt to abolish the office of Special Enforcement Officer. Late in March, 1913, the legislature passed a bill to eliminate the position. Governor Cruce, whose relationship with the lawmaking body was far from amiable, especially when it came to curtailing his power, vetoed the bill. He believed that better enforcement could be carried out by retention of the present office. And he criticized the statute which permitted the appointment of only one officer as "a lame attempt to give a majority of the citizens. . . the prohibition they voted for,"²² W. J. Caudill, who occupied the post, concurred in his chief's opinion, and he argued for the creation of other positions.²³

Cruce's veto did not resolve the matter. At the special session of the legislature held in 1913, the bill was revived. The governor, however, once again vetoed the measure, and he scolded the legislators for their "bad faith" in raising the issue a second time.²⁴ In the meantime, Caudill, on the assumption that many lawmakers had been inspired in their actions by animosity toward him rather than the

²²Daily Oklahoman, March 6, 1913.

²³Ibid.

²⁴Eufaula Indian Journal, March 6, 1913.

office, resigned hoping that that would check the attempt to push the bill through. He was wrong. In April, the legislature passed the bill over the governor's veto.²⁵ Although the destruction of the office could have been justified in the name of frugality, it is doubtful whether the economy-minded Cruce interpreted the move any other way than as a direct blow to his appointive power.

Disenchantment with enforcement during the Cruce period showed among drys and wets alike. Early in 1911, before the abolition of the state agency, B. J. Baugh, one of the enforcement workers, noted that conditions in Oklahoma were "rotten."²⁶ And the superintendent of the Anti-Saloon League remarked that "it will not be seriously claimed. . .by those well informed, that the prohibition law is not violated throughout the state. . .especially in the larger cities."²⁷ The League called upon the people to get rid of crooked officers "whether it be judge of the court, county attorney, sheriff, mayor, or chief of police."²⁸ Near the end of the Cruce administration, Oklahoma Baptists, while taking pride that their state was the first ever born sober, mourned

²⁵For the law of 1913 see Session Laws, 1913, 45-50.

²⁶Daily Oklahoman, February 3, 1911.

²⁷American Issue, June, 1911; see also the statement of W. J. Caudill in the Vinita Weekly Chieftain, September 29, 1911, for an appraisal of enforcement.

²⁸American Issue, October, 1912.

that "it has not been sober ever since." They may have been right in declaring that "we are all to blame."²⁹

In response to this apparent lack of sobriety, the Anti-Saloon League urged the formation of law and order groups or other similar organizations in areas where widespread violations persisted. Thus many cities during the Cruce period experienced "clean-up" campaigns, a movement of potential magnitude, but which ended stifled by general apathy, unholy politics, or lack of perseverance on the part of the reformers. Perhaps Oklahoma City afforded a typical example of the clean-up action. Little effort had ever been made by local officials to curtail the activities of bootleggers. In any given year, no less than 1,000 boots conducted their business without undue difficulty; few genuinely honest people denied that the town stood "wide-open." The Anti-Saloon League decried the alliance between the lawbreakers and top city officials, asserting that "the practice of collecting monthly fines from bootleggers was in force. . . ."³⁰ Early in 1913, the "Central Hundred," a committee of church people, organized to work for public decency and morals.

Supported by the WCTU and the League, the Central Hundred

²⁹Minutes, Baptists, 1914, 84. Perhaps the best sources on general conditions in Oklahoma for the Cruce period are Harlow's Weekly and the American Issue. The latter, however, should be used with much caution.

³⁰Ibid., September, 1911.

had as one of its specific objectives the ouster of Mayor Whit Grant, who allegedly permitted the bootleggers free reign. Led by John Embry, a local attorney, and Fred Caldwell, former counsel to Governor Haskell, the organization began a recall movement. When requested to publicly state his views, Grant replied, to the obvious consternation of the dries, that he doubted whether it would ever be possible to eliminate the hip-pocket bootlegger and small jointkeeper in the city.³¹ The mayor also outlined the problems connected with enforcement (which by no means were peculiar to his city). Although it may not have been an adequate defense for his alleged inability to "put the lid on the town," a statement by the mayor in February of 1914 contained a great deal of truth, and it cut to the very heart of the issues involved in the execution of the law. He said that:

Perhaps the most serious drawback of all is that when the most strenuous crusades are being made to enforce that . . . liquor ordinance, arrests at the same place being made day after day and convictions imposed in municipal court, the offenders uniformly avail themselves of the right to appeal to the county court, where each one has the right of trial by jury and where the docket is so crowded that only a very few days can be allowed per term for the trial of city appeals; the result being that these appeals are delayed for months and months, until the arresting officers cannot remember very clearly the facts of a particular case, or the other witnesses, if such there be, cannot be found, and conviction can then only be had in a very small per cent of the cases . . . and during all this delay the police continue to make

³¹Daily Oklahoman, February 4, 1911.

arrests of persons charged with such violations, and they continue to perfect appeals.³²

The Central Hundred dismissed Grant's explanation as weak and evasive, but it could never muster enough strength to unseat the mayor. As was generally true of the clean-up campaign throughout the state, any success realized was transitory.

If the dries encountered monumental enforcement troubles, the wets faced overwhelming difficulty in creating favorable sentiment for local option. Fitful attempts to initiate petitions continued to pop up, but all faltered from public lethargy. Misled into believing that a majority of the people did not sympathize with prohibition, the Oklahoma Local Option Association launched a program in June, 1911 to give the state a "clean" liquor bill.³³ Like the Sons of Washington, the Business Men's League and all their predecessors, the Association condemned prohibition hypocrisy and argued the economics of a liquor traffic.³⁴ Some wets, however, not yet recuperated from the trouncing a year earlier, discouraged another vote on the issue. The Tulsa World, a "whiskey" paper by Anti-Saloon League standards, complained that "this thing of holding elections every time the moon changes is not only expensive, but keeps the state in a turmoil." The

³²Ibid., February 5, 1914.

³³Ibid., June 11, 1911.

³⁴See the leaflet distributed by the Local Option Association in the Oklahoma Historical Society's Special Collection on Prohibition.

World cautioned that the constant appeal to the initiative and referendum would bring them into disrepute; Oklahoma needed a rest.³⁵

Others, considered political and social tranquility impossible until the dry dynasty was displaced. Following the unsuccessful efforts of the Local Option Association, the Business Men's Protective League endeavored to generate interest in a liquor bill in 1912 and 1913, but it lacked a favorable response.³⁶ Never conceding defeat, wets organized the next year under the United Civic Association. It blasted prohibition as a product of "cheap politicians," and "fake reformers."³⁷ The repealers proposed through their amendment to place two whiskey establishments in towns of less than 1,000 population, three in towns of 1,000 and less than 2,000, and one additional liquor store per thousand in towns over 2,000.³⁸ The Oklahoman, vigorous advocate of option since statehood, looked upon the move pessimistically and predicted defeat.³⁹ And the paper reconciled itself to the grim fact

³⁵Tulsa World quoted in the American Issue, July, 1911. The Anti-Saloon League's reaction may be found in the Daily Oklahoman, June 13, 1911.

³⁶See Cherrington, A. S. L. Yearbook, 1912, 185; American Issue, February, 1912 and October, 1913; and Harlow's Weekly, September 12, 1914.

³⁷Daily Oklahoman, March 6, 1914.

³⁸American Issue, July, 1914.

³⁹Daily Oklahoman, June 8, 1914.

that sentiment had developed in favor of the liquor law.⁴⁰ Time proved the truth of the statement; indeed it appeared that Oklahomans had perfected the curious ability to live in two worlds--one where the law was esteemed as beneficial to the public welfare, the other where it was trampled under the feet of men who defied an assertive public sentiment to make its voice heard.

With applause a-plenty from the drys, Governor Cruce's administration came to an end. In the gubernatorial campaign of 1914, the Democratic nominee, Robert L. Williams, triumphed over John Fields, the Republican. Although a personal wet, Williams was a political dry;⁴¹ he stood on the party's pledge to uphold the law. Fields competed with Williams in his verbal support of the law. At that same election, the people also approved a constitutional amendment which made drunkenness by state officials grounds for impeachment.⁴²

Although the Williams era became noted for the passage of legislation designed to completely prohibit the traffic in liquor in any form whatsoever in the state, and to insure adequate enforcement by

⁴⁰Ibid., August 5, 15, and 19, 1914.

⁴¹It should be emphasized that it was possible to receive and use liquor in Oklahoma without committing a criminal offense. It appears that much of Judge Williams' supply was shipped into the state from wet states.

⁴² For comments on the amendment see Harlow's Weekly, July 4, 1914; and the Daily Oklahoman, July 17, and October 13, 16, 1914.

granting the governor more power, very little was achieved during the first few years in office. Neither the governor's inaugural address nor his first message to the legislature contained any reference to prohibition. While several radical enforcement proposals came before the Fifth Legislature, all met with overwhelming defeat. Mis-gaging the spirit of the times, Senator Lewis Hunter of Comanche and Cotton counties introduced a local option bill, which he said was based on the "Jeffersonian doctrine of local self government and home rule and the abolition forever of the Hamiltonian theory of centralization."⁴³ The resolution got nowhere.

Long obscured by the Anti-Saloon League, the WCTU re-entered the temperance limelight by urging upon the legislature a scientific prohibition instruction measure. The president, Abbie Hillerman, who had worked untiringly at the Constitutional Convention, presented the bill to the House Prohibition Committee. The measure passed both houses with only one dissenting vote, and was subsequently signed by Governor Williams. The new law provided that the nature of alcoholic drinks and their effects upon the human system should be taught in "the common schools of this state and in all institutions supported wholly or in part by money from the state." The new law required no additional textbooks since temperance was taught as a part of

⁴³Daily Oklahoman, March 20, 1915.

physiology and hygiene.⁴⁴

That the legislature failed to pass additional enforcement statutes did not mean that the thrust had been shaken from the prohibition movement. One of the noted editors of the state remarked with a great deal of truth following the defeat of a local option amendment that "prohibition has ceased to be an issue and is now and in all probability. . . will be a fixed institution in Oklahoma." This, he said, was definitely settled in the lower house of the legislature in 1915 when a bill to resubmit the liquor question encountered defeat. "No matter what the sentiment of those voting," the journalist commented, it was apparent that most politicians "regarded further attempts to consider the [issue] . . . as absolutely futile--that the overwhelming majority of the people are firm adherents to prohibition."⁴⁵

In response to continuing enforcement failures, however, the Anti-Saloon League agitated for additional legislation designed to subject local officials to the "will of the constitution." Although Governor Williams did not have an official prohibition enforcement staff, since the legislature had abolished it, he had, nevertheless, directed the attorney general to conduct investigations in the prosecution of liquor cases. Williams held that enforcement could be greatly strengthened

⁴⁴Session Laws, 1915, 8.

⁴⁵Harlow's Weekly, March 27, 1915.

if the legislature gave the State Supreme Court concurrent jurisdiction with the lower courts in cases involving derelict officials.⁴⁶ The governor urged upon the Sixth Legislature the immediate passage of such a bill. Essentially, Williams' request embodied the same idea contained in the removal proposal presented under Cruce, the only difference being that the judiciary rather than the chief executive had supreme power in ouster proceedings.

The legislature was in a favorable mood for the passage of extreme statutes. In fact, one journal remarked before the beginning of the session that "if legislation will make the state dry [,] it will be. . . after the adjournment of this [assemblage]. . . ."⁴⁷ Such speculation came close to the truth. A very positive opposition to Williams' proposal, however, came from Senators W. K. Snyder and T. H. Davidson of Oklahoma and Tulsa counties, respectively, who argued that the supreme court was already too busy to deal with such cases, and that the bill could easily build a political machine for the attorney general. Senator Clarence Davis thought the act useless and that outside intervention by a state official in local affairs could not possible advance the cause of prohibition. "Jesus Christ," he said, "couldn't have been

⁴⁶Message of Governor Robert L. Williams to the Sixth Legislature, January 4, 1917 (Oklahoma City: n.p., 1917), 35-36.

⁴⁷Harlow's Weekly, January 24, 1917.

sheriff of the Kingdom of Creek [County] and closed the joints," because of inexperience. Another senator prophesied that if the bill passed "there'll be more hell a-popping in this state than there is popping under the present condition."⁴⁸

The favorable voices in support of the measure, however, held sway. While many legislators agreed that the bill was drastic "medicine" for enforcement ailments, they acknowledged that the "disease" was terrible and the "remedy" must be severe. Perhaps the most articulate spokesman for the measure was not a member of the legislature, but the real father of the ouster plan, Attorney General S. P. Freeling. His contention drew a strong second from H. T. Laughbaum of the Anti-Saloon League who made himself conspicuous to the legislators by subtle reminders of the good voters back home.⁴⁹

Despite the dissension, the "attorney general's bill," as some labeled it, passed both houses with little trouble. In the House the vote was 86 to 16, and in the senate 31 to 6.⁵⁰ As was generally true of all prohibition measures throughout the state's history, voting showed no division along party lines. In essence, the removal statute

⁴⁸See comments by various senators in Daily Oklahoman, January 26, 1917.

⁴⁹Ibid., January 17, 1917.

⁵⁰Senate Journal, 1917, 602-03; House Journal, 1917, 688-89.

provided that the attorney general when directed by the governor should investigate complaints of negligence, and institute proceedings before the supreme court to oust any official who had failed in his duty.⁵¹

About the time the legislature was debating the attorney general's bill, a significant event of crucial importance occurred beyond Oklahoma's borders. This was the validation of the Webb-Kenyon law by the United States Supreme Court in January of 1917. The objective of this bill, as already shown, had been to protect dry states in the exercise of their sovereignty over their own affairs in the matter of interstate shipments of liquor. Contrary to widespread belief at the time, it did not prevent entirely the transportation of intoxicants into prohibition states; it merely forbade such shipments as in violation of state laws. President Taft had vetoed the measure⁵² on the ground that it was unconstitutional, but Congress had passed it over his objection. Four years elapsed, however, before the liquor interests were able to carry an appeal all the way to the Supreme Court. Once the court sustained the act, drys heralded it as another step toward national prohibition. Laughbaum of the Oklahoma Anti-Saloon League lauded the decision as a "brilliant victory that gives impetus to

⁵¹Session Laws, 1917, 379.

⁵²U. S. Congressional Record, 62d Cong., 3d Sess., 1913, XLIX, Part 5, 4291-92.

the national fight. It is the criterion of Congress' stand on the liquor question," and it could, he said, "presage the beginning of the end in the prohibition fight--that is, the end of the liquor interests."⁵³

Inspired by the court ruling and the forward force of the national movement, prohibitionists proposed to render the state "bone dry." Early in the Sixth Legislature Senator Walter Ferguson introduced a bill drawn by the Anti-Saloon League which would have forbade the shipment of liquor into the state for any purpose. Although this measure was unquestionably one of the most radical ever considered, all signs immediately forecast its quick passage. In fact, the bill displayed such extreme tendencies that Governor Williams (no doubt constantly battling to shield his firm belief in the principle of local option)⁵⁴ threatened to veto the act if passed. In an effort to stem

⁵³Daily Oklahoman, January 10, 1917. Shortly after the Court sustained the Webb law, the Oklahoman in highly poetic language bade farewell to the wets and liquor in dry territory with these amusing lines: "To Oscar Pepper, adios, the same to dear Old Crow; a fond goodby to all the rye that blossomed long ago. The Bourbon and the Scottish Kings of all their role are shown; the requiem's sung, the knell is rung for John D. Barleycorn. The vintages that sparkled red. . . are de trop: its H₂O for you, dear Mirabel. The bubble that bedecked the brims where silver gleamed and flowers and repartee held lively sway--farewell to all such hours. Wrap up the wines of Burgundy in weeping blackest crape. . . they've stepped aside for the unfermented grape. . . . The drought upon the statutes writ spreads across the land; what once was acts are arid facts--the real thing understand. Beneath our smiling southern sun, beneath Maine's fearful sky, when Kansas chatters in its sleep--all this and more is dry." Quoted in Ibid.

⁵⁴Governor Williams once remarked that he would rejoice "when the National Prohibition Amendment will be effective." This did

this tide of legislative radicalism, the chief executive called in members of the legislature, together with Laughbaum of the Anti-Saloon League, and proposed a substitute measure. The Williams proposal would have granted the right to ship into the state one quart of whiskey or one case of beer each month of the year.⁵⁵ His suggestion fell on deaf ears.

With the Anti-Saloon League more militant than ever urging citizens to pressure their representatives⁵⁶ to support the Ferguson Bill, the legislature proved past predictions of extremism correct. The bill passed the house by a vote of 89 to 7, and the senate 32 to 5.⁵⁷ Governor Williams compromised his original position and allowed the act to become law without his signature. By the terms of the newly enacted bill, the legislature made it illegal for a person to receive liquor from a common carrier regardless of the purpose for which it was to be used; and it was deemed unlawful for anyone to possess intoxicants received directly or indirectly from such carriers.⁵⁸

not reflect his true sentiments. See Edward E. Dole and James D. Morrison, Pioneer Judge: The Life of Robert L. Williams (Cedar Rapids, Iowa: Torch Press, 1958), 296.

⁵⁵Harlow's Weekly, February 7, 1917.

⁵⁶For Commentary see Daily Oklahoman, January 31, 1917.

⁵⁷Senate Journal, 1917, 362; House Journal, 1917, 745.

⁵⁸Session Laws, 1917, 350. The year 1917 saw a number of prohibition victories in the United States Congress, including sub-

The bone dry law was destined for a bitter battle in the courts which eventually left it virtually ineffective. Oddly enough, the first attack did not come from organized wets, but from an unexpected quarter--the Catholic Church. In August of 1917, a barrel of sacramental wine which had been shipped into the state prior to the Ferguson law was confiscated at Norman, Oklahoma. Father John Metter of Saint Joseph's Church directed a complaint to Attorney General Freeling, and asked him to devise a method by which priests could legally acquire shipments of wine for religious services. Freeling replied that the Ferguson Bill was universal in its application, and that under absolutely no circumstances whatsoever could intoxicating beverages enter the state by common carriers. Determined to test the law, the Catholic Church, acting through Father Urbane deHasque of Oklahoma City, sought to ship from Oklahoma City to Guthrie via the Santa Fe Railroad "eight quarts of duly inspected and authorized, pure, unadulterated, fermented juice of the grape. . .to be used by priests within the state of Oklahoma for the purpose of the celebration of the mass."⁵⁹ The railroad, as expected, refused the

mission of the Eighteenth Amendment. For a brief summary of the achievements during the above year see Edward B. Dunford, The History of the Temperance Movement (Washington: Tem Press, 1934), 24-27.

⁵⁹Daily Oklahoman, October 12, 1917.

consignment, and Father deHasque carried the case to court to compel delivery.

Opinions on the case in Protestant-oriented Oklahoma drew mixed reactions. Laughbaum (actual author of the bill) said the law allowed of no exceptions, thus insinuating that the Church would have to make the necessary adjustments. The Waukomis Hornet, setting itself up as a judge of ritual, did not believe that intoxicating wine was absolutely necessary in worship services, and the paper noted that "if Catholic communion wine is exempt from [the law's] provisions, all other denominations should be and that would make a pretty big leak. We don't think the good Lord would seriously object to the substitution of grape juice for wine. . . ." ⁶⁰ Members of the First Baptist Church of Oklahoma City thought the measure should apply to all citizens impartially; and they went further to say that the use of altar wine by Protestant churches in particularly "is wholly unnecessary and. . . is deemed detrimental to the best interests of such churches." ⁶¹ The Ministerial Alliance of that city accepted the bone dry law as it stood, but left its "interpretation" to those in authority--meaning, of course, Freeling.

The Catholics and their supporters maintained that the statute

⁶⁰Waukomis Hornet quoted in Harlow's Weekly, October 24, 1917.

⁶¹Daily Oklahoman, September 10, 1917.

as applied impinged upon religious freedom. Bishop Theophile Meerschaeert described Freeling's stubborn refusal to permit shipment of the wine as "intolerable" and "outrageous."⁶² Two of the most outspoken advocates of the Catholic's cause were the Daily Oklahoman and the Tulsa Democrat. The latter saw the whole problem stemming from the dictatorial tendencies of the fanatical Laughbaum. "The state may regulate the traffic in liquors with perfect propriety and be within the law in doing so," said the Democrat, "but when it permits one man [Laughbaum] to set himself up as a dictator of the churches, the courts will decide that it is going too far."⁶³ To the Oklahoman the unbending statute did not "belong in the twentieth-century."

It is fair to assume that few, if any, members of the sixth legislature. . . imagined that [the] law could interfere with the age-long rites of certain christian churches. It is fair to assume, too, that few, if any, of them would have voted for the bill, had they dreamed [this] would have been one of the results of the law. And further, it is fair to assume that comparatively few people in the state, however ardently they favor prohibition, approve of making prohibition an obnoxious religious tyranny. It would be regrettable indeed if any other assumption were possible. Yet that is one of [the] results of the bone dry law. If the law is literally to be enforced it is only a question of time when the Catholic and Episcopal churches will be unable to con-

⁶²Ibid., September 8, 1917.

⁶³Tulsa Daily Democrat, October 13, 1917.

duct their belief and custom. Such a Ukase is an anachronism.⁶⁴

In the district court, the Catholic Church contended that the Ferguson law forbidding the delivery of intoxicants was unconstitutional since it interfered with religious freedom. The state, which assumed the defense of the railroad, argued that sacramental wine was not excluded under the act. Moreover, the state told the court that the framers of the bone dry bill specifically refused to exempt wine used by the church. The court sided with the state and the railroad, holding that the law was universal in its application.⁶⁵

On appeal, the Oklahoma Supreme Court reversed the decision of the lower tribunal. While the prohibition section of the constitution addressed itself to the evils of intemperance and to the use of liquor for the purpose of intoxication, wrote Justice Thomas Owen for the court, the use of wine in worship constituted no part of the evil the constitution tried to prevent. Consequently, the term "intoxicating liquors" did not include wine used for religious services. Even on the eastern side of the state, the court noted, where federal laws technically forbade the introduction of any sort of liquor, no one

⁶⁴Daily Oklahoma, September 13, 1917. The Episcopal and Catholic Churches generally held aloof from the prohibition movement. Both maintained that alcoholic beverages were not of themselves an evil. The "right use" of intoxicants was the key to their approach, whether in personal use or in sacramental worship.

⁶⁵Harlow's Weekly, December 26, 1917.

had attempted to prevent shipments of liquor for religious worship.⁶⁶

The initial assault upon the Ferguson Bill crippled the act; a second challenge almost destroyed it. Shortly after the wine case, the court in deciding a case from Harmon County ruled that a person could introduce a small amount of liquor for his personal use, provided that he did not receive it by common carrier.⁶⁷ When asked about the court's decree regarding his bone dry bill, Senator Ferguson moaned that "there's always an element of chance about any law--as to whether it will stand up or not. Pretty nearly all statutes have to go over the top against a withering fire from the lawyers." And then in a sad utterance, he said: "The zero hour came for my bone dry law. But it fell in the charge mortally wounded, and now lies punctured out in No Man's Land. It couldn't reach its objective. That's all." And while the senator regretted the casualty, he realized that the "fortunes of war ebb and flow."⁶⁸

The removal statute also met with its problems. In the very first action brought before the supreme court to oust a local official, the effectiveness of the law was considerably diminished. Not

⁶⁶DeHasque vs Atchison, Topeka, and Santa Fe Railroad Co., 68 Okla., 182.

⁶⁷Crossland et al vs State, 74 Okla., 58.

⁶⁸See Senator Ferguson's lamentations in Harlow's Weekly, December 25, 1918.

long after the legislative session ended, the Committee of One Hundred of Tulsa, a law and order group, filed a complaint with Freeling alleging that the sheriff of the county, William McCullough, was guilty of negligence in the performance of his duty. Freeling enjoined the officer to enforce the prohibition law, but the request, according to the attorney general was unheeded. Thus, he brought ouster charges against McCullough. In exercising his option as to the court in which he would institute the proceedings, Freeling chose the supreme court in preference to the lower tribunal at Tulsa, believing that the facts in the case could be more fully determined if the hearing were removed from the zone of local influence.

The supreme court, however, refused to hear the attorney general's case. It declared that "where a court of last resort and inferior courts have concurrent jurisdiction to grant an original application of any kind, the same should be first made in the inferior court unless a good. . . showing is made. . . for invoking the jurisdiction of the court of last resort."⁶⁹ The court did not decide upon the constitutionality of the law, but Freeling refused to pursue the case. The Tulsa World lauded the court's decision not to hear the case; the paper hoped that the action would reduce the weekly complaints from various persons requesting the attorney general to remove a local official

⁶⁹Ibid., October 17, 1917.

through the court.⁷⁰

Perhaps the most encouraging development for the dries during the period was the conviction of William Creekmore. Since statehood "king" Creekmore had plied the state with his contraband, bribed local officials and jurors, and in the process had accumulated a million dollars. When Creekmore's apparent invincibility was pierced by the keen edge of justice in 1915, many thought this spelled the death knell for organized resistance against prohibition. But on the ashes of the infamous bootlegger's fallen dynasty came other equally cunning and notorious personalities adept at dispensing their wares.⁷¹ From all available accounts, enforcement could not command a favorable comment at the end of the Williams years.⁷² Occasional clean-up campaigns appeared, to be sure, but they soon dissipated and went the way of those of the past. While the state held a few investigations, and indicted a few local officials,⁷³ such cases were of infrequent development.

While the Ferguson law, the attorney general's bill, and

⁷⁰Tulsa World, October 9, 1917.

⁷¹McRill, And Satan Came, 179.

⁷²Harlow's Weekly, April 17, 1917.

⁷³For cases in point see Ibid., September 4, 1915, November 27, 1915, January 8, 1916, March 25, 1916, and August 19, 1916; also Daily Oklahoman, December 2, 1918.

enforcement encountered their hurdles in Oklahoma, the prohibition movement on the national level neared its apex. On December 18, 1917, Congress submitted to the legislatures of the states a resolution proposing the Eighteenth Amendment to the Constitution of the United States. By January 2, 1919, seventeen states had ratified the amendment. It came before the Oklahoma Legislature on January 7, 1919, six days before Governor Williams was scheduled to give way to J. B. A. Robertson, who had triumphed over the Republican Horace McKeever in the 1918 campaign. Robertson, a Democrat, had supported prohibition, and had pledged himself to urge the legislature to immediately ratify the national amendment.⁷⁴

Smashing all records for rapid action, the Oklahoma Legislature ratified the prohibition amendment on January 7, 1919. It took roughly eighteen minutes for the measure to pass both houses. In the lower chamber the tally was 96 to 8, and unanimous in the senate.⁷⁵ Most of the representatives who objected to the proposal admitted their prohibitionist leanings, but opposed it on constitutional grounds or for other reasons.⁷⁶ Thus Oklahoma became the eighteenth state to adopt the Eighteenth Amendment. Before the end of January, enough

⁷⁴Harlow's Weekly, April 3, 1918.

⁷⁵Senate Journal, 1919, 22-23; House Journal, 1919, 34-35.

⁷⁶Daily Oklahoman, January 8, 1919.

states had ratified the proposal to make it a part of the constitution; it became operative in 1920. For the Anti-Saloon League and drys everywhere, it was a magnificent victory; for the wets it spelled temporary despair; for Oklahomans, it only meant the continuation of a movement which had embraced the state since the time it entered the Union.

CHAPTER V

TO CATCH A BOOTLEGGER: EARLY YEARS UNDER THE EIGHTEENTH AMENDMENT

National prohibition had not suddenly swooped down upon the nation like a thief in the night. And if Oklahoma had seemingly resigned to the acceptance of prohibition as a beneficial social experiment, this was not an isolated occurrence among the states. Indeed she was a part of, and a contributor to, a movement which had become increasingly more potent since the founding of the Anti-Saloon League in the 1890's. The aggressive tactics of this militant and politically conscious organization, ably augmented by the crusading WCTU and countless other temperance groups, caused the saloon interests steadily to lose ground until by the advent of national prohibition well over half the United States was in the dry column. In 1908, there were only five completely dry states but in eight years twenty-three had adopted prohibition; three more joined the ranks at the beginning of 1917, and by the time the Eighteenth Amendment went into effect, there were more than thirty.

Prohibition gathered its adherents chiefly from the agri-

cultural states of the South and West.¹ Its gains in the North and East were relatively unimportant. Of the dry twenty-six states in 1917, fourteen were west of the Mississippi, eight were in the South, and only four were above the Mason-Dixon line.² One of the least noticed, but most interesting, facts of the temperance movement was that the consumption of intoxicating beverages increased despite the enactment of prohibition laws. While it would be fallacious to regard these statutes as the cause for this rise in bibulousness, it is certain, as pointed out in the special case of Oklahoma, that they failed to arrest it.³

In 1913, the year that the Anti-Saloon League commenced its campaign for national prohibition,⁴ per capita consumption of intoxicants

¹For the development of the movement in these sections of the country see Frank Foxcroft, "Prohibition in the South," Atlantic Monthly, CL (May, 1908), 627; R. W. Simpson, "Near Prohibition in the South," Harper's Weekly, LIII (July, 1909), 15; "The Saloon in the South," Outlook, LXXXVIII (March, 1908), 581-82; and "Prohibition Winning the West," Literary Digest, XLIX (November, 1914), 997-98. See also L. Ames Brown, "Nation-wide Prohibition," Atlantic Monthly, CXV (June, 1915), 735-47; "Number of Dry States Doubled," Literary Digest, L (March, 1915), 536.

²The maps in Cherrington's A. S. L. Yearbook, 1918, 119-36 will afford some visual indication of the progress of the prohibition movement.

³For further elaboration on this point see Charles Mertz, The Dry Decade (Garden City, New York: Doubleday, Doran and Co., 1932), 12-13. Hereafter cited as Mertz, Dry Decade.

⁴By 1913, the Anti-Saloon League had become convinced that prohibition could only succeed in a completely dry nation. As long as one state remained wet with the right to transport its goods into other areas, temperance stood in danger. Therefore, the dries reasoned, the only

in the United States had multiplied five times what it had been sixty years earlier. Since the League had alleged in the above year that two-thirds of the country was dry, this meant that the other one-third of the nation consumed five times the amount of liquor imbibed in the 1850's, or it suggested that alcohol from wet states flowed into the dry states and counties from over their borders.

Agitation for national action to outlaw demon-rum was not an effort to extend the demonstrated advantages of statewide prohibition to the country as a whole. It only constituted an attempt to win for the dry states those benefits not yet manifest which the friends of the crusade claimed possible when state laws were no longer trampled under foot by interests outside their borders. Therefore, the failure of local

solution was national prohibition. In reality this had been the League's goal since its inception, although it had stressed local option in its early years. In 1913, the stage seemed set for the final onslaught upon the liquor interests. In launching the campaign for national prohibition, the delegates to the fifteenth convention of the Anti-Saloon League were greeted as an army preparing for combat. Wayne Wheeler, at the time superintendent of the Ohio League, told the gathering with unrestrained eloquence that: "We welcome you to the launching of the most beneficial and far-reaching movement since the civil war. As Moses said to the children of Israel that they should go forward, just so the time has come for the moral forces of this nation to march on against the last bulwarks of the enemy. A great national evil has been localized and quarantined. Over two-thirds of the saloons are now in ten states. They are localized more today than slavery was when the last stage of the conflict was reached. Like . . . a great storm you can hear the determined demand from every [side for] national prohibition. I do not know how you may feel about this, but I would die rather than run from such a conflict." See Proceedings of the Fifteenth Convention of the Anti-Saloon League, 1913, 14.

statutes to completely curtail the traffic in liquors did not destroy the prohibitionists' faith--it reinforced it!⁵ And as far as educating the public to the evils of the saloon, and influencing state legislatures to enact stringent laws, the Anti-Saloon League and its followers witnessed unqualified success.

Between 1913 and 1919, a number of rapid-fire developments brought to fruition the long cherished dream of the temperance forces. One of the most important of these which helped to signal the downfall of John Barleycorn was the outbreak of the First World War. European hostilities brought a pressing demand for conservation of food resources in order to counteract German tyranny. Responsive to the country's needs, Congress passed a number of laws restricting the manufacture of alcoholic beverages.⁶ During the war a majority of congressmen undoubtedly agreed with Senator Henry L. Myers from dry Montana who in commenting upon wartime prohibition exclaimed that "there is nothing to understand except one thing, and that is . . . bread will help us win this war more than whiskey."⁷ With this prevailing congressional

⁵Mertz, Dry Decade, 13.

⁶For further discussion see Andrew Sinclair, Era of Excess: A Social History of the Prohibition Movement (New York: Harper and Row, 1962), 157-58. Hereafter cited as Sinclair, Era of Excess.

⁷Congressional Record, 65th Cong., 1st Sess., Vol. LV, pt. 3, 2171.

sentiment, and because of constant pressure from the ever-diligent drys from all over the country, President Woodrow Wilson, after some vacillation, had signed measures guaranteeing prohibition during the war period. But war-time dryness, of course, did not constitute the ultimate objective of the prohibitionists; the pinnacle of success for them was a constitutional amendment which would banish liquor throughout the nation for all time. In the end, perseverance, the war, political pressure, desire for reform, the selfish interests of brewers and distillers, and even misinformation regarding the deleterious effects upon the human mind and body, all helped to carry the nation to those lofty moral heights envisioned by the patriots of righteousness. How long a country experiencing rapid urbanization and with a strong belief in the philosophy of states rights and personal liberty, could endure any law regulating the free flow of alcoholic beverages, not even a sooth-sayer could predict. The drys proceeded to achieve the divine goal that Bacchus should never again spoil the purity of good Americans.

The language of the Eighteenth Amendment reflected the creative talents of the Anti-Saloon League, principally those of Wayne E. Wheeler, its chief lobbyist. Essentially, the amendment provided that after one year from its ratification,"the manufacture, sale, or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby pro-

hibited." Very significantly, it gave Congress and the various states concurrent enforcement powers. Professor Andrew Sinclair in his careful and penetrating study of prohibition has noted that the dries did not insist upon total prohibition of the use of liquors at the time the amendment was framed, lest they push legislators too far too fast. They were more interested in installing the "practice" of prohibition in the Constitution than with the achievement of a stringent measure. Its objective was to gain adoption of the amendment, then press for strong enforcement legislation.⁸

The measure passed to enforce national prohibition was the Volstead Act. A detailed document, it was full of loopholes which only time and bootleggers would unveil. In summary, it provided for the manufacture of industrial alcohol under a permit system, and for denaturing to make it unsuitable for human consumption. Only patients, doctors, makers of vinegar and cider, and communicants at religious services had the right to use beverage alcohol. The act charged the Commissioner of Internal Revenue with the responsibility of administering the law, and his agency had authority to investigate offenders and to report them to United States Attorneys who were to prosecute in federal court. The measure also provided penalties for bootleggers; it prescribed provisions for padlocking places used in the sale of intoxi-

⁸Sinclair, Era of Excess, 165.

cants, and for disposal of seized property at public auction. Notably, however, the Volstead Act said nothing of prosecuting purchasers of liquor.⁹

Drys in Oklahoma and other states greeted national prohibition with renewed hope that Washington could do what their state and local governments had been unable to accomplish. Ever aware of the tenacious character of the "enemy," Oklahoma Baptists urged the passage of other "legitimate measure[s]" to strengthen the Volstead Act.¹⁰ Their national body, meeting in annual session at Washington in 1920, proclaimed the sixteenth day of January the "most glorious in the history of the American people; it was the Mont Blanc of a snow-capped range."¹¹

The members of the faith realized, however, that the passage of the Eighteenth Amendment had done little to dispel the "deep seated spirit of anarchy" and rebellion characteristic of the liquor crowd.¹² And prayer alone would not still their voices or their trade: "We must see to it that only honest friends of law and order are elected

⁹See the complete text of the Volstead Act in U. S. , Statutes at Large, XLI, Pt. 1, 305-322. For a critical analysis see Sinclair, Era of Excess, 168-70.

¹⁰Minutes, Baptists, 1920, 96-97.

¹¹Annual of the Southern Baptist Convention, 1920, 94.

¹²Ibid.

to office whether the office be legislative or executive." If every officer did his duty, then he could count on their support.¹³ Oklahoma Presbyterians echoed similar sentiments. If the liquor interests were not permanently subdued by the Eighteenth Amendment, it was necessary for the church to put forth a continuing effort to make it plainly manifest that the industry would never rise again. And all parishioners were warned that should the forces of right demobilize, power-hungry political leaders would rush forward to consummate deals with "the old liquor gang in exchange for votes."¹⁴ That would mean complete nullification of prohibition. Indeed, church leaders not only knew theology--they knew the inner workings of practical American politics, and they became submerged in it.

Rhetoric and resolutions alone, as both drys and wets realized, never insured the enforcement of any statute. It was paradoxical that public opinion in Oklahoma, and other parts of the nation, supported both national and state prohibition, but that an official report in 1930 generally characterized Soonerland as a prosperous haven for bootleggers.¹⁵ Yet many citizens very soberly, and with perfectly clear consciences, staggered to the polls and paid allegiance to politicians who, with equally clear consciences, swore to uphold the law.

¹³Ibid., 96.

¹⁴Minutes, Presbyterians, 1921, 38-39.

¹⁵The report is discussed in detail in the following chapter.

And here, as the records testify, was much of the problem--the law was "upheld" and not enforced. Perhaps, it was an impossibility. A feeble state effort, however, accounted for much of the undoing of the Eighteenth Amendment in Oklahoma. Shortly after its passage, one keen political observer lamented that there had been a disposition on the part of state authorities to rely solely upon the federal government for the suppression of intoxicants.¹⁶ But federal officials could hardly afford to police every hamlet in every local community of the nation. Enforcing the federal and state prohibition laws in Oklahoma alone, with its 70,000 square miles of varied terrain, would have constituted a task much too momentous for even a sizable staff. And it was with great reluctance that economy-minded Oklahoma legislators appropriated money to carry out the concurrent feature of the Eighteenth Amendment.¹⁷

The attempts at enforcement during the early years of the "noble experiment" in Oklahoma foreshadowed the pattern which characterized the state throughout the entire period of federal prohibition. The confiscation of whiskey stills became such an expected occurrence that some no longer regarded it as newsworthy.¹⁸ A common belief prevailed that in spite of the Eighteenth Amendment, liquor was freely

¹⁶Harlow's Weekly, October 28, 1921.

¹⁷Ibid.

¹⁸Ibid.

available to all who could afford it. Drys, in rebuttal to what seemed the obvious, quickly took defense behind statistics. They pointed to the records of the federal authorities in pressing their claims that violators were experiencing the terrible wrath of the law. Eagerly and enthusiastically, the prohibitionists noted that in the first two years following enactment of the law over 1,400 arrests had been made in Oklahoma, 200 stills seized, and more than 350 illicit distilleries had been captured. Moreover, they took comfort in the fact that during this period nearly 30,000 gallons of illegal liquor and beer had been taken off the market which otherwise would have quenched the thirst of the state's citizens.¹⁹ Wets, however, accepted these figures as documentary proof that the "stuff" was truly accessible. Unimpressed by statistics, which purported to sustain the dry argument, Oklahoma dissenters organized an effort to amend the law, arguing that the Eighteenth Amendment had been placed in the Constitution by a minority of the people.²⁰ Their endeavor proved futile, and increasingly local citizens followed the national trend of disrespect for prohibition.

¹⁹Cumulative figures for 1920 and 1921 were tabulated from United States, Treasury Department, Bureau of Industrial Alcohol, Statistics Concerning Intoxicating Liquors (Washington: Government Printing Office, 1921-1922), 174 and 181.

²⁰For a brief note on the so-called Sanity League which was organized against the amendment, see the Daily Oklahoman, March 29, 1922. From all indications, the League had a very brief existence.

With never-ending persistency, drys stressed the "glorious" results of the new order. Citizens only had to look around them to witness the results of prohibition: jails that once overflowed now went lagging for prisoners, alm houses and bread lines were deserted, children previously naked and hungry now had food. Public opinion, contrary to their opponents' assertions, supported the law which had been achieved through the established democratic process.²¹ And to contend that the Eighteenth Amendment was unwise, unjust or unconstitutional, said some drys, represented an "old trick" of Satan's "to incite men to violation and to excuse the violator." Those who denounced the law as an utter failure and exhorted that it created criminals sought to thwart the will of the majority and to bring insult upon the nation.²²

Local and personal sentiment in American society has often been counter to that of the majority. While citizens ideally should be responsive to the national will, the history of prohibition testifies that this is often not the case. Community attitudes and pressures sometimes exert a strong influence which affects the operation of the law and its enforcers. For example, in 1922 W. F. Seaver, prosecuting attorney of Tulsa County, dismissed fifteen liquor cases, acidly remarking that "I am not going to force anything down their [the people

²¹Annual, Southern Baptist Convention, 1923, 103-04.

²²Ibid., 1924, 115-16.

of Tulsa] throats that they don't want."²³ Federal Judge Robert L. Williams, another case in point, often applied leniency in the handling of prohibition cases much to the dismay of Oklahoma drys and some officials in Washington.

W. F. Rampendahl, Assistant United States Attorney for the Eastern District of Oklahoma, defended Williams' position.²⁴ He said that violations were particularly bad among farmers, and he analytically examined the social and economic reasons which caused the lawlessness. Judge Williams took the position that to place the defendants in jail for any appreciable length of time worked a hardship upon their families, and at the same time they came out of confinement "in more destitute circumstances, and in a frame of mind that does everything but make them better citizens."²⁵ Humanity, he believed, could best be served by waging relentless warfare against the boll weevil instead of putting these penniless farmer-moonshiners behind bars, especially during the growing season.²⁶ Personally, the former governor had always been opposed to national prohibition.

²³Undated clipping in Department of Justice, General Records, National Archives, Record Group 60, 1910-1945. (The files are hereafter cited as Department of Justice, General Records, NA, followed by the appropriate record group.) Charles Prince [Young] of Lakewood, Florida wrote the Department of Justice about the case and inquired "can't you manage to send this old reprobate to jail for about 999 years? And then hang him." See Young's letter of December 8, 1922, in Ibid.

²⁴W. F. Rampendahl to the United States Attorney General [H. M. Daugherty], June 4, 1923, in Ibid.

²⁵Ibid.

²⁶Undated clipping, in Ibid.

He believed that statewide prohibition could have been achieved by vigorous enforcement of federal legislation which prevented the importation of intoxicants into dry areas. But the prohibitionists had rushed in and insisted on a nationwide law, which Williams asserted had led to a proliferation in law violations.²⁷

Whether the blame placed upon the shoulders of the drys was a justifiable criticism or not, there were those who believed that enforcement had become a problem of much significance. Early in 1921, Governor J. B. A. Robertson, a political dry, lamented that more whiskey was being consumed in his state than in former years.²⁸ The Muskogee Phoenix thought the Volstead Act was full of loopholes, and that this had led to the situation described by the governor.²⁹ Cognizant of Oklahoma's duty under the concurrent clause of the Eighteenth Amendment, and no doubt conscious of the political strength of the state's aggressive prohibitionists, Robertson authorized his

²⁷Ibid.

²⁸Harlow's Weekly, October 28, 1921.

²⁹The comment may be found in Ibid., February 10, 1922. The Phoenix noted that any person who desired liquor could obtain it with very little effort, just as he could get any other kind of "poison." The paper suggested that every man who died of poisonous liquor converted, by his death, many thousands to the cause of temperance. It was sure that just as one's sins found one out, bootleg liquor "will kill and maim you." Thus, the doctrine of self preservation would eventually insure enforcement, for no person dared take a sip while remarking "Well this may be my last one." The editor of the Phoenix was too optimistic; poisonous drink continued to kill--and people continued to drink.

Attorney General, George F. Short, to call a conference of federal and state law officials to discuss enforcement.³⁰ Although they left the meeting pledged to a statewide assault upon the lawless, little developed in subsequent months to disturb the peace of a vast number of Oklahomans who liberally imbibed, and who never gave the slightest thought of branding as a criminal their fellow citizens who supplied their demands. Ironically, however, a majority of them remained willing to stand by the Constitution.

That local and state government did not honestly and fully cooperate with the central government became increasingly clear.³¹ "We have the laws clearly written into our [national] Constitution and in our statutes," bemoaned the editor of Harlow's Weekly, "yet the state government is doing [little] whatever to cause those statutes to be respected."³² And he scolded the members of the legislature for not providing funds to meet the challenge it had taken upon itself in 1919. If the electorate, the editor suggested, retired several of the lawmakers who "indulged" in liquor themselves, the state and nation both would profit.³³ Enforcement of national prohibition, however,

³⁰The idea of the conference had been advanced by the United States Attorney General, Harry M. Daugherty. See Governor Robertson's special call for the meeting in Department of Justice, General Records, NA, RG, 60.

³¹For an informative comment, see William Brown, "State Cooperation in Enforcement," Annals of the American Academy of Political and Social Science, CLXIII (September, 1932), 30-38.

³²Harlow's Weekly, November 10, 1921.

³³Ibid.

involved the entire framework of government to such an extent that the attitudes of many legislators and law officers were changed. An example of this was noted in the comment of Judge Williams that county attorneys often prosecuted those with money to pay, but left the prosecution of the poor to federal authorities.³⁴ Others suggested that county officers used the law as a convenient means of avoiding mounting court cost, and to escape tax raises to liquidate these and other expenses. Citizens often complained, to be sure,³⁵ but when the "respectable element," the backbone of the community, held the law in contempt by patronizing those who plied their outlawed trade, local lawmen had to weigh carefully whether they respected their jobs or their principles more.

Numerous complaints sent to officials in Washington by Oklahomans testified to the difficulty of enforcement. While it proved impossible to investigate every single charge, the very fact that the Justice Department and the Prohibition Bureau received so many letters was enough to create concern. From the mid-twenties up to the time the government issued its report on Oklahoma in 1931, these protests revealed that the state had fallen into the general pattern of the rest of the nation. Occasionally, local residents extended their

³⁴Ibid., October 28, 1921.

³⁵Frequent mention was made of the Attorney General's Bill of 1917 which gave the governor power of removal. See Session Laws, 1917, 319.

services to counteract this trend and to aid the government in damping the flow of ardent spirits. A citizen of Pottawatomie County, for example, wrote the Justice Department of overt violations in Shawnee and requested an appointment to the Prohibition Bureau.³⁶

A sixteen year old Tribbey, Oklahoma, youth, dismayed with the hypocrisy of his elders and dissatisfied with social conditions in his small town, wrote very ungrammatically, but sincerely, that things were so bad "people can't have no kind of [gathering] without it ending up in a drunken brawl."³⁷ Although the young man could not prove it, he strongly suspected that county officers had conspired with the bootleggers. He could change things; all the government had to do was grant him and a few others the authority and they would "swoop" violators off their feet and "bring them in so fast it would make a man's head swim."³⁸ His employment of the common vernacular by no means disguised his seriousness; and no one could read his letter without realizing his determination.

³⁶George L. Humphrey, Shawnee, Oklahoma to Department of Justice, November 24, 1925; for the refusal of the appointment. See Mable [Walker] Wilebrandt, Assistant United States Attorney General to Humphrey, December 1, 1925, in Department of Justice, General Records, NA, RG, 60.

³⁷Erwin Webb, Tribbey, Oklahoma to H. M. Daugherty, United States Attorney General, March 26, 1924, in Ibid.

³⁸Ibid.

Few perhaps could match the verbal enthusiasm of the Tribbey lad, but their appeals afforded an indication of Oklahoma's contribution to the dry age. That golden voice of the Anti-Saloon League, Wayne B. Wheeler, urged Mrs. Mabel Wilebrandt of the Justice Department to inquire into conditions in Oklahoma, especially into the attitude of the Criminal Court of Appeals. Seemingly, Wheeler conjectured, the court was too sympathetic toward transgressors of the law.³⁹ A Ravia, Oklahoma, man who had opposed national prohibition before its inception was so "fed up" with the traffic in "rot gut" that he wrote for a special agent to rid the town of its eighteen bootleggers.⁴⁰ The logical deduction from this letter and many others was that local and federal officials had abrogated their authority. Indeed the residents of Durant voiced this view when they accused one of the "feds" of dishonesty and discrimination in law enforcement. Some whiskey peddlers, they said, were protected while others met with swift "justice."⁴¹ The town of Moffet wrote to Lincoln C. Andrews, head of the Treasury Department's

³⁹Wayne B. Wheeler to Mabel W. Wilebrandt, November 27, 1925; and Wilebrandt to Wheeler, December 19, 1925, in Ibid.

⁴⁰Unsigned letter from Ravia, Oklahoma to Department of Justice, January 8, 1925, in Ibid.

⁴¹Letter from the Citizens of Durant, Oklahoma to the United States Attorney General, February 20, 1925, in Ibid.

section of the Prohibition Bureau,⁴² to intervene since county and city officials were negligent.⁴³

Some persons even concluded before the first decade of the noble experiment had passed that even the power of the federal government could not arrest the successful operation of what finally became one of America's most profitable underworld trades. Prohibition had become in their eyes nothing less than high comedy with judges, sheriffs, and prosecuting attorneys sharing center stage.⁴⁴ And many in Oklahoma did not appreciate the professional performance. W. F. Hughes and John A. Robinson of Ara and Panola, respectively, were both convinced that only a secretive approach could break up the alliance between the "protectors" of the law and bootleggers. It would only be useless, wrote Robinson, to inform county authorities since they were allegedly "getting part of the income to let these wildcat [stills] run."⁴⁵ A "school girl" of LeFlore County, no doubt unaware

⁴²For details of the machinery of prohibition enforcement, the reader should consult Laurence F. Schemeckebier, The Bureau of Prohibition (Washington: Brookings Institute, 1929).

⁴³Harlow's Weekly, June 19, 1926.

⁴⁴See, for example, the letter of C. Morrison, Coffeyville, Kansas to Department of Justice, Department of Justice, General Records, NA, RG, 60; and for a related statement, Harlow's Weekly, November 17, 1921.

⁴⁵W. F. Hughes, Ara, Oklahoma to Department of Justice, July 29, 1927; and John A. Robinson, Panola, Oklahoma to the United States Attorney General [July ?], 1927, Department of Justice, General Records, NA, RG, 60.

of prevailing conditions in other parts of America, pleaded with national officials to "inforce the law before anarchy reaches the intire country."⁴⁶ In her opinion, the small community of Howe possessed too many drunks in a state dry by federal and state statutes.⁴⁷

Many citizens believed that it was impossible to completely enforce the law.⁴⁸ H. C. Miller of Vinita, Oklahoma, for example, expressed the belief of millions of his countrymen when he informed Mrs. Wilebrandt that she "couldn't clean up Oklahoma with 300 men." People would not dare change the law for they had exactly what they wanted-- alcohol."⁴⁹ And no good lawman, except a "fanatic and fool" would enforce a law just because it appeared on the books.⁵⁰

⁴⁶A "School Girl" from Howe, Oklahoma to Department of Justice, [August 15?], 1928, in Ibid.

⁴⁷See especially the discussion in Sinclair, Era of Excess, 309-50.

⁴⁸H. C. Miller to Mabel W. Wilebrandt, August 5, 1928; and also, the letter of Judge George C. Crump of the 9th Judicial District of Oklahoma to the United States Attorney General in which he complains of the insufficient number of government agents in Oklahoma. The number of prohibition officers employed in the enforcement of national prohibition was never large. In 1920, there were only 948; a decade later this figure had not yet doubled; and by 1932, the force stood at only 2,300 men. See Statistics Concerning Intoxicating Liquors, 1932, 140.

⁴⁹Miller to Wilebrandt, August 5, 1928, Department of Justice, General Records, NA, RG, 60.

⁵⁰Ibid.

The condition of the American judiciary also played a part in helping create many of the conditions described by those who registered their reactions to the government. One high ranking prohibition official admitted that vigorous enforcement could not be realized under the existing court system.⁵¹ From the beginning of the century, the number of court cases had steadily climbed. In 1910, for example, federal tribunals handled about 15,000 cases, but a decade later, this figure had increased to more than 34,000; and 5,000 of these were prohibition violations.⁵² In the very same year that prohibition helped to sweep Al Smith into political oblivion, federal courts handled some 58,000 prohibition cases;⁵³ and by 1932, judges across the land received more than 70,000. Anyone who has carefully studied the reports of the United States Attorney General for the prohibition years will readily conclude that the court system simply could not cope with the monumental task. Sinclair has pointed out that nine out of every ten convictions under the prohibition laws in the United States were obtained during so-called "bargain days," a period set aside in which a reduced sentence was offered for pleas of guilty.⁵⁴ Moreover, he

⁵¹Sinclair, Era of Excess, 211.

⁵²Ibid.

⁵³Statistics Concerning Intoxicating Liquors, 1932, 140.

⁵⁴Sinclair, Era of Excess, 211.

found that until 1930, only one out of every three convictions in federal court resulted in any form of jail sentence. Average fines ranged anywhere from one hundred to one hundred and fifty dollars.⁵⁵ Unfortunately, the judiciary and enforcement officers utilized too much of their time with small violations, and too little with large ones.

Attorney W. F. Rampendahl underscored this basic conclusion. In June of 1927, he wrote Mrs. Wilebrandt that the situation in Oklahoma had become "acute." Between January and June of that year, Rampendahl filed 490 informations covering liquor offences alone, and had prepared to undertake an additional two hundred; many of these he termed "trivial." He complained that local officers preferred to file their cases in federal court because they received better results and "are glad to relieve the state [and the county] of the burden."⁵⁶ In her reply to Rampendahl, Mrs. Wilebrandt consoled the overworked attorney by noting that "we appreciate the situation which confronts you. . . ."⁵⁷ Something should be done, she said, to prevent overcrowding of the docket, but it was pointed out that under the Volstead Act anyone could file a complaint.⁵⁸ Unfortunately, Rampendahl had

⁵⁵Ibid.

⁵⁶W. F. Rampendahl to Mabel Walker Wilebrandt, June 22, 1927, Department of Justice, General Records, NA, RG, 60.

⁵⁷Wilebrandt to Rampendahl, July 14, 1927, in Ibid.

⁵⁸Ibid.

become part of a national problem which even the drys had never foreseen, and which some wets hoped would continue until prohibition met with complete failure.

The problem of the judiciary did not force the supporters of the law to retreat from their morally fortified position. Instead they continued to laud what they regarded as prohibition advances. They pointed to the economic well-being of the country during the prosperous twenties. Millions of working men, proclaimed the Baptists, had been able to move to better homes; and they exclaimed with gladness that the building record in the United States since prohibition "is the greatest in the history of the world."⁵⁹ Industrial efficiency, too, constituted a by-product of the new order; and only three years before the catastrophic developments of 1929, they praised the 30 per cent increase in the output of goods over that of 1919, the last full year of legalized liquor.⁶⁰ The supreme task was to perpetuate these benefits. Prohibitionists, however, were not willing to share in the blame for the 1929 disaster. But the drys as well as their opponents were clever propagandists, and surely they knew that the economic upswing of the twenties could not be assigned to a single social reform; nor could the downturn.

Honest drys by 1928 recognized the precarious state of the

⁵⁹Annual Southern Baptist Convention, 1926, 107.

⁶⁰Ibid.

noble experiment. They reluctantly, but rightly, admitted that their greatest achievement had brought their greatest problem,⁶¹ and that it was still necessary to render forever sterile that "prolific mother of a multitude of ills."⁶² At worst, they said, the horrors of the present could not compare with those of the old saloon days. Some disagreed.⁶³ Drys could not easily ignore the fact that there had been much relaxation in the law. This they asserted was due to the small number of enforcement officers, the inadequate enforcement funds appropriated by Congress, the judiciary and politics.⁶⁴ The Baptist Messenger, taking temporary respite from its attacks on Al Smith, the Pope, and the '28 election, added another important reason. The drys had "let up"; and it noted that the big task now was to get an effective public sentiment. There was no need to think of repeal; there had been violations of the liquor laws just as there had been murder--why not repeal those laws against murder, asked the Messenger.⁶⁵

In spite of the inflated claims of drys and wets, it could not

⁶¹Ibid., 1927, 115.

⁶²Ibid.

⁶³See Harlow's Weekly, April 10, 1926.

⁶⁴Baptist Messenger, June 14, 1928; also Minutes, Methodists, 1925, 53.

⁶⁵For further elaboration see Annual Southern Baptist Convention, 1926, 111; and Harlow's Weekly, December 24, 1927.

be denied that prohibition enjoyed the approval of a vast number of Oklahomans despite feeble enforcement. State legislation during the period, to a great degree, mirrored this sentiment.⁶⁶ Many of these statutes could be classed as "drastic," but their application was far from austere. While many citizens agreed with the principle of national prohibition, they found it difficult to reconcile their view with the belief in individual freedom which enforcement necessarily curtailed. And that constituted the great enigma which plagued many minds.

⁶⁶The serious student should see the Session Laws passed during the period. A summary, however, of the statutes may be found in the A. S. L. Yearbook, 1931, 88-89. The only scholarly commentary on Oklahoma's prohibition laws is William Bandy, Commentary on Intoxication Liquor Laws in Oklahoma (St. Paul: West Publishing Company, 1953).

CHAPTER VI

AN OFFICIAL INDICTMENT AND MURDER

The 1931 report of the National Commission on Law Observance and Enforcement, commonly called the Wickersham Commission, confirmed what many people already expected--that prohibition had not been successful. From the issuance of the report to repeal, prohibitionists fought an uphill battle, although the Commission as a whole did not urge any change in the Eighteenth Amendment. In cooperation with the Commission, the Bureau of Prohibition submitted the results of its individual investigation of the various states. The agency appointed one of its lawyers, Phillip N. Davison, to carry out the Oklahoma survey. Davison based his highly critical study on court records and statistics, personal observation, interviews with federal judges, mayors, United States attorneys, police officials, and private citizens.¹

¹See the report of Phillip N. Davison, "Prohibition Survey of Oklahoma," in U. S., National Commission on Law Observance and Enforcement, Enforcement of the Prohibition Laws. Official Records of the National Commission on Law Observance and Enforcement. . . . (6 vols.; Washington: Government Printing Office, 1931), IV, 807. Subsequently cited as Davison, "Prohibition Survey," Wickersham Report, IV, followed by appropriate page.

The Bureau survey strengthened the contention that the governor's office and state officials gave only half-hearted support to prohibition enforcement. Completed in 1930, the report singled out William J. Holloway for specific criticism. He had been "loath to accept [his] responsibility . . . in matters of liquor enforcement." Citizens throughout the state had appealed to the chief executive for help and relief from deplorable conditions, but he had merely transmitted these complaints to the federal government.² When queried about his lack of response to letters Oklahomans had written, the governor replied that his investigation bureau usually handled such matters. A former sheriff, however, administered this agency and he knew most of the sheriffs in Oklahoma's seventy-seven counties; therefore, Holloway thought better results could be obtained by summoning the assistance of the federal government. Plainly implicit in this reply was possible distrust of his appointee, or an exaggerated belief in the power of the central government.

But an even more damaging criticism remained. The governor had refused to take forceful action in remedying corruption in his state,³ yet the most casual observer could attest to bad conditions. Holloway, in the tradition of other politically dry governors before him,

²For example of such cases see Ibid., 826-29.

³Holloway's attitude is reflected in Ibid., 812-13.

denied any evasion of responsibility. He caustically denounced the statements made about him as "utterly untrue," and noted that he had given vigorous support to all officials at every level of government.⁴ Federal authorities did not deny that they had gotten their share of assistance, but what disturbed them was that it had been mostly negative.⁵

If the governor's office received little praise from the Treasury Department, it shared a position of low esteem with that of the attorney general. Under the leadership of J. Berry King in 1930, the office had been bitterly attacked, despite the fact that 50 to 60 per cent of its cases before the Criminal Court of Appeals in 1928 involved liquor violations.⁶ This, however, did not create the controversy. Unfortunately, one of King's subordinates, Oscar Gordon, had been

⁴Norman Transcript, February 22, 1931.

⁵The governor's attitude differed little from that of a great many other officials across the country who assumed that since the federal government had now "stepped in" to insure enforcement of the liquor laws, state governments could "step out." For a criticism of such a belief see the address of James M. Doran, "The Problem and Policy of Prohibition," delivered at Yale, February 20, 1929 to the Department of Economics, Sociology, and Government found in the National Commission on Law Observance and Enforcement Research Records, National Archives, Record Group 10. Subsequently cited as NCLOE Records, NA, RG, followed by the appropriate number.

⁶Davison, "Prohibition Survey," Wickersham Report, IV, 813.

charged with accepting a bribe from a former mayor of a town in Pottawatomie County. Gordon resigned from the staff, but this proved insufficient to allay the suspicions of many drys and wets.⁷

Not only did the lack of cooperation by the State of Oklahoma frustrate the operation of the Eighteenth Amendment, but so did the limitation of the federal prohibition machinery. An analysis of the government's enforcement staff in Oklahoma in 1930 clearly pointed up this fact. At the beginning of that year, the state had a total of eighteen prohibition agents on duty; nine of these operated in the Northern and Eastern Judicial Districts under a deputy director with headquarters at Tulsa.⁸ These men had the herculean task of patrolling a total of forty-three counties. Before 1930, the average number of agents for this entire sprawling area was six.⁹ The Western Judicial District also had nine agents,¹⁰ responsible for a total of thirty-three counties.¹¹ Badly handicapped not only by the attitudes of local officers, but by the lack of powerful automobiles and other resources,¹² agents found it difficult to compete with speedy bootleggers who rigged their machines to make the quick "get-a-way" so vital in an enterprise as risky as theirs.

⁷Ibid.

⁸Ibid.

⁹Ibid.

¹⁰Ibid.

¹¹Ibid.

¹²Lack of sufficient funds and a small enforcement staff proved a continuing problem. For comment see James J. Britt, "Views as to the Improvement of Prohibition Enforcement," in NCLOE Records, NA, RG, 10.

It was much like a nineteenth century stagecoach against a modern day aircraft. Even the young Tribbey, Oklahoma lad, who boasted that he could bring the "boots" in so fast it would make a man's head swim, would probably have retired to a slower tempo after tangling with men who knew their business as well as any other American entrepreneur.

Davison's account of prevailing conditions in various counties in each judicial district revealed the breakdown in law voiced by the average citizen. His most cutting criticism was directed at corrupt or inefficient county officers. In the Western area, he paid unqualified respect only to the officers of Noble, Cimarron, and Woods counties for their sincerity; but even in some of these counties, sentiment supported the liquor element.¹³ Others, such as Ellis, Caddo, Comanche, Tillman, Kiowa, Dewey, Kay, Logan, Payne, Lincoln, Blaine, and Kingfisher, displayed laxity in the sheriff's office or at other high levels.¹⁴ At Tonkawa, Kay County, for example, considerable evidence pointed to the conclusion that the bootleggers controlled the police. One officer in that town was summarily discharged shortly after he gave federal authorities information resulting in the capture of some of the state's most persistent violators.¹⁵ On one occasion, a federal agent actually overheard a powerful bootlegger dictating orders to policemen,

¹³Davison, "Prohibition Survey," Wickersham Report, IV, 814.

¹⁴Ibid., 181-20.

¹⁵Ibid., 820.

which they subsequently carried out. Surprisingly, Oklahoma County gave the government "fair" cooperation, thanks in great part to an active prosecuting attorney. Perhaps the greatest problem was the inadequate police staff at Oklahoma City, the county's largest community with a population of 150,000.¹⁶ Oklahoma County's neighbor to the southeast, Pottawatomie, symbolized the very worst in liquor enforcement. Between 1927 and 1930, a liquor conspiracy had existed, aided and abetted by "corrupt county officials."¹⁷ A grand jury finally indicted over a hundred persons during the period, including the County Attorney, Randall Pitman, who was eventually acquitted. Frank Fox, sheriff from 1925 to 1929, was not as fortunate for a jury found him guilty of cooperation in the conspiracy. Unfortunately, before justice had run its course, two of the government's star witnesses died under mysterious circumstances.¹⁸

If Oklahoma prohibitionists were alarmed over liquor lawlessness in the western part of the state, they had cause for additional concern when they read of developments in the northern and eastern districts. Nearly two years before the Davison report, Judge R. L. Williams had invited the ire of many drys when he asserted that four-fifths of the people in many communities of the eastern district opposed vigorous enforcement of the prohibition laws. He specifically noted that in Choctaw,

¹⁶Ibid., 819.

¹⁷Ibid., 818.

¹⁸Ibid.

Pushmataha, LeFlore, and McCurtain counties "a candidate for sheriff could [not] possibly be elected if it were definitely known that he intended to enforce the prohibition law to the letter."¹⁹ And he surmised that the same was true for other counties in his district.²⁰ The Davison report buttressed the judge's opinion with the general conclusion that things were "bad." Large stills, it noted, provided an ample supply of booze, and as soon as federal agents appeared to clean up one section, operations immediately began in other areas. It was not at all uncommon for prohibition officers to arrive at a particular place to raid a still only to find that the news of their "crackdown" had preceeded them.²¹ Conditions in Carter, Rogers, Mayes, Cherokee, Delaware, Adair, Sequoyah, Nowata, Craig, and Ottawa counties which Davison surveyed were notorious for their disrespect of the Eighteenth Amendment,²² and things were far from wholesome in Pittsburg and Osage.²³

¹⁹Tulsa World, October 9, 1928.

²⁰Ibid.

²¹Davison, "Prohibition Survey," Wickersham Report, IV, 823. In 1923 the Oklahoma Legislature passed a very stringent law against the manufacture, sale, or possession of a still. The statute, however, did not fully achieve its intent. See Session Laws, 1923, 1-2. The statistics on seizures of stills proved interesting. In 1930, a total of 502 were seized, and in the next year, 681. During the last complete year of prohibition, a total of 729 were confiscated in Oklahoma. Whether federal enforcement was more vigorous, or stills more plentiful, is difficult to determine. Calculations for the period made from Statistics Concerning Intoxicating Liquors, 1930-1933.

²²Davison, "Prohibition Survey," Wickersham Report, IV, 820-23.

²³Ibid., 821. In all of old Indian Territory, roughly the eastern

Two of the worst offenders of the law were the counties of Tulsa and Muskogee which contained two of the three largest cities in the state. In 1930, the city of Tulsa had a population above 180,000. Considered the "Oil Capitol of the World," this city on the Arkansas prided itself in allegedly having more millionaires per capita than any other city in the United States. Liquor flowed as freely in Tulsa as the black gold which had yielded for some profits lucrative enough to invite the envy of those less fortunate. Since statehood, Tulsa had been rightly termed by many as "wide open," and those with any perspective entertained no illusions that the Eighteenth Amendment would change the city's drinking and gambling habits, or significantly alter the personal entrepreneurial arrangements of the "ladies." Neither of these "vices," in the eyes of some, constituted a social menace inimical to a happy and prosperous society.²⁴ The dichotomy which characterized the thinking of many Tulsans was clearly demonstrated by city officials who eagerly and diligently sought to curtail such crimes as larceny and

part of present day Oklahoma, federal statutes had forbade for many years the sale of intoxicants, but these laws had been violated with the frequency with which they were passed.

²⁴In 1925, a considerable number of Tulsans reacted with shock when federal and city officers raided a hotel where the Veterans of Foreign Wars was holding its national meeting. The attitude of the mayor of Tulsa, Herman Newblock, typified that of many businessmen of the city. He pointed out that convention cities invariably welcomed their guests by extending them special privileges for a few days. See Harlow's Weekly, September 25, 1925, and October 17, 1925.

rape but who took little initiative in the matter of liquor enforcement.²⁵

Muskogee bore a striking similarity to Tulsa. The sheriff of the county, said Davison, simply did not have his "heart and soul" in his job; and the city manager and council, while honest and well-meaning, apparently were not "fully awake," or were apathetic to the real situation in the city.²⁶ "One has only to make a trip to the fifth floor of the Manhattan Building, where a view of the roofs of some of the buildings adjoining may be [seen], interview the janitors, and talk with occupants of this and other buildings to be convinced," Davison reported, "that there is considerable use of liquor amongst many of the so-called respectable class of citizens of the city."²⁷

Federal Judge Franklin E. Kennamer of the Northern Judicial District summed up better than anyone else the state of national prohibition in Oklahoma. He believed that

. . . the main trouble throughout Oklahoma . . . is the incompetency and corruption amongst a large percentage of enforcement officers. This includes sheriffs, deputy sheriffs, prosecuting attorneys [and] deputy marshals . . . The principal reason for [this] incompetency, corruption, etc., existing amongst these enforcement officials is the inadequate salaries that forces them to steal and become involved in collusion in order to make a living. Another outstanding trouble, if not the primary one, is that corrupt politicians control the appointment of en-

²⁵Davison, "Prohibition Survey," Wickersham Report, IV, 821.

²⁶Ibid.

²⁷Ibid., 822.

enforcement officers. Enforcement officers in many cities and towns are controlled by a corrupt political ring.²⁸

The enforcement of national prohibition often brought death to innocent and guilty alike. During the early years of the dry era, bootleggers and agents of the government "shot it out" in a fashion which would have pleased present day movie-goers. By 1923, a total of thirty prohibition officers had sacrificed their lives to uphold the law.²⁹ While shootings usually involved only violators of the law and lawmen, women, men and children often lost their lives. It is highly unlikely, however, that the number of people killed ever approached that claimed by the Association Against the Prohibition Amendment (AAPA).³⁰ But whatever the number, the populace became increasingly aroused at such killings, especially when the government vigorously defended "trigger-happy" officers whom many thought guilty. That such a small portion of these agents met with conviction produced antagonisms which played a significant role in the demise of the noble experiment.³¹

²⁸See Judge Kennamer's statement in Ibid., 825.

²⁹Roy A. Haynes, Prohibition Inside Out (New York: Doubleday, 1923), 44.

³⁰For further discussion see Dayton E. Heckman, "Prohibition Passes: The Story of the Association Against the Prohibition Amendment" (unpublished Ph.D. dissertation, Department of History, Ohio State University, 1939), 141-44. Hereafter cited as Heckman, "Prohibition Passes."

³¹Ibid., 141.

The most celebrated of all killings in Oklahoma during the period of national prohibition was that of the famous frontier marshal, "Bill" Tilghman. His death in 1924 at the hands of a prohibition agent produced a reaction seldom experienced in the state. Tilghman, whose picture now hangs majestically in the Oklahoma Historical Building at Oklahoma City, was not only praised, but loved, for his bravery. To many Oklahomans his "cold-blooded" murder only served to illuminate the life of a man already considered a legend in Western history.

Nearly three years after the acquittal of Tilghman's killer, an Oklahoma governor who believed the murderer had been freed "in all probability by perjured testimony" wrote his attorney general that "whenever an officer is killed and his assassin is known, that we keep a constant policy of watchfulness, and vigorously prosecute for every infraction of the law the offender may subsequently commit."³² The governor's letter clearly revealed the attitude indicative of public opinion at the time of the case.

The facts of the Tilghman murder were confusing. And to this day, many facets of the case remain unexplained and as puzzling to the historian as they were to the contemporaries of the prohibition period. Many parts of the story, however, have been well told; others have been

³²Governor Henry S. Johnson to the Honorable Edwin Dabney, Attorney General, State of Oklahoma, May 27, 1927, in William and Zoe Agnes Tilghman Collection, Division of MSS, University of Oklahoma, Norman, Oklahoma.

so filled with unrestrained emotionalism and personal sentiment to fit the legend Tilghman himself created, that even the more objective and detached are sometimes led astray. There are, nevertheless, common points of agreement. And a brief re-examination of the more salient features of the case will no doubt suggest new channels of thought, while illuminating conditions which distressed both dries and wets of the Sooner State.

In late 1924, William Tilghman was appointed chief of police at Cromwell, Oklahoma. According to some, little commended the Seminole Field oil-boom town except its reputation for lawlessness.³³ Corn liquor existed in plentiful supply concocted by stills scattered throughout the city and county.³⁴ Prostitutes and dope peddlers, too, readily dispensed their commodities in this town where demand seemingly outran supply. Thus, the law abiding element set out to bring respectability; and only one man in the opinion of many could do it-- Marshal Tilghman. In a letter to the great frontier lawman, W. E. Sirmans, Secretary of the Chamber of Commerce of Cromwell, candidly outlined the structure of the town Tilghman was challenged to tame.

³³Zoe A. Tilghman, Marshal of the Last Frontier: Life and Services of William Matthew (Bill) Tilghman, for 50 Years One of the Greatest Peace Officers of the West (Glendale, Col.: A. H. Clark, 1949), 349. Hereafter cited as Tilghman, Marshal of the Last Frontier.

³⁴Ibid.

It is significant enough to quote in detail:

We have a boom town of about 5,000 people, with the usual [illegal] peddlers, liquor joints, etc. We are not incorporated, but will be in about sixty days. As soon as we started out, the graft collectors realized that would stop their money, so they set up a fight, and we found that the sheriff refused to commission [any of our enforcement officers we selected]. The county attorney refused to help; and in fact they tied our hands so we cannot do a thing. The business men of Cromwell realized that they can do nothing unless they can secure a man like you with a reputation for honesty and as the most notable officer in Oklahoma, and a man . . . the sheriff of this county will not dare refuse to commission. . . . All of the business men will be back of you. I am afraid the sheriff and the county attorney will not back us up. The gamblers pay \$2,500; each lodging house that has women, \$400 a month (we have 31 of them). I don't know what the liquor and slot machines pay. But . . . they are not going to give that up without a fight. But we have closed the gambling houses. Judge George [Crump] did that. We are interested now in getting the [other] criminals out of town. . . . We want their graft payment stopped. We want you to come immediately, and if you will come [we will pay you] \$400 a month and your expenses from Oklahoma City.³⁵

Mrs. Tilghman recalled that Governor Martin E. Trapp, who had his own troubles enforcing the prohibition laws from 1923 to 1927, displayed caution in urging Tilghman's acceptance of the offer. Modern criminals, he pointed out, were unlike those of the old days when they showed some semblance of honor and gratitude. Concerned with their own interest and economic profit, the newer breed, said

³⁵See the letter from W. E. Sirmans, Cromwell, Oklahoma, to William Tilghman, Oklahoma City, Oklahoma, August 24, [1924], reprinted in Ibid., 351.

Trapp, "would sooner shoot you in the back than meet you face to face."³⁶ The governor's concern, however, did not deter Tilghman from taking up this new challenge. After a visit to the wayward town, he agreed to accept the job; and with one assistant, and much opposition from the county sheriff, Tilghman assumed his role as chief of police.³⁷ Only a few months later he was gunned down by another defender of the law who, too, had been granted authority to clean up parts of Oklahoma.

The new chief of police first met Wiley Lynn, prohibition agent for the United States Government, shortly after his arrival at sin-ridden Cromwell. There was little to indicate future friction; in fact, the meeting was amicable. Each man could appreciate the other's job, although there must have been some doubt as to the particular mission of each officer. A native of Holdenville, Oklahoma, Lynn undoubtedly knew of conditions at Cromwell. Mindful that it was prudent to be reserved, even with an officer, in a town where even the "suspected" thought others equally as suspect of side-stepping the law, Tilghman "spoke warily" because he "had not been here long enough

³⁶Ibid., 352.

³⁷Zoe Tilghman, Oklahoma City, Oklahoma to the Honorable Wilbur F. Stone, United States Attorney General, November 10, 1924, Department of Justice, General Records, NA, RG, 60.

yet, to know the secret line-ups."³⁸

The revelation, however, came quickly. A few days after the meeting with Lynn, Tilghman arrested a bootlegger and had him jailed at Wewoka. The following day the industrious violator was again about his business. When Tilghman inquired of this swift pace of justice, he learned that it had been Wiley Lynn who had ordered the bootlegger's release.³⁹ "Then Bill knew," Mrs. Tilghman has noted, "he had run into . . . official protection."⁴⁰ He had been informed that the county authorities were allied with the lawless, but now "here was the federal as well."⁴¹ And from that day on, "Lynn was his enemy."⁴²

Mrs. Tilghman has vigorously contended in the biography of her husband and in her correspondence to the Justice Department and officials at Washington that a vicious dope ring master-minded the murder of her spouse. And Lynn has been regarded as the "trigger-man" who was paid to protect the operation.⁴³ Late in 1924,

³⁸Tilghman, Marshal of the Last Frontier, 355-56.

³⁹Ibid., 356.

⁴⁰Ibid.

⁴¹Ibid.

⁴²Mrs. Tilghman's very direct statement is, of course, a matter of personal opinion. Others, however, shared her convictions. See, for example, W. E. Sirmans, Cromwell, Oklahoma to E. D. Nix, Saint Louis, Missouri, November 22, 1924, Tilghman Collection, Division of MSS, University of Oklahoma.

⁴³Prohibition agents also enforced the narcotics laws. For a brief note on the traffic see Davison, "Prohibition Survey," Wickersham Report, IV, 824.

Tilghman had been informed of a shipment of narcotics to the oil fields from Mexico City for which a huge protection fee had been paid.⁴⁴

While concrete proof did not exist, the once vibrant, but now aging marshal, thought he knew the leader of the ring and committed himself to his capture.⁴⁵ Unfortunately, Tilghman never succeeded in finding the dope he sought, but allegedly he did confront the ring's "directing brains and power."⁴⁶ The "millionaire dope man" expressed displeasure at Tilghman's work and suggested that the marshal return to the sticks "where you belong";⁴⁷ it would be healthier. But Tilghman's frontier days had forever vanished and now he had committed himself to the arduous, yet compelling, task of creating a new Cromwell.

Wiley Lynn was equally as intent to perform his duty. What constituted his mission on the night he killed Bill Tilghman other than enforcement of the federal prohibition and narcotics laws may never be known. On November 1, 1924, Lynn supposedly secured a warrant

⁴⁴Tilghman, Marshal of the Last Frontier, 359.

⁴⁵Ibid., 360; also letter of Mrs. Tilghman to Stone, November 10, 1924, Department of Justice, General Records, NA, RG, 60. While Mrs. Tilghman placed heavy emphasis on the "dope ring," W. E. Sirman stressed it very little. See his very important letter to E. D. Nix, November 2, 1924, Tilghman Collection, Division of MSS, University of Oklahoma.

⁴⁶Mrs. Tilghman to Stone, November 10, 1924, Department of Justice, General Records, NA, RG, 60.

⁴⁷Tilghman, Marshal of the Last Frontier, 360.

from the United States Commissioner at Holdenville to search for whiskey and dope at Murphy's Dance Hall at Cromwell.⁴⁸ The agent had been informed that women at the hall kept the narcotics on them, and he thus deemed it proper to secure feminine assistance to aid in the search. Accordingly, he chose one Rose Lutke, accompanied by her friend, Eva Caton, to go to Cromwell with him.⁴⁹ At best, Lynn's choice was injudicious, since both women enjoyed highly dubious reputations, having had their rooming houses closed by court injunctions. Moreover, it seemed to have mattered little to Lynn that Rose Lutke was presently under bond for selling liquor,⁵⁰ the traffic in which he had been hired to combat. Sergeant David Thompson, a friend of Miss Caton, went along with Lynn and the others since he had expressed a desire to "see the sights of the oil fields." Thus with his warrant, reinforced by two women and a member of the military establishment, Lynn started on his journey. It was not a continuous trip. With Rose Lutke in the front seat and the other two comfortably in the back with a supply of intoxicants, Lynn drove to Okemah where he

⁴⁸United States Attorney Frank Lee to the United States Attorney General, November 10, 1924, Department of Justice, General Records, NA, RG, 60.

⁴⁹Tilghman, Marshal of the Last Frontier, 361. Both the Justice Department records and Mrs. Tilghman's account are in conformity on this portion of the case.

⁵⁰Ibid., 361.

stopped to conduct "business" with a law officer;⁵¹ Rose, reputedly, went to see a Mrs. Fellows.⁵² Upon returning they found their cohorts thoroughly inebriated.

Finally, Lynn and his party reached Bill Tilghman's Cromwell. The town, as described by one writer in perhaps slightly exaggerated terms, presented a story-book picture of life in the gay and "roaring" twenties. "Strident music blared from the dance halls. The picture theater was ablaze. Along both sides of the rutted street, cars were parked." But unlike many other towns writers have painted of the era, "there were no street lights, only the glow from windows of business places."

Whether the description is accurate in every detail or not,⁵³ it was indeed an ideal setting suited for the high drama which was to

⁵¹Attorney Lee to the United States Attorney General, November 10, 1924, Department of Justice, General Records, NA, RG, 60.

⁵²Mrs. Tilghman's analysis of what took place differed from that of federal officials. "Twice," she said, "he stopped at houses and brought out corn liquor and brandy such as was made by the local boot-leg stills," even before reaching Okemah. When Lynn reached that town, he and Rose Lutke left the others at lunch and went to see the sheriff." By the time the agent had reached Cromwell, his car had made four stops. Lynn "drank sparingly. He didn't want to be drunk--then." (All italics are those of the author of this paper.)

⁵³The description of Cromwell is taken from Tilghman, Marshal of the Last Frontier, 362.

take place. Lynn stopped his car in front of Murphy's Dance Hall, and he and Rose Lutke got out. While emerging from his automobile, the prohibition officer's gun went off; later Lynn and the government argued that this was purely accidental, although Mrs. Tilghman and others contended that Lynn deliberately fired to attract the attention of her husband whom he had come to kill.⁵⁴ At the time, Tilghman sat in a restaurant,⁵⁵ and upon hearing the shot, took out his pistol and went to investigate. Apparently, Lynn still held the gun in his hand when Tilghman approached him, and after a verbal exchange, he disarmed the agent. W. E. Sirmans, who accompanied Tilghman outside the restaurant, wrote later that "Tilghman slung Flinn (sic) against the wall [and] another officer⁵⁶ ran up and took the gun away from Flinn."⁵⁷ But "quicker than a flash" and before Tilghman knew

⁵⁴Ibid.

⁵⁵Exactly where Tilghman was at the time is not clear. In her book, Mrs. Tilghman placed him at Murphy's lunch counter; but in a letter to the Justice Department, she only says that he sat at "a little place" having lunch. W. E. Sirmans wrote that he and Tilghman were "in a restaurant." Judge Frank Lee, however, reported that Tilghman "was in a cafe facing the street in front of the Murphy dance hall."

⁵⁶Sirmans uses the term "officer," but Mrs. Tilghman describes the man who disarmed Lynn as one Hugh Sawyer who "had been drinking freely."

⁵⁷Sirmans to Nix, November 2, 1924, Tilghman Collection, Division of MSS, University of Oklahoma.

what had happened "[Lynn] whipped a 45 Colt from under his coat and shot . . . [Tilghman] under the left nipple."⁵⁸ Lynn then turned, put the revolver "into the stomache [sic] of the officer that had his [other weapon], and made him give it back."⁵⁹ After the shooting, Lynn and Rose Lutke hurriedly made their way from the scene.⁶⁰ A few minutes later, Tilghman died; "the dark Presence had lifted the veil; called softly Come!"⁶¹

Lynn speedily made his way back to Holdenville where he surrendered to a United States Commissioner who ordered him jailed. The government filed a complaint with the Commissioner charging that Lynn was a revenue officer and that in performing his duty he had killed Tilghman in self-defense.⁶² At the same time, the State of Oklahoma instigated criminal prosecution.⁶³ In November of 1924, after jurisdiction had been denied the federal government in the case, the State of

⁵⁸Ibid.

⁵⁹Ibid.

⁶⁰See Roy A. Haynes, Commissioner of Prohibition, to Mabel W. Wilebrandt, November 21, 1924, Department of Justice, General Records, NA, RG, 60.

⁶¹Tilghman, Marshal of the Last Frontier, 363.

⁶²Attorney Lee to the United States Attorney General, November 10, 1924; and Haynes to Wilebrandt, November 21, 1924, Department of Justice, General Records, NA, RG, 60.

⁶³The legal question of jurisdiction in the case is discussed thoroughly in a "Memorandum to Assistant Attorney General Wilebrandt [on State of Oklahoma vs Wiley Lynn]," February 5, 1925, Department of Justice, General Records, NA, RG, 60.

Oklahoma charged Lynn with manslaughter. On May 26, 1925, despite vigorous prosecution by the state, a jury returned a verdict of not guilty. Lynn later, however, received a sentence of ninety days in jail for carrying a concealed weapon in court during the trial. And only three days after his conviction, he was notified of his dismissal from the prohibition service effective November 20, 1924, "for conduct unbecoming a federal prohibition enforcement officer."⁶⁴

Despite Lynn's acquittal, Mrs. Tilghman and others were convinced of his guilt. Sirmans for example, wrote that "there is no question [that] he was murdered in cold blood. . . ."⁶⁵ One of the most puzzling features of this case was the failure of Tilghman's friend to show up to testify as a witness for the state. In an affidavit sworn at Ware County, Georgia, nearly three years after Lynn's trial, Sirmans said that a number of people had warned he "would be killed if he did not leave Cromwell, as the dope and whiskey ring were going to protect Lynn and see that he was not punished."⁶⁶ A detective, he said, had been sent by the governor of Oklahoma and had advised his leaving Cromwell "at once," and he knew that "this was no idle threat."⁶⁷

⁶⁴Letter from M. D. Davis, Chief of the Civilian Reference Branch, Federal Records Center, Saint Louis, Missouri to the author, October 31, 1966.

⁶⁵Sirmans to Nix, November 2, 1924, Tilghman Collection, Division of MSS, University of Oklahoma.

⁶⁶See the affidavit of November 28, 1927, Ibid.

⁶⁷Ibid.

But Sirmans must have been aware of the dangers when he first invited Bill Tilghman to clean up Cromwell.

In a letter to Mrs. Tilghman from Waycross, Georgia, he again endeavored to explain his unexpected disappearance: "In May 1925 I left Weatherford for Florida and was traveling around the State for about thirty days looking for a location and about ten days after the Lynn trial was over I received a letter . . . enclosing a telegram," from Prince Freeling, former Attorney General of Oklahoma, who served as the state's prosecuting attorney in the case. The telegram had informed Sirmans of the date of the trial and if he had known it in time, he said, he would have been at Wewoka to testify.⁶⁸ For a man who had "grown to love Capt. Tilghman,"⁶⁹ and who had literally caught the frontier marshal in his arms as Lynn's bullet ripped through his body, it seemed odd that he did not take any initiative to find out the date of the trial. That he had given evidence at two hearings prior to the trial⁷⁰ still does not satisfy the curiosity of some students of history.

For several years after her husband's death, Mrs. Tilghman sought compensation from the federal government. Although Oklahoma

⁶⁸Sirmans to Mrs. Tilghman, November 28, 1928, Ibid.

⁶⁹Sirmans to Nix, November 2, 1924, Ibid.

⁷⁰Sirmans to Mrs. Tilghman, November 28, 1928, Ibid.

Representatives introduced bills in the Congress for her relief, she never achieved any positive results. Officials in the Bureau of Prohibition opposed any such appropriation. In a memorandum to one of the assistant attorney generals in the Justice Department, A. W. W. Woodcock of the Bureau stated frankly that "I do not think the circumstances are such to call for an appropriation."⁷¹ In 1934 Mrs. Tilghman directed a desperate appeal to President Franklin D. Roosevelt and sought his direct intervention in the matter. She pointed out that "the only chance for . . . getting consideration now is through your intercession." Life, she said, had been difficult for her since her husband's departure: "I was left with three boys still in school, and our hardships for the past ten years have been severe. The depression was an old story when it came." The house in which her family lived was always "dark and musty" and water often ran on the floor. She had waited for a long time and certainly a word from the President would bring the bill to consideration in the Congress.⁷² Her efforts bore no fruit. And slowly, the death of Bill Tilghman moved farther into the dim recesses of the distant past. But his murder at Cromwell, Oklahoma, had revealed

⁷¹A. W. W. Woodcock, Director of the Bureau of Prohibition, to Assistant United States Attorney General Youngquist, March 8, 1932, Department of Justice, General Records, NA, RG, 60.

⁷²Mrs. Tilghman to President Franklin D. Roosevelt, June 4, 1934, Department of Justice, General Records, NA, RG, 60.

part of the hideous drama acted out on other stages and at other times during the period of the so-called noble experiment.

Oklahoma and the nation witnessed another death during the period which lacked much of the sentiment of the Tilghman case. This was the political "killing" of Alfred Emanuel Smith. Prohibition once again played a starring role, although careful historical post mortems could not determine precisely whether it was a party, a religion, or the favorable reaction to the great reform which defeated him; some suggest all three.⁷³ Certainly the last two were of vital, if not overriding, significance in traditionally Protestant and dry Oklahoma. Smith's greatest asset in the Sooner State was his party; but in 1928 even this attachment was somewhat weakened by unparalleled Republican prosperity. Moreover, the Grand Old Party had espoused the dry creed, to the obvious pleasure of the prohibitionists. But Smith labored under the assumption that the nation was ready for a change. He was wrong, especially if he thought the country wanted a wet Catholic to do it.

Both Republican and Democratic conventions in 1928 stood by the Eighteenth Amendment. The Republican platform pledged strict enforcement of the dry law as then on the books; it did not say, however,

⁷³Consult the very find study by Robert M. Miller, American Protestantism and Social Issues (Chapel Hill: University of North Carolina, 1958), 48-62.

that the party approved the principle of national prohibition. Its nominee, Herbert Hoover, proclaimed in his acceptance speech that "I do not favor the repeal of the Eighteenth Amendment." He realized that flagrant abuses had occurred and that crime and disobedience could not be tolerated, but prohibition still remained for the Iowan "a great social and economic experiment, noble in motive and far-reaching in purpose."⁷⁴ Modification of the Volstead Act which would permit that which the Constitution forbade was nullification.⁷⁵ Very cleverly, as some students have pointed out, Hoover never came forward with a categorically dry statement.⁷⁶

Al Smith approached prohibition much more forthrightly than his Republic opponent. In spite of his party's platform, the Democratic candidate's direct language fostered much political antagonism among those who had nominated him at Houston, Texas. His running mate, Senator Joseph Robinson, a confirmed political dry from Arkansas, found it difficult throughout the campaign to square Smith's attitude with that of his party's.⁷⁷ In his telegram of acceptance, the New

⁷⁴See the prohibition section of Hoover's acceptance speech in The Memoirs of Herbert Hoover: The Cabinet and the Presidency, 1920-1933 (3 vols.; New York: Macmillan, 1952), II, 201-2.

⁷⁵Ibid., 201. ⁷⁶Sinclair, Era of Excess, 300.

⁷⁷Nevin E. Neal, "A Biography of Joseph T. Robinson" (unpublished Ph.D. dissertation, Department of History, University of Oklahoma, 1958), 251-53.

Yorker had boldly declared to the dismay of many party "wheels" that "I personally believe that there should be [a] change in the Eighteenth Amendment and I shall advise the Congress in accordance with my constitutional duty of whatever changes I deem necessary or expedient."⁷⁸ Corruption and ineffectiveness of the prohibition law did not justify its continued existence without alteration; the country had not realized temperance. The remedy, said Smith, "is the fearless application of Jeffersonian principles" of local control;⁷⁹ there had to be a differentiation in local laws to allow for variation in habits. The people of the United States after eight years of trial should now be permitted to say whether present conditions should be rectified. And the candidate believed that the prohibition article needed amendment "which would give to each individual state itself . . . after approval by a referendum . . . the right[,] wholly within its borders to import, manufacture . . . and sell alcoholic beverages . . . the sale to be made only by the state."⁸⁰

Stern opposition to Smith's candidacy had mounted prior to his nomination, and it continued with greater force until his eventual defeat. Not since pre-prohibition days had there been much cause for concerted

⁷⁸Democratic National Committee, Campaign Addresses . . . of Governor Alfred E. Smith . . . (Washington, D. C.: Democratic National Committee, 1929), 12-13. Hereafter cited as Smith, Campaign Addresses.

⁷⁹Ibid., 13.

⁸⁰Ibid., 14.

action by the drys. Oklahoma Baptists early in 1928 had warned that the anti-prohibition forces had conspired to nominate the wet Smith, and they cautioned every good citizen to stay alert and to support "only such men for office who will agree to uphold the law."⁸¹ After Smith received the nomination and had departed from his party's platform, prohibitionists found him even more vulnerable, although his religion alone was sufficient for some to oppose him. As one writer has rightly suggested, "the religious campaign against Smith is impossible to distinguish from the dry campaign against him. They were part and parcel of the same attitude."⁸²

As the campaign progressed, drys claimed with noticeable vigor that the major issue before the country was not political or religious, but moral. And every effort to divert attention from the question of morality, said the Oklahoma Messenger, which spoke for thousands of drys, "is a smokescreen."⁸³ When Smith delivered an address in Oklahoma City without mentioning the prohibition issue, prohibitionists proclaimed that he had harped upon the question of religious prejudice only to camouflage the real issue.⁸⁴ That politics

⁸¹Baptist Messenger, February 15, 1928; see also Annual Southern Baptist Convention, 1928, 87.

⁸²Sinclair, Era of Excess, 301.

⁸³Baptist Messenger, August 9, 1928.

⁸⁴For Smith's speech at Oklahoma City, see his Campaign Addresses, 43-61; and for comment, Baptist Messenger, September 27, 1928.

was less important than moralism, they said, was vividly demonstrated by Smith's choice of John J. Raskob, a former Republican and a wet, as his campaign manager. Therefore, drys contended that continuance of the great reform should also overshadow partisan political alignments.⁸⁵

One of the drys' strongest spiritual allies during the election in Protestant Oklahoma was the rapidly declining order of the Ku Klux Klan. No public figure, writes Professor Charles Alexander, ever took as much abuse from the Klan as the governor of New York.⁸⁶ In the fall of 1927, Oklahoma Klansmen, led by Grand Dragon Zach A. Harris, debated plans for capturing the state Democratic convention in 1928 in hope of sending an anti-Smith delegation to Houston. Klansmen, however, failed in their efforts and the delegation, as finally chosen, showed a plurality for Smith.⁸⁷ After the Houston convention the KKK declared political war on Smith. In Oklahoma and in the traditionally solid Democratic South, there appeared little opposition to Klan support. Even Hoover, some Democrats concluded grimly, looked better to them than this Tammany Hall supported, wet East-Sider from

⁸⁵Ibid.; Tulsa World, October 26, 1928.

⁸⁶Charles Alexander, The Ku Klux Klan in the Southwest (Lexington: University of Kentucky Press, 1965), 235. Hereafter cited as Alexander, The Ku Klux Klan in the Southwest.

⁸⁷Ibid.; and Daily Oklahoman, September 23, 1927 and October 11, 1927.

New York, who seemingly spoke in an indistinguishable tongue completely foreign to southern speech.

The leader of the Oklahoma Klan had threatened at Houston to bolt the Democratic party and support Hoover; and there were many no doubt who pledged "good-bye" and "good riddance."⁸⁸ During the subsequent campaign, the national office of the Klan looked upon Oklahoma as a battleground for an open assault upon "the menace of which Al Smith is spokesman."⁸⁹ But despite its pretensions and noise making, the Klan as an organization had very little influence in Oklahoma or any other southwestern state in the 1928 presidential election. "In most places," says one authority, "the Klan was more important spiritually than physically." And very significantly, he concludes that "religious prejudice and stern moralism, elements that had given rise to the Klan in the first place, were still factors in southwestern politics, and they benefited the Republicans and anti-Smith cause in the region."⁹⁰

Despite the strong opposition to Smith, including the two top Democratic papers in Oklahoma, he was not without his firm supporters. Governor Henry S. Johnston chose to defend the party's candi-

⁸⁸Professor Alexander suggests that the size of the Klan in Oklahoma has been exaggerated. While some suggest a figure as high as 7,000 in the late twenties, he thinks that a more reasonable number would be 2,000 for the year 1929, and 1,500 in 1930. Obviously, any estimate runs the risk of error since the Klan did not willingly give out such information. See Alexander, The Ku Klux Klan in the Southwest, 241.

⁸⁹Tulsa World, October 29, 1928.

⁹⁰Alexander, The Ku Klux Klan in the Southwest, 239-40.

date while lashing at the Republicans. He accused the GOP of pushing prohibition forward as their own "smoke screen." Moreover, he argued that prohibition was really not an issue in the campaign, and that the nation could not be any wetter under either candidate than it had been under Calvin Coolidge.⁹¹ Former Governor Lee Cruce, while boosting Smith, did not concede that enforcement was an impossibility. And much like Johnston, he lambasted the Republicans for not making an honest effort to enforce the law during the seven and a half years they had controlled the government. The trouble, said Cruce, was that for all those years prohibition had been regarded simply as an "experiment" with little attempt to perfect it.⁹² No true prohibitionist could be satisfied with the past, especially with the discrimination in enforcement which permitted bootleggers of considerable means to roam free while subjecting smaller ones to prosecution. Smith, said the former governor, would stand by the law as long as it remained on the books although he did not agree with its principle.⁹³

The Tulsa World, the largest pro-Smith paper in the state, decried the tactics employed against the Democratic nominee. It critically commented during the campaign that there had not only been a "whispering" campaign against Smith's religion, but also some loud

⁹¹Tulsa World, October 21, 1928.

⁹²Ibid., October 31, 1928.

⁹³Ibid.

"shouting."⁹⁴ The Republicans, the World editorialized, only thought of breaking into the Solid South for the first time since the Civil War through Smith's Catholicism. "Deny it as much as they may," charged the World, "this is the real issue with which Republicans expect to win the electoral votes of the southern states. That could make victory possible, but "what a price!"⁹⁵ The use of religion as a political factor the editor of the paper regarded as "one of the most serious blows that the institutions of this country have ever had to face." The sectarian question could not be made a political issue without leaving in its wake incalculable harm to the state of the nation.⁹⁶

A strong reaction manifested itself in Oklahoma against the effort to line up the churches and the pulpit for Hoover. Judge Robert L. Williams, a long-time Methodist, was furious when his Annual Conference unanimously approved a resolution declaring the election of 1928 a "referendum on prohibition." The jurist resented the church becoming an arm of the Republican Party. And he made it clear that his belief in the separation of church and state was as strong as anyone else's.⁹⁷ The "Women for Smith-Robinson Club" in a paid political

⁹⁴Ibid., October 14, 1928. ⁹⁵Ibid., October 23, 1928.

⁹⁶Ibid., November 6, 1928.

⁹⁷Ibid., November 2, 1928; and also Harlow's Weekly, August 4, 1928.

announcement directed their fire at the spiritual exhorters of the word who had turned their pulpits into political platforms. The ladies were convinced that "there is actually an organized movement in the churches to line the ministers," no matter what their political faith.⁹⁸ One brave pastor, however, informed the local branch of the WCTU that since it had become a political organization, it could no longer use the Lord's House to advance the cause of politics.⁹⁹

Al Smith could not successfully counter the combination of forces arrayed against him. Thus the Republican Party for the second time since Oklahoma statehood carried a presidential election. Moreover, the party displayed surprising gains at the state and national levels, although Oklahoma remained basically Democratic. Hoover polled some 394,000 votes to Smith's 219,000. What the election really indicated, however, was not altogether clear. One religious group suggested that Smith's defeat indicated that "mighty moral issues have precedence over partisan issues," and that the voters had served notice on politicians that the federal government would not be surrendered to the liquor crowd.¹⁰⁰ From the many articles on "church and state,"

⁹⁸Tulsa World, November 3, 1928.

⁹⁹Ibid., October 17, 1928. The National WCTU openly campaigned for Hoover, and so did some of the local Oklahoma chapters.

¹⁰⁰Baptist Messenger, November 15, 1928.

and the Pope, which appeared in some contemporary publications opposite Smith's stand on prohibition, one could not doubt that this assertion was over-simplified, if not totally untrue. That the election signified Oklahoma's acceptance of the Eighteenth Amendment, whether it wanted the law vigorously enforced or not, also transcended debate.¹⁰¹ The Tulsa World, taking a national view of the election, believed that prosperity constituted a key ingredient in Hoover's success. It did not see the outcome as a referendum on the liquor question. But intolerance, concluded the World, surely contributed to the Republican triumph. "Now we too," it said, "must join with the rest of the world and admit religious bigotry."¹⁰² The drys had achieved another victory, but disaster loomed on the horizon.

¹⁰¹Harlow's Weekly, November 10, 1928.

¹⁰²Tulsa World, November 8, 1928.

CHAPTER VII

"SUDS" THAT'S ALL: REPEAL AND BEER

The allied influences of the Great Depression and the unfavorable conditions which accompanied the "noble experiment" created a public opinion inimical to the continuance of prohibition. Wet propagandists, led principally by the Association Against the Prohibition Amendment,¹ took every possible advantage to expose the "hypocrisy" of prohibition and to emphasize its deleterious effects upon social, political and economic institutions. Aided by an increasingly large number of pro-repeal city newspapers and other journals, the "antis" with remarkable success carried their case to rustics of the countryside as well as to urbanites. Try as they may to reduce wet arguments to mere exaggerations or prevarications, drys were confronted with mounting difficulties in trying to offset the combination of forces arrayed against them. By the early thirties, frustrating signs projected a dismal picture of terrible things to come.

A reflection of and a contributor to the change in attitude

¹The history of the Association Against the Prohibition Amendment has been told in great depth in Heckman, "Prohibition Passes."

prohibition were the massive polls conducted in the twenties and the thirties, especially those of such journals as the Literary Digest. While the Digest, then with its reputation unmarred, may have overstressed wet sentiment,² it did capture the general opinion of the people. Drys, of course, never accepted the results of the polls as an accurate barometer of what people really thought. As Professor Andrew Sinclair has pointed out, however, "even if the findings of the Digest were biased in favor of repeal, the fact that they were widely believed to be accurate was a telling blow to the drys."³

The final poll conducted by the Digest in 1932 showed that more than 73 per cent of the national population favored abolition of the Eighteenth Amendment. Of the forty-eight states, only Kansas and North Carolina returned dry majorities. Oklahoma had a wet percentage of 54.53 per cent which represented an increase of 3.59 per cent over 1930.⁴ Confirmed Sooner prohibitionists pointed out that many of their number refused to vote since they considered the poll unrepresentative. It was harder to deny, however, that dissatisfaction existed among a sizeable faction of the population. Yet, one must take care not to misread the polls or the statements from dejected drys, for clearly most Oklahomans were not disgruntled with state prohibition

²Sinclair, Era of Excess, 313.

³Ibid., 415.

⁴See the results of the poll in Literary Digest, LXIII, April 30, 1932, 6-7.

but with national enforcement.

Both Republicans and Democrats in the 1932 election reckoned with the growing significance of the wet movement. The GOP, unwilling to openly admit the failure of an experiment the party had assumed responsibility for perfecting, asked for resubmission of the Eighteenth Amendment. The Democrats, however, boldly declared for outright repeal. Drys, then, had no alternative but to choose "moderate wets" or "extreme wets";⁵ the prospect was not very inviting. During the campaign Republican Herbert Hoover tried to woo drys and moderates, but he avoided any suggestion of total repeal, while his opponent Franklin D. Roosevelt preyed upon the sentiments of a depression-ridden populace which recognized the need for revenue, even if from hard liquor and beer. To the advantage of the wets, however, prohibition as an issue in the 1932 presidential contest failed to assume importance as a moral question. By and large the electorate concerned itself with the economic benefits of repeal, and consequently, the Democrats were able to successfully utilize the possibility of additional revenue to their advantage.⁶ With the depression one of his strongest allies, Roosevelt rolled to an easy victory over Hoover and thus brought nearer to an end an era of social experimentation which wets recounted as days of dark despair.

⁵Sinclair, Era of Excess, 386.

⁶Ibid., 386.

The Congress elected in 1932 followed the lead of the popular new president on prohibition. In February, 1933, it approved a repeal amendment and sent it to the states for ratification. An innovation was introduced in its submission as it was the first which called for the use of the convention method of ratification. Until the Constitution could be changed, Roosevelt also asked Congress to legalize beer by altering the Volstead Act.⁷ Sensitive to the possibility of new sources of income, a bill permitting the sale of 3.2 beer was passed and sent to the president who signed it on March 23, 1933. The country had now taken its first step back to where it had been in January, 1920.⁸

When the Congress submitted the Twenty-first Amendment to the states, the Oklahoma Legislature was in session. Despite the many grave economic problems which faced the lawmakers, repeal and beer attracted considerable debate. Even prior to congressional action, wets in the state legislature had pushed in vain to amend the prohibition

⁷See the president's brief message to the Congress in Samuel I. Rosenman, ed., The Public Papers and Addresses of Franklin D. Roosevelt, III (13 vols.; New York: Random House, 1938-1950), II, 66-67.

⁸For a consideration of the Twenty-first Amendment and the beer measure see Fletcher Dobyns, The Amazing Story of Repeal; An Exposure of the Power of Propaganda (New York: Willett, Clark and Co., 1940), 128-30. After the passage of the beer bill, the Southern Baptist Convention declared that "ostensibly Congress enacted [it] not for the sake of making legal intoxicating liquors, but for the sake of revenue, as though a purely destructive force in the social order could bring material prosperity." See Annual Southern Baptist Convention, 1933, 112.

section of the state constitution. Interested groups like the Muskogee-based Oklahoma Modification and Repeal Association, urged legislators to follow the lead of other states by abolishing the dry ordinance in anticipation of national repeal.⁹ The move to achieve this objective netted nothing at all except a firmer determination on the part of dries to smother any "dastardly" repeal attempt.¹⁰ While legislators had shown an aversion to altering the state constitution, wets believed that the lawmakers' antagonism would not prevent a state vote to consider the Twenty-first Amendment.

Accordingly, wets, led by Representative William Coe called a Democratic caucus to map a legislative campaign for the establishment of machinery for submission of the Twenty-first Amendment. Coe thought the house contained about fifty resubmissionists, and that with diligent work he could get enough votes to push a plan through. The caucus finally adjourned without taking decisive action, only recommending that the legislature study the problem.¹¹ Dries, of course, looked with utter contempt upon any move to act on the amendment.

⁹Paul Mertz, "Oklahoma and the Year of Repeal, 1933" (unpublished Master's thesis, Department of History, University of Oklahoma, 1967), 20. Hereafter cited as Mertz, "Year of Repeal, 1933.)

¹⁰See the Baptist Messenger, January 26 and February 2, 1933.

¹¹Daily Oklahoman, February 22, 1933; and Norman Transcript, February 21, 1933.

Both the Anti-saloon League and the WCTU charged that a state ratification convention would be too costly, but the latter did not fear a clash with the wets since it felt certain of the outcome.¹² The Norman Transcript adopted the position of the drys when it stressed the need for "drastic" expenditure of every kind at a time when people were starving. Oklahoma, said the editor of the Transcript, had no right to help other states acquire liquor by ratifying the amendment;¹³ so why waste badly needed money on an election.

Eager to put Oklahoma on record for or against the Twenty-first Amendment, Representative James Babb championed a ratification measure, House Joint Resolution 32. It provided for the appointment of two county chairmen, one for and one against repeal, who would call mass meetings to choose delegates to wet and dry conventions in each Congressional District. Two slates of delegates were to be selected by the conventions, and the people would vote for one of these. The winning slate would meet to ratify the proposed amendment to the Constitution. Finally, the resolution stipulated that the entire process should be completed by mid-1934.¹⁴

The timely introduction of a beer bill in the legislature improved the chances of success of the Babb proposal.¹⁵ Drys in and out-

¹²Ibid., February 22, 1933.

¹³Ibid.

¹⁴For the resolution in detail see House Journal, 1933, II, 2594-2601.

¹⁵Mertz, "Year of Repeal, 1933," 41.

side the legislature recognized that if the nation scrapped the prohibition amendment, Oklahoma would probably remain legally dry, but the possible introduction of beer posed a new and more serious threat. Consequently, there was a tendency for them to give more on ratification and to concentrate their efforts on beer. There still remained, however, wide differences of opinion on the kind of convention plan which should be adopted, if any at all. Representative George Copeland introduced an unsuccessful bill for the Prohibition Thousand, a statewide dry group, which would have given rural areas a greater voice in repeal by selecting delegates from legislative districts.¹⁶ Babb's resolution, however, eventually received favorable action, although it encountered strong opposition in the senate.¹⁷

Governor William "Alfalfa Bill" Murray promptly vetoed House Joint Resolution 32. Murray, one of the state's Founding Fathers and a self-assured "expert" on Oklahoma's constitution, had never openly registered any noticeable hostility toward a vote on the Twenty-five Amendment. In fact, he once voiced the necessity for such action. But he vetoed HJR 32 because it began the repeal process within ninety days of adjournment, and because it did not have an

¹⁶For elaboration on the Copeland measure see the Norman Transcript, March 27, 1933.

¹⁷House Journal, 1933, II, 2601; and Senate Journal, 1933, 2524.

emergency clause. The legalistically inclined Murray doubtless stood on solid and unshakeable ground, but as one student has noted, "the constitutional ninety day suspension of a bill's effectiveness was probably never intended to apply to the processes incidental to approval of a federal amendment."¹⁸ "Alfalfa Bill's" veto, however, temporarily snuffed out the movement toward a repeal convention just as the regular session of the Fourteenth Legislature ended, but most expected a hurried resurrection of the repeal attempt once it reconvened.

The legislature adjourned after the passage of several tax measures advanced by the administration. To Murray's dismay, he was unable to secure sufficient votes to attach emergency clauses to his revenue bills, which would have made them immediately effective. Following the regular session, discontent developed among Sooners over the new tax bills, and citizens threatened to circulate petitions bringing the recently enacted measures to a vote. Murray hurriedly decided upon a special session to demand the necessary emergencies. Determined that only matters suggested by the governor receive attention, Murray took care to remind the legislators in his special message that "no other measures will be considered or submitted for consideration under any circumstance. . . ."¹⁹ Since the special session could only

¹⁸Mertz, "Year of Repeal, 1933," 48; and Harlow's Weekly, May 6, 1933.

¹⁹See his message to the special session of the Fourteenth Legislature in Senate Journal Extraordinary Session, 1933, 10-19.

act on proposals specifically itemized by the governor, this placed repealists and pro-beer advocates in a very difficult spot. The governor, they concluded, must be persuaded to expand his message.

Repealists moved rapidly toward success following action on the Murray tax program. In June, 1933, House Floor Leader John Steele Batson announced that he would personally request that the governor grant the legislature authority to treat the repeal question. Batson's statement coupled with that of Senator Al Nichols, who was close to the administration, that Murray wanted a vote on the Twenty-first Amendment before the 1934 elections, increased confidence that the executive would yield to the wishes of the ratificationists.²⁰

"Alfalfa Bill," his tax bills already passed and now content to see the legislature discuss whatever it desired,²¹ sent a special message to the legislature July 8 which paved the way for a consideration of repeal.²² He cautioned the lawmakers, however, to avoid any discussion of state prohibition.

A new repeal plan advanced by Representative Leon Phillips

²⁰Norman Transcript, June 12, 1933.

²¹Both houses had adopted resolutions asking the governor to extend the call.

²²See Murray's message to the Fourteenth Legislature on the question of repeal of the Eighteenth Amendment in House Journal, 1933, II, 4614. The forthcoming message had been successfully predicted in the Daily Oklahoman, July 8, 1933.

and similar to the old Babb resolution drew warm support from those anxious for a vote on the fate of the Eighteenth Amendment, or those tired of toying with the issue.²³ Phillips' bill contemplated an election in 1934 unless Governor Murray called for an earlier vote. It also provided that the repeal process would go into operation the first Tuesday following the 105th day after adjournment of the legislative session. At that time the state election board would certify to the governor the names of two electors in each county, one wet, the other dry. Twenty days later county conventions would then be called to select delegates at a ratio of one for every 500 persons; each of these county conventions would nominate two delegates to a state convention. Subsequently, two slates of delegates representing repeal and anti-repeal would be listed on the ballot at the next statewide election. Following the certification of the results, the law required the governor to call a final convention composed of the successful slate to act on the amendment.²⁴

The intricately involved Phillips plan encountered little opposition in the legislature. The house approved the bill by a margin of 37 votes; but apathy and absenteeism played havoc with the resolution in the senate.²⁵ Although the upper chamber as a whole favored a repeal

²³One paper reported that as many as eleven resolutions had been drawn up and awaited introduction in the house as soon as the governor opened the session to repeal. See Norman Transcript, July 9, 1933.

²⁴House Journal, 1933, II, 4616.

²⁵Mertz, "Year of Repeal, 1933," 156.

convention, many senators had already made their way home by mid-July, and the wet leaders experienced trouble in assembling a quorum. One very candid senator suggested that the lack of attendance had resulted because his colleagues had gotten the urge to "put on their hats and go down to the hotel to drink a bottle of [newly legalized] beer." He had no use for such "cattle."²⁶ Finally, two Oklahoma lawmakers, Senators T. Woody Dixon and Charles Moon of Marietta and Muskogee, respectively, flew to the capitol, thus permitting the senate to pass the bill.²⁷

By the time Oklahoma actually commenced its ratification procedure, thirty-two states had approved the Twenty-first Amendment. Unless Governor Murray acted with dispatch, it seemed doubtful if Sooners would get the opportunity to render their opinion on the noble experiment. But the economy-minded "Alfalfa Bill" had no intention of calling a special election and he informed his critics that if they objected "they can go to hell."²⁸ He saw no need to expend extra money at a time when the state went begging for funds. In December, 1933, Utah, the thirty-sixth state to ratify the Twenty-first Amendment,

²⁶Daily Oklahoman, July 15, 1933. The debate on beer and repeal took place at the same time. The two issues have been discussed separately. Beer was legalized before the approval of the repeal convention.

²⁷Senate Journal, Extraordinary Session, 1933, 480-81.

²⁸Daily Oklahoman, July 27, 1933.

brought to an end the prohibition experiment begun in 1920, thus making the continuation of the Oklahoma repeal drive a useless affair.

Repeal had demanded its share of attention during the very important Fourteenth Legislature, but the battle over beer generated more discussion and political maneuvering. The adoption of the national law legalizing 3.2 beer had greatly inspired some Oklahoma legislators and business-minded citizens interested in the industry. In March, 1933, Representatives Bob Graham and R. C. Garland offered a measure, House Bill 647, permitting the sale of 3.2 in the state.²⁹ The passage of this law, they and their supporters contended, would not violate the provisions of the Oklahoma Constitution for Congress had already adjudged it "non-intoxicating."³⁰ The section of the constitution to which they referred, however, specifically stated that persons who furnished "any intoxicating liquor . . . including beer, ale and wine" were subject to fine and imprisonment.

The legality of the beer bill confronted the House Legal Advisory Committee with a difficult task. Its chairman, the highly respected Bower Broadus of Muskogee, consented to hear testimony from the drys, but he refused to entertain moral arguments against 3.2; the committee's preoccupation, he said, was with the legal aspects of the

²⁹Mertz, "Year of Repeal, 1933," 22.

³⁰See U. S. , Statutes at Large, XLVIII, Part 1, 16-20.

beverage.³¹ The members of the committee searched long and hard for a judicial precedent which would justify beer. Eventually, it unearthed an old 1910 state supreme court case, B. B. Moss vs State, which gave its members a basis for their ultimate decision. After much grappling with conscience, Broadus' group concluded that the legislature could by statute define 3.2 beer as non-intoxicating, and that the Graham-Garland Bill was constitutional.³² The report came as a shock wave to the drys, but produced justifiable optimism among the wets.

Wets chalked up another victory in getting their bill assigned to a special committee. Had it gone to the hostile House Prohibition Enforcement Committee, presided over by the indescribably dry B. W. Todd, it probably would have witnessed the fate of other "liquor" proposals.³³ Led by A. F. Duke, a Nazarene minister, the special committee consisted of an equal number of drys and wets and one member of undetermined allegiance. Duke and Tom Anglin, Speaker of the

³¹Harlow's Weekly, March 18, 1933.

³²House Journal, 1933, I, 2107. Mertz maintains that the committee took a very enlightened view given the precedents available to them. Broadus, he said was on "solid ground in ruling that the statute making all beer intoxicating was changeable." Indeed, it is difficult to disagree with such a sound conclusion. See Mertz, "Year of Repeal," 28.

³³For discussion see Harlow's Weekly, April 1, 1933; and Tulsa World, March 29, 1933.

House, decided to dispense with hearings on the bill, an opinion which displeased wets who anxiously awaited the opportunity to air their case. Their reasoning could easily be understood, for they recognized that the hearing could serve as an "educational" platform; in short, it would assist them in carrying the beer message to the people. With Graham and Garland threatening to hold a rump committee meeting unless Duke and Anglin changed their minds, the chairman acquiesced and conceded to the wishes of the wets.³⁴

The hearing yielded little of real significance except occasional laughter balanced with spirited and deeply felt verbalism. Drys, as always, relied upon their morally persuasive arguments, but they did not dismiss the necessity of rebutting those projected by economically-inclined wets. The Reverend Lemuel Penn of Prohibition Thousand endeavored to dispel the contention that "booze," including beer had benefitted the nation; and he proclaimed that "there are other forms of human depravity you could tax."³⁵ Mrs. Elizabeth House of the WCTU prophesied economic austerity if beer were legalized. Money spent for beer could not be used for food and clothing, said the women's president. The Reverend H. E. Swan, soldier of many a dry battle, movingly related the death of his mother, a victim of a beer-drunken driver. It would amount to a disgrace if the legislature legalized the destructive 3.2

³⁴Mertz, "Year of Repeal, 1933," 33.

³⁵Ibid.

"poison." Why sell the youth to the brewer asked the representative of the Parent-Teachers Association? Another dry saw the real issue as the preservation of the home.³⁶

Wets harped upon beer as a revenue source, its temperate qualities, and the hypocrisy of prohibition. In a statement fashioned for the public as well as for his colleagues, Representative Graham told the committee of his stern opposition to booze, but added that the state needed the money from non-intoxicating beer. And Garland taunted the ministers who had testified, when he subtly intimated that they knew young people of the state obtained beer and hard liquor without undue exertion. Ross Lillard, Oklahoma City attorney, exhorted that 3.2 would remove the brewery from the home, much to the benefit of that institution and the state.³⁷

If the testimony of the wets had been more convincing than that of the dries, it did not sufficiently impress enough members of the committee. By a vote of 4 to 3, it recommended that the legislature kill the bill. Committee wets--Graham, Garland, and Henry Timmons--vigorously dissented and then prepared a minority report. To offset many of the objections leveled at the bill, pro-beer members revamped it so thoroughly that it "was likened to a renovated car with all parts replaced but the radiator cap."³⁸ Dries wailed in amazement when the

³⁶Ibid., 36.

³⁷Ibid.

³⁸Ibid.

house in March, 1933, accepted the minority report and when the Committee of the Whole gave its approval to the bill in April.³⁹ The "beer-ites" had advanced one step closer to success, despite the "stab-in-the-back" by the special committee.

The beer bloc needed sixty votes to carry the bill in the house. A few days prior to the April 1 roll call, wets were short of this number by at least two votes. Graham pleaded for party unity in seeking converts to his cause. In an effort to expel legal doubts held by some legislators, he noted that he had "pretty fair fellowship in my stand for near beer"⁴⁰ when the U. S. Congress, the President and neighboring states say 3.2 per cent beer is not intoxicating."⁴¹ Despite this appeal to authority, many representatives, including the speaker of the house, persistently maintained that the measure contravened the prohibitory provision of the constitution. On April 6, however, it passed the house with the exact number of votes required, 60 to 54.⁴²

Supporters of beer in the senate promised a speedy vote.

³⁹House Journal, 1933, II, 2593.

⁴⁰The bill drawn by the minority members of the special committee and approved by the house declared all beverages with a minimum alcoholic content of .5 per cent and a maximum of 3.2 per cent non-intoxicating "near beer." The statute passed by Congress had not made this distinction.

⁴¹Mertz, "Year of Repeal, 1933," 39.

⁴²House Journal, 1933, II, 2638-39.

The influence of powerful senatorial figures as President Pro Tempore Paul Stewart, Al Nichols, and Hardin Ballard steered the bill away from the dry Prohibition Enforcement Committee, and as in the case of the house, it was sent to a special committee. Annoyed at what had taken place in the lower chamber, Senator W. T. Clark, Chairman of the Enforcement Committee, had forecast his determination to kill any bill which had escaped hearing in the "proper" house committee.⁴³

After some revision, the special committee reported the bill favorably, and on April 11, the senate gave its approval.⁴⁴

Progressively, sentiment for a referendum on 3.2 had developed in the legislature. This method would not only give the people a chance to register their opinions, but also for legislators to shift responsibility to the public. An election which would cost at least \$60,000, however, constituted a financial problem. Governor Murray had emphatically expressed his disapproval of any appropriation for that purpose, although he personally desired a popular vote if expenses came from non-governmental funds. The burden of the election, therefore, would have to rest upon the shoulders of the wets. Initially, the bill's backers thought the collection of money would prove no serious obstacle, and that brewers and other interested parties would generously contribute. With this assurance, the senate passed House Bill 647 by a vote of 28 to

⁴³Norman Transcript, April 7, 1933.

⁴⁴Senate Journal, 1933, 1938.

15, less than a two-thirds majority.⁴⁵

The discussion of the beer bill in the legislature and its eventual passage quickened the activities of long established prohibition organizations and also fostered the creation of a united front to meet the new challenge. Backed by the Protestant churches, drys always had at their command a potentially powerful machine easily conditioned for combat. In March, 1933, prohibitionists had met at the First Baptist Church in Oklahoma City to map their attack and to synchronize the efforts of various dry groups. They agreed at this time to coordinate their program through a centralized body called the "Prohibition Thousand," commanded by the Reverend A. M. Jayne of Oklahoma City.⁴⁶ Acutely aware of the snow-balling sentiment for beer in the state resulting from the backing of powerful "interests," the Prohibition Thousand pledged itself to counteract the trend toward the adoption of an immoral and a patently unconstitutional measure.⁴⁷ Although the drys were unable to defeat the Graham-Garland Bill in the legislature, they did win a major victory in having it referred to the people.

⁴⁵Ibid., 2117.

⁴⁶Harlow's Weekly, April 1, 1933; and Norman Transcript, March 27, 1933.

⁴⁷The above view was best expressed by the Daily Oklahoman which pictured the 3.2 bill as a "deliberate attempt at nullification." The constitution, said the Oklahoman, forbade beer of an intoxicating nature. See excerpts from that paper in Harlow's Weekly, April 1, 1933.

By May, 1933, the Prohibition Thousand and its constituent dry groups had finalized their plan of attack. A central headquarters had been established, and county and precinct chairmen appointed.⁴⁸ Dry leaders originally anticipated the circulation of a half million printed "declarations of intent" in an effort to secure 50,000 pledges against beer, but they could never raise the necessary money. Not the least of their many headaches was their failure to get the right kind of responsible businessmen "to join the preachers in leadership positions."⁴⁹ Throughout its history, the Prohibition Thousand remained an association of clergymen and members of dry pressure groups recruited essentially from the Baptist, Methodist, and Presbyterian churches.⁵⁰

Beer advocates in 1933 perfected a "wet" organization unequalled in the annals of the Oklahoma prohibition movement. On the very same day dries had assembled in Oklahoma City, beerites met at the Huckins Hotel and formed the State Modification and Repeal Association. Most of its backers came from the Hotel Men's Association, the Crusaders (a local chapter of a national repeal group), and from wet legislators.⁵¹ Some individual businessmen with an eye toward profits, whether from the sale of beer directly, or from goods

⁴⁸Ibid.

⁴⁹Mertz, "Year of Repeal, 1933," 71.

⁵⁰Ibid.

⁵¹Harlow's Weekly, April 1, 1933.

related to its sale, were also present. The association chose as its president the widely known and much respected Judge C. E. McLees, leader of a Muskogee repeal group.

The actual passage of the beer bill with the stipulation that the wets raise the required money for the referendum dictated the establishment of a new organization which could serve as a propaganda instrument, collect money, and win the election.⁵² Thus in April, partisans of beer formed a "patriotic and outstanding committee of businessmen and political leaders" called the Committee of 100, and led by J. Harvey Maxey of Tulsa.⁵³ Listed among the membership at the time of its organization were many illustrious personalities prominent in Oklahoma's present and past social and political life. There was former Judge George Ramsey, Norris Henthorne of the Tulsa World, the retiring president of the State Federation of Labor, Joe Campbell, and B. G. Patton, once National Commander of the American Legion. Ultimately, membership came to include names as that of the former national Democratic chairman, prominent Republican leaders, fraternal leaders, and a past president of the American Education Association. Former Governor J. B. A. Robertson, who looked upon

⁵²The State Modification and Repeal Association had as its major objective the passage of the beer bill. At the time of its formation, few expected the governor to demand that beer interests defray the cost of the election.

⁵³The events leading up to the creation of the Committee and the subsequent organization of the Beer for Oklahoma League have been well described in Mertz, "Year of Repeal, 1933," 52-65.

beer as a fight "for the rebirth of freedom," aligned himself with the champions of the "liberal" cause.⁵⁴ With this widely diversified following, the committee anticipated an appeal to a large portion of the electorate which would contribute money and vote for 3.2

Dissension within the Committee of 100 over the approach to fund raising led to its reorganization. Some members, especially Henthorne and Maxey, thought that only Oklahomans should contribute to the campaign, but others favored soliciting brewers. Publicly, the committee adopted the policy espoused by Maxey and Henthorne. Bob Graham, however, independently exerted himself and sought funds from Anheuser-Busch and Company of St. Louis, but his efforts, according to most reports, reaped no rewards.⁵⁵ As the prospects of raising the necessary funds faded, and as members became more disgruntled, the committee turned to R. C. Garland to handle its financial drive and the election campaign. The choice was a wise one for the co-sponsor of the beer bill had a number of valuable political and personal associations and was not regarded as a "dripping wet." With Garland in virtual control, the committee changed its name to the Beer for Oklahoma League.

⁵⁴For a note on Robertson's stand see the Tulsa World, April 26, 1933; and the Muskogee Phoenix, April 26, 1933.

⁵⁵Consensus was that funds to finance the election did not come from brewers. See Mertz, "Year of Repeal, 1933," 61.

A difference in name, however, did not alter wet fortunes; the league could not generate the thrust necessary to catapult the organization closer to the badly needed \$90,000.⁵⁶ A desperate cry went out for monies from within the state, but depression-weary Sooners failed to respond. By establishing quotas for each of the counties, wets had hoped to realize their objective, but as of June 8, 1833, only about \$20,000 had been collected or pledged.⁵⁷ Unable to reach their goal, the beerites turned their attention to the special mission of the legislature, just as repealists had done, for relief of their grievances.

As already noted, Governor Murray had not alluded to beer or repeal in his message to the special session of the legislature. Revenue measures had been the executive's sole concern. But under pressure, he had expanded his call to allow for consideration of repeal of the Twenty-first Amendment. The beer bloc now faced a similar challenge. Some legislators who were conscious of the need for greater revenue, but who opposed the governor's income and sales tax program, believed beer taxes could serve as a reliable substitute. Moreover, many lawmakers regarded any possible levy on beer as much less controversial than the taxes proposed by the governor. If

⁵⁶Up to the last of April, wets had assumed that the cost of the election would be reduced by the elimination of counters. The state election board, however, vetoed this move.

⁵⁷Norman Transcript, June 8, 1933.

they were to be successful the beer bloc must obtain the support of these legislators. Before "Alfalfa Bill" presented his message to the legislature, beer leaders asked him to request state payment of the election. Murray remained non-committal; but his refusal to mention the matter implied his temporary rejection of their demand.

But if the governor had thwarted the will of beer advocates bloc, they were now in position to thwart his will. Above all, Murray wanted emergency clauses attached to the tax measures passed by the regular session. Should the proponents of brew withhold their backing of his program, then he would be forced to open the legislature to a consideration of money for the July election. Determined to test the governor's steel allegiance to his own desires, and content upon the achievement of their personal legislative aims, 3.2 supporters successfully introduced a resolution entreating the governor to permit discussion of the beer issue. To place the burden of a public question upon the shoulders of private interests, the resolution stated, was unfair.⁵⁸ By an impressive vote of 72 to 29, the house approved the resolution, and the senate passed it 26 to 12.⁵⁹

⁵⁸For the text of the resolution see House Journal, 1933, II, 4203-05.

⁵⁹House Journal, 1933, II, 4223; and Senate Journal Extraordinary Session, 1933, 67.

Grim reality now greeted the politician who considered himself a master politico. As Murray saw his tax program amended, especially the sales tax, to the likings of a legislature sensitive to a populace which did not relish having extra pennies taken from its pocket in an age of depression, beer strategy slowly began to reap results. The usually strong "Alfalfa Bill" showed signs of weakening by the first of June when he proclaimed that "I have no desire to defeat a vote by the people on [the] question."⁶⁰ But if any person, he said, "thinks that he will use the word 'beer' as an excuse to serve [his own selfish interests] by opposing the tax program[,] he is mistaken."⁶¹

On June 5, Murray informed his legislative lieutenants of a forthcoming message on referendum funds. He would do nothing, however, until the legislature passed the income tax emergency.⁶² By subtle pressures, political debt collection, and outright browbeating, the emergency went through by exactly a two-thirds majority. Many observers reasoned that the beer bloc had been responsible for its success and they eagerly pointed to the votes cast by such beerites as Leon Phillips, M. L. Misenheimer and Sam Sullivan. The truth is "that no single reason can be assigned for the appearance of a two-thirds

⁶⁰Murray had also suggested that the legislature consider a bill eliminating counters.

⁶¹Norman Transcript, June 1, 1933.

⁶²Mertz, "Year of Repeal, 1933," 100.

majority where none had been before," but undoubtedly beer men played a vital role, and without the loosening of their lines, the emergency clause could never have been passed.⁶³

Murray lived up to his promise. In a special message, he suggested payment for the beer election from general revenue funds "if the legislature in its judgment thinks best."⁶⁴ He further urged the lawmakers to appropriate money in advance to pay election officials rather than anticipate paying them from beer taxes. The governor also felt that the beer question should be voted upon at a time when no candidates were running for office.⁶⁵ Thus, he officially set July 11, 1933, as the date for the election.⁶⁶ Generally, public opinion sustained Murray's action, for there was a growing realization that all citizens had a stake in every statewide political issue and contest.⁶⁷

The legislature moved quickly to appropriate money to defray election costs. In June, the house approved \$140,000 for the beer referendum and for a vote on the reduction of advalorem taxes. The senate, however, chopped \$8,000 off this amount; a conference committee finally set aside \$66,000 for the beer election alone.⁶⁸

⁶³Ibid., 104.

⁶⁴House Journal, 1933, II, 4316.

⁶⁵Ibid., 4315.

⁶⁶Ibid.

⁶⁷Mertz, "Year of Repeal, 1933," 106.

⁶⁸Ibid.

The clash in the legislature between drys and wets over an appropriation produced only a mild skirmish compared to the devastating wars of days past. While a few "never-say-die" prohibitionists offered stubborn resistance in the lower chamber, they could muster only 12 votes for their failing cause, and only 7 in the senate. That many drys ceased opposition reflected not only the prevailing public will, but the optimistic attitude they shared of a triumph at the ballot box.⁶⁹

During the month and a half prior to the election, the Beer for Oklahoma League feverishly pressed its economic arguments, while drys violently refuted what they described as exaggerated claims. The Tulsa World put the case very pointedly for the advocates of 3.2 when it predicted benefits for farmer, landowner, and wage earner alike.⁷⁰ Could the other thirty-three states which had already approved the "moderate drink," asked the wets, be entirely wrong in their economic assumptions? To put such a question to drys was to answer it in the affirmative. Their reply had a historical orientation now familiar to most Sooners: beer or liquor needlessly diverted money away from "legitimate" purchases--milk, meat, and clothing for the wife and family. Moreover, they asserted, much of the beer money would not stay in Oklahoma, but would find its way into the brewery coffers in Milwaukee and St. Louis.

⁶⁹Ibid., 107. ⁷⁰Tulsa World, July 11, 1933.

The Woodward News Bulletin in a reasonably detached and highly perceptive comment gave an astute observation of the possibilities of beer which came closer to the truth than much of the verbiage poured forth by the antagonists in the battle of 1933. The Bulletin said:

Our guess is that, regardless of how the election comes out, both sides will be disappointed. The return of beer isn't going to make a great deal of difference to the future of the state. Its return will not alone bring prosperity and solve all the problems confronting a financially troubled populace. Nor will its return mean the ruin of the younger generation, the tearing down of the home and wrecking of community standards. From reports from all other states where . . . brew has returned, after the first few days of rejoicing the return has been a disappointment. . . .

.
The greatest lure to beer now is that it is forbidden and it always has been man's nature to never be satisfied until he has tasted that which has been denied him.⁷¹

To strengthen what seemed a faltering campaign, the Anti-Saloon League secured the services of one of the country's most renowned prohibitionists, Bishop James Cannon. History, however, showed this as an act of dubious wisdom, for controversy had been no stranger to the Bishop's life.⁷² Within his own denomination he had come under fire for allegedly misappropriating funds in the 1928 presi-

⁷¹Woodward News Bulletin quoted in Harlow's Weekly, June 24, 1933.

⁷²Virginius Dabney, Dry Messiah: The Life of Bishop Cannon (New York: Knopf, 1949), remains the best biography of the Methodist clergyman.

dential election. And to the consternation of some of his fellow Methodist brethren, he had also "played" (gambled) on the stock market; yet, that was not as difficult to accommodate as the federal charge against him for violation of the Corrupt Practices Act. While the clergyman had been exonerated of any wrong doing, to be sure, the suspicion aroused by his activities sent puritanical tremors through Bible Belt Oklahoma. Little wonder wets entertained few fears; in fact, their reaction bordered on the periphery of jubilation.⁷³ If Cannon's visit were "properly" handled, and if the full story of the Bishop's non-religious doings were transmitted to the public, wets reasoned that his sojourn in Soonerland would surely redound to their advantage.⁷⁴

The excoriation and "exposure" of Cannon went according to schedule. Before his arrival in the state the pro-beer Oklahoma News opened up with a series of searching articles on the preacher's past. For four days in June,⁷⁵ the paper carried front page stories, the last of which dealt with his indictment by a federal grand jury, and appeared the very same day Cannon arrived in Oklahoma. Bitterly assailing the minister, the Tulsa World thought his presence in the state was nothing less than a godsend.⁷⁶ "If Christ came to earth

⁷³Mertz, "Year of Repeal, 1933," 128.

⁷⁴Tulsa World, June 10, 1933; Daily Oklahoman, June 16, 1933.

⁷⁵Oklahoma News, June 15, 16, 17, and 18, 1933.

⁷⁶Tulsa World, June 28, 1933.

today," wrote one Tulsan, "his first act would be to whip Cannon out of the college of bishops," just as he had driven money changers from the temple.⁷⁷

One of the most devastating results of Cannon's visit was dissension within the dry ranks in many areas of the state. An incident at Norman reflected this division. W. L. Losinger of the Anti-Saloon League wanted the Bishop to speak in the city and he secured permission for the use of McFarlin Methodist Church from its pastor, the Reverend A. Norman Evans. The local Ministerial Alliance failed to become enthusiastic over his coming, and refused to extend the good Bishop an official invitation. The Reverend Emerson Houser, more forthright than many of his brethren of the cloth, came directly to the point without equivocation when he said that Cannon's leadership "has been discredited and so far as I know, none of the ministers are [sic] in favor of his appearance here."⁷⁸ The Reverend Evans, caught in a dilemma, could not diplomatically extricate himself from this embarrassing circumstance, and finally had to retain his original position. After all, Cannon was a Methodist! On July 5, the Bishop spoke at

⁷⁷Ibid. For a cross section of press opinion see Harlow's Weekly, June 17, 1933.

⁷⁸Norman Transcript, June 16 and 21, 1933; and Daily Oklahoman, June 17, 1933.

Norman⁷⁹ to a crowd of 500 people and harangued the wets in his usual stile; but his coming did little to solidify the prohibitionist forces in that central Oklahoma town.

Pretend as they may that Cannon's trip out West would win them votes, wets had no way of confirming their convictions. Besides, he did symbolize power, and for some odd reason, power often times obscures suspicions of doubtful morality. Beer forces had announced early in July that they would not dispatch special speakers to recoup any losses suffered in the wake of the Cannon storm through Oklahoma. It would be a "useless and wasteful expense of time and money," said one official of the Beer League, "to send anyone over the state, as all reports [suggest] he has helped more than hurt the cause of legalizing beer."⁸⁰ But the beer people had a change of mind. Reversing former plans, their leaders announced that R. M. McCool, State Democratic Committee Chairman, would tour Southeastern Oklahoma.⁸¹ The Daily Oklahoman noticing this redirection of wet strategy applauded the move--McCool would surely ruin things for them; he would help drys regain the losses suffered from the Cannon visit. "At last a 'break'

⁷⁹Norman Transcript, June 16, 1933.

⁸⁰Daily Oklahoman, July 2, 1933.

⁸¹Ibid., July 3, 1933.

has come to bless the embattled forces of prohibition," said the anti-beer paper, because "Chairman McCool of a thousand unwon victories is to go forth like death on the pale horse and deliver big speeches in behalf of beer." If he kept up his "moist outbursts" long enough, the majority for beer, the Oklahoman speculated, "will be nothing like so overwhelming as Bob Graham . . . and the other Einsteins of the wet army have predicted."⁸²

Every available sign pointed toward a beer triumph⁸³ despite the admirable crusade by drys to stem the 3.2 tide. Garland thought beer would pile up a 200,000 vote majority. Reverend Penn of the Prohibition Thousand regarded his opponent's forecast as a product of emotional intoxication which had momentarily obscured his good sense.⁸⁴ While he conceded a close election, righteousness, as in the past, would prevail. If the wets won by 200,000 votes, said another dry leader, it would be because 300,000 of his followers stayed at home,⁸⁵ or because the decent people of Oklahoma had been thoroughly confused by the injection of the economic issue into the campaign by mercenary wets. The Baptist Messenger, detecting evidence of public lethargy, tried to inspire members of the faith to go to the polls, and not heed the

⁸²Ibid., July 5, 1933.

⁸³In anticipation of victory, prospective wholesale dealers formed a permanent organization, the Beer Distributors Association of Oklahoma. See Ibid., July 1, 1933.

⁸⁴Ibid., July 2, 1933.

old argument of revenue. "Judas," said the Messenger, "sold our Lord for revenue but that one deed was the shame of the ages." The wicked brothers of Joseph did the same--but that did not justify their act.⁸⁶ If the state chose to adopt the infamous beer bill, then the church had decided to "believe in lies," was the considered opinion of another prohibitionist.⁸⁷

The church may not have believed in lies, but Oklahomans did believe in beer. The 3.2 referendum carried by an impressive vote of 224,598 to 129,582.⁸⁸ Even the weather on the day of the election conspired against the drys. Temperatures throughout the state ranged above the century mark, with Oklahoma City recording a blistering 107 degrees, the highest in forty-three years for that particular day! Predictions of an extremely heavy vote proved too optimistic. Failure of voters to turn out in great numbers was taken as an indication of lack of interest by some observers; but wets contended that many drys stayed at home rather than vote against a popular bill. Prohibitionists blamed the band wagon movement for keeping their usually faithful at home. The stunned Reverend A. M. Jayne of Prohibition Thousand,

⁸⁵Norman Transcript, July 3, 1933.

⁸⁶Baptist Messenger, July 6, 1933.

⁸⁷Daily Oklahoman, July 10, 1933.

⁸⁸Directory and Manual of Oklahoma, 1961, 1962.

admitting a "knockout," lamented in a democratic spirit that "if the majority of the people want suds the rest of us will have to sit back until [they] are weaned away from the appetite."⁸⁹

Beer commanded a wide following throughout the state. A total of only twenty counties of the seventy-seven returned dry majorities: Alfalfa, Beaver, Cotton, Custer, Dewey, Grant, Greer, Harmon, Harper, Jackson, Jefferson, Kiowa, Major, Payne, Roger Mills, Texas, Tillman, Washita, Woods, and Woodward.⁹⁰ By and large, western Oklahoma presented an arid front except in a very few spots where beer won by small majorities. All of the eastern and central counties, excluding Payne, a WCTU stronghold, went for 3.2. The crushing blow, however, came from the large cities. In Oklahoma City, the referendum carried by at least 4 to 1 in each ward, and in Tulsa only one precinct in the entire county voted dry; Muskogee piled up an even more impressive victory.⁹¹ It was highly possible, one student of the election has concluded, that "most of the voting in [many areas] was done by convinced wets while indifferent drys stayed home."⁹² Whatever the reason,

⁸⁹Daily Oklahoman, July 12, 1933; also Baptist Messenger, July 20, 1933.

⁹⁰One of the best accounts of the '33 election is found in the Tulsa Tribune, July 12, 1949.

⁹¹For brief surveys of the election see Tulsa World, July 13, 1933; Tulsa Tribune, July 12, 1933; and Daily Oklahoman, July 12 and 13, 1933.

⁹²Mertz, "Year of Repeal, 1933," 143.

Oklahoma was now the thirty-seventh state to sanction beer since its re-legalization by Congress.

The election did not terminate the fiery controversy over "suds." Governor Murray held that beer was not legal until he "officially" issued the results of the vote. But Attorney General J. Berry King, a Murray antagonist, maintained that the bill became effective the moment the people approved it. Always jealous of his prerogatives and determined that "Oklahoma will not have beer until I say so," the governor went to bed the night of July 11 convinced that if the state had waited twenty-six years for brew, it could wait until Bill Murray decided to act.⁹³ Already, thousands of carloads of 3.2 stood on Oklahoma tracks consigned to other states, but awaited immediate diversion. To prevent any "jumping the gun," the governor declared martial law and then called out the national guard to patrol all railway yards. Taking his own time, the executive procrastinated during the morning of July 12, but finally he called R. C. Garland to his office and gave him the honor of verifying the election with the state election board.⁹⁴ Later in the day, "Alfalfa Bill" lifted military law; and thirsty citizens who had gathered at the yards in Oklahoma City began to frantically drink the hot brew as workers unloaded it. More

⁹³Daily Oklahoman, July 12, 1933.

⁹⁴Mertz, "Year of Repeal, 1933," 140.

than two and a half decades of drought produced a momentary lack of restraint which some wets considered entirely excusable, but dries a sinful shame.

The legislature had yet to pass an enforcement and administrative measure. The beer bill itself provided that manufacturers pay a state tax of \$2.50 per barrel, and a license fee of \$1,000; wholesalers and retailers were to pay \$250 and \$100, respectively. The enforcement bill established a number of regulatory features. Brewers were permitted to sell only to wholesalers who must purchase a license for each of their distribution points. The legislature gave the Oklahoma Tax Commission authority to collect all taxes, and to require the keeping of records by manufacturers, distributors, and retailers. For violation of federal and state liquor laws or the beer act, licenses could be revoked.⁹⁵

When the legislature adjourned July 15, 1933, wets had every reason to rejoice in their hard won victories. For the first time since statehood, they had been able to indirectly modify the state constitution by permitting the sale of "non-intoxicating" 3.2 beer. Likewise, a bill establishing a convention to ratify the Twenty-first Amendment had been approved, but before the Sooner state could act, the Eighteenth Amendment had gone into eclipse. Had Oklahoma expressed its will on the

⁹⁵Both the Enforcement Act and the Beer Act may be found in Session Laws, 1933, 338-44 and 478-90, respectively.

amendment, there is much to suggest its conformity to the rest of the nation. Yet, one thing remained certain: the prohibition bastion in Oklahoma still displayed strength, and even if the people of the state had accepted a "half-way" measure in the beer bill, it was not because they looked forward to repeal and hard liquor. It would take many more years before wets pushed Sooners off the dry beach into the fast flowing liquor stream which by then carried forty-eight states along in its swift current.

CHAPTER VIII

LIBERALITY STIFLED: ERA OF REFERENDA

Oklahoma wets suffered from a false sense of power which deluded them into thinking that the state would willingly sip from the fountain of hard liquor. The sixteen years following 1933 saw the apostles of drink press valiantly, yet vainly, for the resurrection of John Barleycorn. While prohibitionists triumphed at the polls in the three repeal elections held during the period 1936-1949, observers noted the small, but gradual decline in the percentage of their votes. This development could be attributed to such factors as steadily increasing urbanism, the influence of the national tendency toward legalized liquor, and also to a more permissive attitude among Sooners which esteemed a person's right to imbibe or not to imbibe.

By 1949, however, the wet forces had been unable to completely work their will upon a rural Protestant populace welded to tradition. Moreover, by dominance of the legislature, drys easily rebuffed wets in their attempts at legalization of alcohol. Prohibitionists' control over the state's governors also added to their strength. Indeed, it is highly significant that from 1907 to 1958, only one chief executive,

E. W. Marland, advocated outright repeal. Ill-advised, Marland thoroughly misread public sentiment in 1936--and dearly he paid. Dry forces brought to bear upon his political ambitions the full weight of their righteous wrath; never they said, would the "traitor" to the "cause" again hold office. Marland's very unusual stand clearly attests to the generalization that Oklahoma politicians, especially governors, regarded repeal as "too hot to handle."

The first two years following 1933 saw a number of abortive repeal efforts. Not until 1936, however, were the "liquorites," organized under the Oklahoma Temperance League, able to bring the issue before the people. Represented principally by hotel and restaurant interests, and encouraged by Governor Marland, the League employed a former judge, George S. Henshaw, to devise a control bill. Besides his service on the bench, Henshaw had been corporation commissioner and an assistant attorney general. As a distinguished member of the Oklahoma Constitutional Convention, he had voted to include the prohibition provision in the state constitution. But by 1936 deplorable conditions in Oklahoma had convinced him that the most sensible way to regulate the traffic in intoxicants was to place them under state control.¹

The proposal drafted by the judge mirrored Governor Marland's

¹An informative sketch of Henshaw appears in the Tulsa Tribune, November 1, 1936.

ideas as well as his own. Thus the liquor control measure became intricately associated in the public mind as an administration act. Under the projected plan, the governor would appoint three "temperance commissioners" who would have authority to set up a liquor monopoly, and establish state wholesale liquor warehouses. Retail sales would be handled by private businesses. The commissioners would also fix the margin of profit; in short, the retail price of whiskey would be, to a large degree, a state determination. It was left to the legislature, however, to designate administrative officials and to establish a schedule of taxation and to set license fees. The Henshaw bill spelled out the distribution of tax revenues, allocating most to the general fund and to old age pensions. The proposed law permitted hotels and restaurants to sell intoxicants by the drink when served with meals; otherwise, it limited the distribution of liquors to sealed packages. Finally, the measure allowed for the creation of a "temperance court of appeals" composed of nine district judges selected by the Chief Justice of the Oklahoma supreme court.²

By April, 1936, the Temperance League had successfully circulated initiative petitions. With more than 155,000 signatures, more than 60,000 in excess of the required number, repealists hoped to

²The best digest of the proposed constitutional amendment is in Harlow's Weekly, January 11, 1936; but see also the "Prohibition Leaflets," Redmond C. Cole Collection, Division of Manuscripts, University of Oklahoma.

bring the issue forward at the second primary, July 28.³ Drys, to the surprise of no one, said they would seek to delay official certification of the petitions, and hence the election. Such a challenge, of course, implied the laborious task of examining each signature, the taking of testimony, and a possible appeal to the state supreme court. Should the wets survive this ordeal, the fate of the referendum would reside with the governor; and Marland, since his election, had allied himself with the repealists, although in April he had not yet publicly declared for the Henshaw measure. If the petitions received certification, declared Marland, he would give the people a chance to vote on the continuance of prohibition "the first opportunity after the July 7th primary."⁴ And since the governor had pledged not to let repeal mar the issues of the general election in November, the "first opportunity" was the July 28 primary, exactly what wets wanted.

Prohibitionists had begun to close ranks in 1935 in anticipation of an onslaught upon their dry Sooner edifice. In the above year, Mrs. Elizabeth House, president of the WCTU, called together sixty-three outstanding leaders who assembled at the Blue Room of the State Capitol and formed the United Oklahoma Dry Association, an agency designed to direct and coordinate the efforts of each individual dry group.⁵

³Harlow's Weekly, May 2, 1963.

⁴Ibid.

⁵Personal interview with Mrs. Elizabeth House, Stillwater, Oklahoma, May 20, 1966.

Mrs. House still vividly recalls that "Marland really was not behind us."⁶ For the next sixteen years, the United Oklahoma Drys became the major guiding force in the Oklahoma prohibition movement. After the 1936 election, it experienced a decline in enthusiasm and the group almost faded, but in 1940 it was reconstituted to ward off another wet attack,⁷ and nine years later it was reorganized as the United Dry Association. United Dry leadership came chiefly from the clergy. In sixty of the seventy-seven counties in 1956, for example, ministers served as chairman; and of the remaining seventeen position, ten were vacant, while the other seven were held by persons other than clergymen.⁸

Drys viciously assailed the Henshaw plan from every possible angle. But the one single issue which they advanced most vigorously was the possibility of corruption in state government through manipulation of the liquor machinery. For the state to place complete authority in the hands of an appointive commission, said the Reverend Claude Hill, eastern division chairman of the United Drys, would open the doors

⁶Ibid.; and John Joseph Matthews, Life and Death of an Oilman (Norman: University of Oklahoma Press, 1951), 232.

⁷Tulsa World, April 12, 1940; and Oklahoma Dry, 1947. To lessen confusion both groups will be referred to as the United Drys.

⁸Oklahoma Dry, January-February, 1956.

to "the biggest political graft the state has ever known."⁹ Money from distillers, he continued, would flow readily into the state to insure the election of a governor partial to their interests.¹⁰ The Lawton Constitution and the Bartlesville Examiner seconded the minister's statement and added that the Henshaw proposal clothed the commission "with the power of a Czar."¹¹ With such sweeping authority, commented the Oklahoma City Times, "it is ridiculous to presume that the commission would fail to recognize and use its political power."¹²

Prohibitionists also deplored the idea of attaching repeal to the old age pension program. Receipts from liquor, said they, would only provide a "drop in the bucket" for the old timers, and those who believed differently were sadly mistaken. The Reverend Hill considered the attempt of repealists to capitalize upon the misery of the aged by allocating liquor revenue to the pension system nothing short of sinful deception. But such unholy tactics, chimed the Baptist Messenger, could be expected from wets, for they never had any honor and were, by far, the most "unashamed set of liars" ever seen."¹³

⁹Harlow's Weekly, May 30, 1936.

¹⁰Ibid. ; and Tulsa Tribune, November 1, 1936.

¹¹See the statements of the Constitution and the Examiner in Harlow's Weekly, February 15 and May 30, 1936.

¹²Ibid. (May 30) ¹³Baptist Messenger, September 24, 1936.

Senior citizens should not become overjoyed. "In the first place," observed Reverend Hill, "there would not be any [money] left after the salaries and expenses of the political machine were paid." And even if there were, "God help us if we can only take care of our old people by taking . . . bread and milk from the mouths of children."¹⁴ What the petition should have provided for, said the drys, was the care of families impoverished because of drinking husbands.

Other objections drys had voiced continuously since statehood. Repeal occasioned increased deaths on the highways, corrupted youth,¹⁵ fostered more bootlegging, damaged the economy, and encouraged an unrestrained lawlessness. If Oklahoma did not want a return to the saloon and brass rail days which had been the same of Oklahoma Territory, then the Henshaw dragon had to be slain. The Sapulpa Herald conveyed the spirit of traditionalism which had helped to keep the state in the dry column when it extolled the virtues of prohibition, and cautioned that "now is not the time to begin experimenting."¹⁶ To the most hardened drys, liquor was a veritable menace, and a decided boom to anarchy.

The Henshaw plan dissatisfied a substantial group of wets,

¹⁴Harlow's Weekly, May 30, 1936.

¹⁵Minutes, Presbyterians, 1936, 13.

¹⁶Harlow's Weekly, February 15, 1936.

who joined dries in urging its defeat. Judge Robert L. Williams, a critic of the state's prohibition policy, had long urged a good liquor bill, but he turned his back on this proposal. Williams felt that the Henshaw plan would result in irreparable injury to the state; it "would practically destroy [Oklahoma] as a part of the Republic and lead to the creation of a corrupt political machine."¹⁷ Criticism such as this from one who had previously endorsed legalization created a serious impediment to wet ambitions. The critical attitude of many out-of-state liquor interests, to whom some repealists looked for financial support, was also discouraging. Fear existed among some of them that the commission would exclude their brands from the Oklahoma market; so why aid an undertaking which offered nothing definite and, in the case of liquor wholesalers, actually denied them profits?¹⁸

The most ardent defender of the Henshaw plan besides its author and the Temperance League was Governor Marland whose political fortunes became inextricably interwoven with its fate. Before he took office, dries had regarded Marland with suspicion after he had advised one of their workers who tried to force him to sign a pledge to

¹⁷See Williams' statement in Baptist Messenger, July 16, 1936.

¹⁸J. W. Williamson, executive secretary of the United Dries, charged near the end of the initiative campaign that wets were raising money by promising a monopoly of the liquor business in several counties to certain persons. The statement, however, never received confirmation. See the Tulsa Tribune, October 4, 1936.

"go to hell." After he entered the senatorial race in 1936, the second year of his incumbency, most people assumed that he dared not risk his "political neck" on a potentially destructive issue as repeal. They miscalculated. When Marland planned his coup against the dry regime no one can be certain, although early in his administration there had been rumors of his contact with wets, notably Henshaw. Convinced by his own logic that the people wanted to journey another step further than they had in 1933, and that the state would adopt "new deal" for an antiquated social policy, he gambled with his political ambitions when a non-committal stand would have been expedient, if not prudent. The Frederick Leader, among other papers, admired Marland's courage and willingness to sacrifice himself to principle, but questioned his political sagacity in embracing the repeal program.¹⁹

Boldly breaking with time-honored precedents set by his predecessors, Governor Marland made his position unmistakably clear. The prohibition section of the constitution had outlived its usefulness-- it must be scrapped. "Personally," he said,

. . . I am in favor of repeal. This is not a question of a wet or dry state. Oklahoma is already wet, as wet, if not wetter, than the states where prohibition has been repealed. The question is, who shall get the profits from the handling and sale of liquor--the state or the bootlegger? Prohibition was a beautiful dream--one of those noble experiments that wouldn't work. Whether the repeal measure will carry or not I do not care to hazard a guess. Many of the finest men

¹⁹Harlow's Weekly, February 15, 1936.

and women in the state are for prohibition. Many of the voters who favor repeal will not bother to vote on the subject of repeal because . . . liquor is plentiful in Oklahoma and cheaper . . . than in other states, because it does not pay a state tax. The state is being deprived . . . of millions of dollars that it should have instead of the bootleggers.²⁰

In his bid for a Senate seat, as already seen, some commentators saw a serious blunder in the governor's advocacy of the Henshaw bill. All of the major contenders for the Democratic nomination, namely Josh Lee and Gomer Smith, bore the dry label, as did the incumbent, Senator Thomas Gore.²¹ Each of them was expected to join the United Drys in their endeavor to turn back repeal, and thus capitalize upon Marland's commitment to the wets. The candidate with the most to gain from the governor's forthright avowal was Josh Lee, devoted churchman and ardent dry.

Marland sought to minimize the dangers to his candidacy by his refusal to actively campaign for the Henshaw bill prior to the July 7 primary. In an apparent act to erect additional safeguards, it will be recalled, he postponed the repeal election until the second primary. Ostensibly, the governor did not desire the election to become any more

²⁰Ibid., May 30, 1936. Paragraphing in the above quotation has been omitted.

²¹Mrs. House admitted that the WCTU had to occasionally "prod" politicians. She recalled that once Senator Thomas Gore "thought of refusing" an invitation to one of the women's banquets. She informed Gore to "show up." He replied "buy two tickets for Gore." House interview, May 20, 1966.

confusing since other referenda²² were up for a vote.²³ The critical Daily Oklahoman noting Marland's reason for the postponement surmised that he "had rather go into the senate campaign at this stage of the race without liquor as an issue and the drys actively fighting him." The editor of the paper believed that Marland cleverly contrived this to deal a blow at the dry Josh Lee.²⁴ But whether it was politically wise for the governor to exclude the issue from the first primary, and then announce its prospective presentation at the second, represented an act of dubious wisdom. What if he and the prohibitionist Lee met in the run-off with repeal on the ballot?

Results of the first primary left Marland with some hope, but with even greater problems. The final tally showed that Lee had out-distanced the governor by a vote of 168,030 to 121,433. Smith came in third with 119,585 votes, while the incumbent Gore received only 91,581 votes.²⁵ Now Marland faced the dilemma he had not taken care to avoid--a run-off with Lee and repeal on the same ballot!

Again the governor acted decisively. Quickly reversing him-

²²Harlow's Weekly, April 11, 1936. The most important referenda scheduled for the July 7 primary related to general welfare and perpetuation of the Conservation Commission. See Directory and Manual of Oklahoma, 1961, 194-95.

²³Harlow's Weekly, April 4, 1936.

²⁴Daily Oklahoman.

²⁵Directory and Manual, 1961, 64.

self, he announced that the initiated proposal would not be placed on the ballot, and that it was unlikely if a vote would ever be held during his incumbency!²⁶ Both wets and drys criticized Marland's action, accusing him of trying to advance his own political stock in violation of a sacred promise. In defense, the embattled senatorial candidate retorted that dissatisfaction with the Henshaw plan among both groups motivated his decision.²⁷ The Ponca City News accepted the governor's response as a tacit admission that the repeal proposal had encountered general opposition and had become a piercing thorn in his political side. But the News asserted that "postponing the election is not going to soften [things]," for the governor. Repeal belonged to Marland: "He had it written, accepted it, presented it to the public and has supported it."²⁸

If the propriety of removing repeal from the ballot stimulated debate, so did the constitutional issues it raised. The state constitution did not clearly specify the procedure for presentation of initiated petitions, but a 1916 state statute decreed that they "shall be submitted to the people for their approval or rejection at the next regular election." But it also stipulated that "the governor shall have the

²⁶Harlow's Weekly, July 4-11, 1936.

²⁷Ibid., July 18, 1936.

²⁸Quoted in Ibid.

power, in his discretion, to call a special election to vote upon such questions, or to designate the mandatory primary election as a special election for that purpose."²⁹ The language of the law gave the governor much latitude. Those who would force Marland to bring repeal to a vote in accordance with the constitution overlooked the option he could exercise.

Ultimately, the state supreme court resolved the controversy. Drys sought to force the state election board to place the issue on the July 28th ballot. Even a few wets wanted to "get it over." And naturally the supporters of Josh Lee still considered a vote to their advantage, despite Marland's half-hearted attempts to momentarily divorce himself from the liquor control plan. The supreme court, however, in a 5 to 4 decision ruled in the governor's favor--that the primary was not a general election, and that he could not be ordered to submit the question.³⁰ Marland's success, nevertheless, did not long endure. In the run-off primary, Lee trounced the "wet New Dealer" 301,259 to 186,899.³¹ From the beginning his chances of defeating Lee appeared slim, but

²⁹Session Laws, 1916, 89.

³⁰State ex rel., Williamson et al. vs Carter et al, 177 Okla., 384.

³¹Directory and Manual of Oklahoma, 1961, 64. Lee went on to defeat the Republican candidate, Herbert Hyde, a political dry, by more than 260,000 votes. Both ignored the debate on the Henshaw bill after declaring against it.

there is much to suggest that the campaign in behalf of repeal, and the effort to keep it off the ballot, increased the majorities against him.³²

The shattering disaster at the polls did not end the governor's problems. From the outset, he opposed a vote on repeal at the general election, lest the liquor issue obscure more important economic problems. Moreover, many Oklahomans remembered Roosevelt's "dripping wet" posture in 1932, and no assurance existed that their vengeance would not come belatedly. The only alternative to a November contest, however, was a costly special election, which repealists preferred and dries detested. In determining a date, Governor Marland solicited the cooperation of the state press in ascertaining the will of the people.

The chief executive's request left him open for criticism. The Poteau News Democrat which, like many other state papers, refused to run a poll of its readers on the advisability of a special election, emphatically proclaimed that it would not help the governor "pull a chestnut from the [fiery] furnace." And the Hollis Daily News informed him that the people of Harmon County "didn't give a continental whether you call a special election on the liquor question." The Ponca City News dismissed the whole thing as a "mess," and the Guthrie Leader charged that Marland sought to make "goats" of the newspapers. The more con-

³²Scales, "Political History of Oklahoma," 382-83.

siderate Frederick Leader tried to lessen the governor's fears that repeal would hurt Franklin D. Roosevelt at the general election. The issue in the national campaign, said the Leader, involved economic matters which concerned the daily lives of every person, and voters would not vent their feelings upon the Democratic nominee over a repeal bill already totally discredited.³³ Marland never made public the results from those papers which did cooperate in the poll, but his choice of the November election suggested the outcome.³⁴

Statehouse politics gathered few new friends for the wet cause. The Tulsa World believed that Marland "messed up this prohibition repeal by his own action so that he enabled the [prohibitionists] leaders to force the . . . petition upon the ballot at [a] time to their advantage, when they will have the silent vote as an ally."³⁵ Try as he might in the month preceding the election to alter Sooner attitudes toward the Henshaw bill by exhorting that prohibition did not prohibit, and by a crackdown on bootlegging, Marland and other wets made little headway.³⁶ At one "desperate" point, he threatened to request of the

³³Excerpts from various papers found in Harlow's Weekly, September 19, 1936.

³⁴Many wets believed that Marland abandoned them by delaying a vote and by his refusal to call a special election.

³⁵Harlow's Weekly, October 17, 1936.

³⁶One dry seriously suggested that the governor call in the National Guard if state authorities could not stop the sale of liquor; but

legislature an act declaring it a crime to purchase booze if repeal failed! Few took him seriously; and those who did knew that such a bill would never get past the legislative hopper, even if there were a brave soul foolish enough to introduce it. Moreover, legislators would not eagerly welcome the opportunity to write their colleagues' jail sentences!

Wets did add one major ally to their ranks a few weeks before the election--the retail beer dealers.³⁷ Threats upon 3.2 by the WCTU and the Anti-Saloon League prompted the alliance more than any high regard for the Henshaw bill. In June, 1936, the spirited WCTU held its national convention in Tulsa, Oklahoma, and went on record favoring action against beer once they defeated the Henshaw bill.³⁸ The rising demand for stronger beer, according to some 3.2 spokesmen, did enter in as another factor encouraging their support of hard liquor. The inability to supply a more potent beverage under the present law, they explained, had led to increased violations, as evidenced by the 2,700 persons in Oklahoma who possessed federal liquor stamps.³⁹

the United Drys believed they could accomplish the job if authorized. See the Tulsa Tribune, October 15, 1936; and for a related comment, Mathews, Death of an Oilman, 253.

³⁷Tulsa Tribune, October 13, 1936.

³⁸House interview, May 20, 1966. The 700 women who attended the Convention set aside a special time to pray both silently and audibly for the defeat of repeal.

³⁹Tulsa Tribune, October 15, 1936.

At the November election, the people turned down the Henshaw bill 391,083 to 267,285.⁴⁰ By and large, wets depended upon the centers of population, but they only received sizeable backing in the state's three largest cities, Oklahoma City, Tulsa, and Muskogee. The few east side counties which piled up majorities for repeal were more than counter-balanced by those of the traditionally arid west.⁴¹ The meaning of the election was clear: the people of Oklahoma simply could not swallow the badly drawn Henshaw measure; and more importantly, the state was not ready for any kind of liquor control plan. So then, the provisions of the initiated petition did not alone spell its doom, they only increased its margin of defeat.

Nearly four years elapsed before the battered wets fully recuperated from the beating of the Marland era. Recovery was greatly hastened by the elevation of Leon "Red" Phillips to the state-house. Phillips coyly clouded his true identity, at times appearing both wet and dry. During the fight over the Twenty-first Amendment, he stood directly in the drys' path. The Anti-Saloon League had also accused him of stalling the Murray program in the Fourteenth Legislature until the beer bloc had its way.⁴² But when "Red" Phillips ran

⁴⁰Directory and Manual of Oklahoma, 1961, 195.

⁴¹See Daily Oklahoman and Tulsa World, November 4, 1936.

⁴²See the critical statement of W. J. Losinger of the Anti-Saloon League made after Phillips' election in the Tulsa World, March 22, 1940.

for governor, his dry stance was as forward as that of any other politician who recognized the power of the church vote.

Phillips carried out such an impressive enforcement crusade during his first year in office, it even struck fear in the hearts of some hard-drinking drys. Not since the days Lee Cruce personally took to raiding "honky-tonks" had the governor's office warred so violently against those predisposed to violate the law. So effective was Phillips in his "clean-up" drive, one dry official remarked that he "has accomplished more for us than any other governor."⁴³ In the summer of 1940, United States District Attorney Charles E. Dierker said that Oklahoma was drier than at any other time in the state's history.⁴⁴ The governor not only cracked down upon bootleggers, but also fired several state employees who had indiscreetly imbibed in public. Indeed, he attacked the trade in intoxicants with such vigor that it appeared he was determined to indelibly impress upon the church people the reality of his ultra-dryness--that he was drier than any other Sooner, including Senator Josh Lee who would be up for re-election the year Phillips left office.⁴⁵

⁴³Undated clipping in Phillips Collection Prohibition Scrapbook, Division of Manuscripts, University of Oklahoma, Norman, Oklahoma.

⁴⁴Ibid.

⁴⁵Lee had been swept into office by a flood of church votes. Phillips knew that if he were to run against Lee, he must gain their

A fundamental part of the executive's program consisted of a law enlisting federal assistance in the rigid enforcement of state prohibition. His first message to the legislature called for the enactment of a so-called "permit" statute in compliance with a congressional act passed in 1936 which aimed at excluding the importation of whiskey from wet to dry territory.⁴⁶ The Oklahoma Legislature approved the law with little debate. It gave the tax commission authority to issue permits for alcohol for scientific and medicinal purposes, and wines for religious services.⁴⁷ Subsequent to its passage, the bill became the object of a test case in which its unconstitutionality was alleged. The Oklahoma Supreme Court, however, upheld the act.⁴⁸

Seemingly, the once "moist" Phillips had abandoned his wet friends. Some of the more astute and perceptive, nevertheless, realized that such a dramatic clean-up could play into their hands. Encouraged by what struck them as a grand opportunity, wets began to seriously speak of another repeal election. If they could acquire

support, especially those of Lee's own Baptist denomination. Thus the Methodist governor set out through enforcement to systematically win the largest group of the Oklahoma church bloc.

⁴⁶A very extended discussion of the permit system is found in the governor's message in Senate Journal, 1939, 156-61.

⁴⁷Session Laws, 1939, 16-19.

⁴⁸Enlisting federal aid in enforcement did not arrest liquor running into Oklahoma. As the editor of one journal stressed "nothing short of a federal law making possession of tax-paid liquor in a prohibition state prima facie evidence of introduction of such liquor, will be of aid in Oklahoma." Harlow's Weekly, April 1, 1939.

sufficient signatures, and if Phillips would, unlike any other governor, call a special election when the silent vote offered no disadvantage, then success would appear within their grasp. A little "enforcement terror" drummed up by the governor would even help to push the state nearer the liquor oasis. Drys, however, reposed complete faith in the governor's "sound judgment." W. R. Wallace, president of the Baptist Laymen's Association, reflected this confidence when he suggested that "wets will be fooled if they think Governor Phillips will aid them in their efforts to get a [special] vote on repeal."⁴⁹

Wet intention to circulate a petition pushed Phillips to take a definite stand. In August, 1939, he rejected the idea of a special election, but he later consented to have the issue decided at the same time other measures came forward for a vote.⁵⁰ If the initiated proposal, however, contained a provision earmarking revenue for schools or old age benefits, Phillips vowed not to submit it. "I don't think repeal is the solution to the state's . . . problems," said the leader of financially hard-pressed Oklahoma; the tax angle was "not the proper way to approach the liquor [question]."⁵¹ To wets who had assured themselves of "Red's" active support of their plan because of its

⁴⁹Undated clipping, Phillips Collection Prohibition Scrap-book.

⁵⁰Ibid.; and Tulsa World, August 2, 1939.

⁵¹Ibid.

revenue features and the need for a balanced budget, his announcement came as an excruciating jolt.⁵²

On the other hand, drys did not bubble over with happiness upon hearing the governor's statement. They preferred no election at all, and his willingness to submit the anticipated referendum at the primary revived old fears.⁵³ But what irritated the prohibitionists more than all else was that Phillips allegedly broke a pre-election promise to place any liquor election on the general election ballot. Whether he made such a pledge or not is difficult to determine. The real difference between the governor and his dry friends, who had so recently showered him with ego-satisfying praise, was one which revolved upon the conception of the executive's official duty--of whether the governor should respect a legally perfected petition or arbitrarily deny citizens the right to have it decided at the most convenient time. Drys maintained that whatever the executive did, it should demonstrate an interest in the welfare of the state, which meant, of course, placing repeal up for a vote when wets would be at a disadvantage.

Phillips did gain some support for his stand. The dry Frederick Leader hailed the governor's decision as fair and democratic.

⁵²Undated clipping, Phillips Collection Prohibition Scrapbook.

⁵³See, for example, the statement by W. J. Losinger in Tulsa Tribune, November 15, 1939.

Phillips' personal convictions, said the Leader, did not prevent him from honoring the intent of the initiative and referendum sections of the constitution.⁵⁴ An election at any time, the paper assured its readers, would "set the [liquor] advocates back on their haunches for another decade."⁵⁵ The Altus Times Democrat, reviewing the governor's accomplishments, also joined in his defense; the castigation of Phillips was uncalled for and unfair.⁵⁶ To refuse wets a chance at the ballot box would be autocratic, exclaimed the Anadarko News.⁵⁷ Fanatical drys, however, consumed with the desire to sustain a policy they took pride in as morally defensible and socially creditable failed to reckon with what their own reaction would have been had they exchanged places with their hated opponents.

In January, 1940, Phillips deferred the election until November. Wets grieved, drys rejoiced. The governor gave as his reason the fact that the repeal group then circulating petitions, the Oklahoma Commission for Liquor Control, would not have a proposal ready for the July primary.⁵⁸ Further, he denied that he had ever intimated an intention of placing the issue on the ballot at any time.

⁵⁴Harlow's Weekly, November 18, 1939.

⁵⁵Ibid.

⁵⁶Ibid.

⁵⁷Ibid.

⁵⁸Undated clipping, Phillips Collection Prohibition Scrapbook.

Apparently, Phillips suffered from momentary amnesia, for indeed he had once suggested this to reporters.⁵⁹

Unless wets mustered enough names for a valid petition, previous squabbling over the election would remain purely academic. In late 1939, the commission had selected C. A. Cardwell of Oklahoma City to conduct its campaign.⁶⁰ Cardwell banked heavily upon the downward trend in revenues which threatened to plunge the state into deeper economic hardship.⁶¹ The amendment pushed by the commission allocated 90 per cent of all liquor taxes to the general fund; the other 10 per cent the commission set aside for enforcement. It permitted the package sale of liquor as well as its distribution by the drink in hotels, restaurants, and cafes. Also, counties could exercise the choice of local option.⁶²

In May, 1940, Cardwell filed the commission's amendment with the secretary of state.⁶³ Although dries challenged the sufficiency of the petition, the secretary upheld its validity.⁶⁴ At the general

⁵⁹Ibid.

⁶⁰Tulsa Tribune, December 5, 1939; and Tulsa World, January 28, 1940.

⁶¹Ibid.

⁶²For elaboration on the measure, see the Tulsa Tribune, December 5, 1939; and the Norman Transcript, October 29, 1940.

⁶³Tulsa World, May 2, 1940. ⁶⁴Ibid., July 5, 1940.

election, the state again rejected liquor for the fourth time; the control measure failed by a vote of 374,911 to 290,752.⁶⁵ Wets, however, witnessed a modest gain over their showing in 1936.

Dry victory had resulted in no small part from the cooperative attitude of Governor Phillips. For the remainder of his term, he continued to give prohibitionists his unstinting support and to reject the wets' thesis that liquor revenues would signal an end to many of the state's difficulties. His view was best expressed in his special message to the legislature in March, 1941, when he told that body that repeal was "neither good business nor good government." And adopting an argument typical of any good dry, he told the Eighteenth Legislature it would be impossible to calculate "the broken lives . . . incident to legalizing intoxicating liquors in Oklahoma."⁶⁶

Only four years had transpired between the "Battle of '36" and that of 1940, but it took nearly a decade for wets to summon renewed strength to engage the dries. Their revived hope came in part from the success of repeal in Kansas, which in 1948 cast aside that

⁶⁵Directory and Manual of Oklahoma, 1961, 198. Dissension plagued the wet camp prior to the election. C. A. Cardwell charged that the commission owed him more than \$2,000. M. J. Rhinehart, president of the organization, alleged that he had been paid. Cardwell resigned, predicting defeat for the proposal. See Tulsa World, October 27, 1940.

⁶⁶See Governor Phillips' statement to the legislature in House Journal, 1941, I, 1266-67.

state's noble experiment.⁶⁷ Continued failure to obtain submission through a legislative referendum also inspired them to resort to the commonly employed initiative process.

Characteristically, the repeal drive in 1949 gave rise to a new wet organization, the Oklahoma Economic Institute. Chartered in December, 1948, it had as its leader, A. G. Kulp, an Oklahoma City attorney.⁶⁸ Principally, the majority of the membership consisted of businessmen. Kulp clearly spelled out the Institute's policy: there would be no attempt to argue the "evil" or "good" of alcoholic beverages.⁶⁹ "We certainly don't advocate their use," said the repealist, but "we simply cannot afford to continue a practice that is financing the underworld and depriving the state of revenue from taxation."⁷⁰ That wets did not directly and militantly attack the dry position represented a clever approach, for they had finally come to realize that to do so cast them in the uncomfortable role of opposers of Christian morality.

The Institute could not completely omit, however, a refutation of many customary dry contentions. Where drys argued, for example, that drinking was an unfortunate lapse in morality, leaders

⁶⁷William Frank Zornow, Kansas: A History of the Jayhawk State (Norman: University of Oklahoma Press, 1957), 331-32.

⁶⁸Daily Oklahoman, December 25, 1948.

⁶⁹Ibid.

⁷⁰Ibid.

of the Institute described it as a disease incurable by prohibition.⁷¹ And when prohibitionists portrayed John Barleycorn as a callous and wreckless destroyer of home and family, the repealists marshaled statistics showing that the divorce rate in Oklahoma exceeded the national average. Consumption of spirits under control would decrease, despite dry opinion to the contrary. Few things, they concluded, were worse than the present corruption and hypocrisy produced by prohibition.⁷²

The Institute needed 100,000 names to place the issue on the ballot. Those were secured by March, 1949, and the petition submitted to the secretary of state. David Shapard, attorney for the United Drys, asked for a ninety day period to examine the signatures, a request immediately denied by the secretary. Unlike the previous amendments, the one drawn by the Institute reposed almost complete authority in the legislature to "enact laws for the strict regulation, control, licensing, and taxation of the manufacture, sale and distribution of intoxicating. . . ." Significantly, it forever forbade

⁷¹"Don't Hide the Facts," a pamphlet prepared by the Oklahoma Economic Institute in Leonard I. Pearlin, "An Application of Correlation Methods to the Results of the 1949 Prohibition Referendum" (unpublished Master's thesis, Department of Sociology, University of Oklahoma, 1950), 21. Hereafter cited as Pearlin, "Results of the Prohibition Referendum."

⁷²Ibid., 21-22.

the "open saloon" (bars) and empowered the legislature to define the term.⁷³

Although the repeal amendment was unquestionably the best ever devised by any of the many wet groups, the United Drys found much to criticize. Shapard charged that it left no opportunity for the legislature to prohibit liquor anywhere in the state, thus excluding the possibility of local option. But Kulp answered that other states with similar laws, namely Kansas and Texas, permitted counties to vote out liquor.⁷⁴ Drys also leveled fire at the section of the amendment which granted the legislature the right to define the term "open saloon."

Governor Roy Turner announced that he would put repeal on the same ballot with a bond issue at a special election.⁷⁵irate drys accused the governor of betraying their trust, as they had Phillips just before the '40 election. According to the Reverend S. S. Hollomon of the United Drys, Turner had told his people that "I will have nothing to do with repeal. It is no part of my program. . . ."⁷⁶ The only thing the governor did, of course, was respond to the democratic process. Turner explained his action by stressing that he called

⁷³Daily Oklahoman, September 24, 1959.

⁷⁴Ibid.

⁷⁵Baptist Messenger, June 23, 1949. Wets had pushed for a referendum in the legislature but had failed.

⁷⁶Ibid.

the election because "the petition had been ruled valid and to end the turmoil over the situation."⁷⁷

The people of Oklahoma, for the first time in a special election, voted on repeal in September, 1949. Their response, however, was the same as it had been in '36 and '40. For the third time in less than two decades, wets failed to convince Sooners of the necessity for change. Prohibition remained a part of the constitution 323,270 to 267,870.⁷⁸ Wets assumed that a large turnout would strengthen their chances.⁷⁹ But in a very careful mathematical analysis of the 1949 vote, Leonard I. Pearlin has concluded that "the wets profited from the apathy of . . . non-voters. That is, it appears that if a larger proportion of voters had gone to the polls, the margin of defeat of the wets would have been greater."⁸⁰

Of the state's seventy-seven counties, eleven approved the amendment. All but three of those (Muskogee, Comanche, and Coal) border on either Oklahoma or Tulsa counties, the heaviest populated and the most urbanized. Those counties adjacent to states surrounding

⁷⁷Daily Oklahoman, June 16, 1949.

⁷⁸Directory and Manual of Oklahoma, 1961, 202.

⁷⁹Observers had expected the legislative referendum authorizing the state to issue \$36,000,000 in bonds to attract a huge vote.

⁸⁰Pearlin, "Results of the Prohibition Referendum," 27.

Oklahoma were the ones with the highest percentage of the dry vote, clearly a suggestion that persons close to legalized liquor felt no compulsion to vote for repeal.⁸¹ Conversely, Oklahomans who relied upon bootleggers or to whom liquor was not readily accessible inclined more toward the wet position.⁸²

After the defeat of the 1949 referendum, wets pondered whether or not the state would ever abolish its hypocrisy. Most realistic observers knew that the only possibility for change lay in a more lenient church attitude, expanding industrial and commercial activity, the continued growth of urban centers, and emergence of courageous and dynamic political leadership as the old order passed, yielding place to the new.

⁸¹Ibid., 36-73.

⁸²Ibid., 37.

CHAPTER IX

AWAY WITH "SUDS": DRYS ATTACK BEER

Prohibitionists' successes in the years following 1933 sustained their faith in the worth of their cause, and compelled them to strike out against the "drink of moderation." To drys, beer was alcohol, and the statute which legalized it as a "non-intoxicating" beverage, perverted, if not actually contradicted, the anti-liquor portion of the state constitution. Oklahoma needed a return to constitutionality by ridding it of sin-inspiring 3.2. After the approval of the beer bill, the Anti-Saloon League tried to accomplish this task, but faltered in the wake of the "beer mania" induced by the New Deal cry for revenue. By 1957, drys thought the time had come to oust brew from much, if not all, of the state. Advocates of "suds" believed drys perceived nothing more than an old anti 3.2 illusion from pre-beer days. Wets, however, now took solace in the fact that beer constituted an item of considerable importance to the economy.

Indeed the status of beer as a revenue producing agent became one of the most debated issues in the 1957 campaign for local option. Prior to the legalization of the beverage, it will be recalled, predictions

of possible income from the sale of beer ranged all the way from nothing to \$10,000,000 a year, depending on whether wets or drys did the predicting.

Beer had faired well economically since 1933, but revenue never came near the inflated figures forecast by its proponents. The year following the adoption of 3.2, total collections came to slightly over \$700,000, and not until three years hence did they top \$1,000,000.¹ Between 1938 and 1941, however, beer income dropped below this amount. While it is difficult to assign reasons for this phenomenon, one may surmise that general economic conditions coupled with a slight decline in the state's population played at least a small role in this reduction.² By 1945, beer collections had reached the \$2,000,000 mark, an estimate which had been vigorously paraded before the people by some wets. Six years later the state for the first time received an income from beer beyond \$6,000,000; subsequently, it never fell below this figure. In the year immediately preceding the prohibitionists' crusade to return Oklahoma to sobriety, taxes from "demon brew"

¹See Summary Table No. 1, "Tax Collections from Principal Sources from 1916 to 1956," in the Twelfth Biennial Report of the Oklahoma Tax Commission . . . , 1956, 14.

²In 1930, Oklahoma had a population of 2,396,040 compared to 2,336,434 ten years later which represented a -2.5 per cent decrease. The next decade saw a greater dip with a percentage decrease of -4.4 per cent. See U. S. Bureau of the Census, U. S. Census of Population: 1950. Vol. II, Characteristics of the Population, Part 36, Oklahoma (Washington: Government Printing Office, 1952), 36-39.

stood at \$6,330,541, which totaled 2.89 per cent of all tax receipts.³

Although beer revenue did not match that of some commodities, cigarettes for example, it proved an arduous job for drys to dispel the notion that money from its sale was not an important item in the state budget.

During the early 1940's drys had pressured the legislature to outlaw beer or to limit its distribution to only package sales. None of the measures presented in the legislature drew serious attention, and consequently they failed.⁴ In 1949, the United Drys adopted as their major program the achievement of local option, and they informed beer interests of their intention of waging a determined campaign until that had been achieved.⁵ A few years later the Reverend Roy E. Hollomon again emphasized the immediate urgency of restricting 3.2 when he noted that "beer consumption has increased at an alarming rate," and that more beer joints dotted the Oklahoma terrain than schools or churches.⁶ According to the clergyman's

³Twelfth Biennial Report of the Oklahoma Tax Commission . . . , 1956, 14.

⁴The best summary of legislation during this period is Dwayne W. Sterling, "The Repeal of Prohibition in Oklahoma" (unpublished Master's thesis, Department of History, University of Oklahoma, 1965), 5. Hereafter cited as Sterling, "Repeal of Prohibition."

⁵Daily Oklahoman, November 17, 1949.

⁶Baptist Messenger, April 19, 1951.

own statistics, there are 4,219 beer taverns in Oklahoma compared to 3,200 churches and 2,543 schools.⁷ David Shapard, echoing the same sentiments, put it bluntly--"beer must go."⁸

Ever-vigilant drys in the 1950's continued to insist upon restrictive action in every session of the legislature. The closest they came to success was in 1955 when the house approved a referendum which prohibited the sale of 3.2, but the senate never voted on the measure.⁹ Importantly, one of the anti-beer bills introduced in the senate in this period came from Senator Raymond Gary of Madill, who in 1955 won the governorship and threw the full force of his office behind the United Dry program.¹⁰

Their legislative ambitions smashed, drys turned to an old method previously employed by wets in the prohibition movement--the initiative. Thus in June, 1955, Dr. Stanley Niles, executive secretary of the United Drys, announced the circulation of a petition calling for a vote on local option at a special election. Prohibitionists also would seek, he said, to outlaw advertising in dry counties if the amendment passed, and to require a bond for trucks which moved through dry areas.¹¹ Governor Gary gave the petition his strong en-

⁷Ibid.

⁸Ibid.

⁹House Journal, 1955, 874.

¹⁰Sterling, "Repeal of Prohibition,"

¹¹Daily Oklahoman, June 12, 1955.

dorsement. An ardent dry, he noted that the initiative was necessary for the legislature would never approve a local option bill,¹² He placed his faith in the people.

With visions of victory, dries opened their campaign in October, 1955.¹³ Niles predicted his group would have 200,000 names affixed to their petition, although only 90,000 were needed. The Board of Directors of the Baptist General Convention pledged its membership alone to 100,000.¹⁴ One of the most prominent members of that faith, namely the Governor, adopted the United Dry program as "his program," and as a geature of his allegiance, he officially proclaimed October, "Temperance Month."¹⁵ Presbyterians, regarding the drinking of all alcoholic beverages as "a character-destrorying personal indulgence, and as a betrayal of social responsibility," urged ministers to preach of the evils of intemperance. But

¹²Ibid.

¹³Baptist Messenger, September 22, 1955.

¹⁴At first glance this figure may look large. Assuming, however, that only a third of the Baptists signed the petition, the number could have been obtained, for in 1956 the church had 399,255 parishioners. Methodists had the next largest group with 206,523, followed by the Disciplès of Christ and the Presbyterians (USA) with 99,032 and 36,321, respectively. Membership in non-fundamentalist churches came to slightly over 100,000 out of a total of 1,000,000 persons who had their names on the church rolls. Statistics from Baptist Messenger, March 7 and March 21, 1957.

¹⁵Daily Oklahoman, October 10, 1955.

the church very subtly displayed a growing liberality within its ranks in discreetly admonishing "that all members of our churches should if their conscience allows them to do so, sign the petition,"¹⁶ The ladies of the WCTU, however, interested themselves in signatures despite "conscience," and they set up booths at the Oklahoma City and Tulsa State Fairs. Out-of-state assistance also came from the National Temperance League which sent speakers to Oklahoma.¹⁷ Prohibitionists had launched a coordinated offensive calculated to blast the state back to "normalcy."

As expected, dries encountered little trouble in getting the requisite number of signatures. That they were only able to acquire 137,500, not the predicted 200,000, represented an omen which was unclear. The beer industry, organized under the name of Oklahoma United and led by M. F. Dykema, immediately protested the petition in behalf of a Lawton distributor.¹⁸ Accordingly, Andy Anderson, secretary of state, set February 9, 1956, for hearing objections to the measure.

United deemed the short period allotted by Anderson

¹⁶Minutes, Presbyterians, 1955, 17. Italics are those of the author.

¹⁷Baptist Messenger, September 27 and October 13, 1955; and Sterling, "Repeal of Prohibition," 13-14.

¹⁸Daily Oklahoman, February 7, 1956.

inadequate to check all the names on the local option petition, and thus asked for a continuance of the hearing.¹⁹ Cognizant of the tremendous job which faced the beer industry, the secretary gave the organization an additional thirty days beyond the time originally scheduled. During the intervening period before the second hearing, United set up IBM machines in the secretary's office and continued its scrutiny of the petition.²⁰ On March 10, 1956, the date of the second hearing, wets pleaded for another delay on the ground they had been able to invalidate 28,000 names, and that this percentage of the total warranted a postponement. The secretary, however, was no longer amenable to another extension. He reasoned that no matter what his final decision, the loser would appeal to the state supreme court. Thus, he gave the petition his approval on March 19, 1955;²¹ with his declaration began the long drawn out court battle which prevented a vote on local option for many months.

United appealed Anderson's decision to the supreme court in behalf of Jackson R. Webb, a beer distributor. Rowe Cook, Webb's attorney, contended in his brief that "the unreasonable and arbitrary

¹⁹Ibid., February 9, 1956.

²⁰The petition also provided Oklahoma United with a valuable mailing list. Sterling, "Repeal of Prohibition," 17.

²¹Daily Oklahoman, March 20, 1955.

time limits set by the secretary had caused all work by the appellant "to be done piecemeal."²² Cook's most powerful argument, and one which created much difficulty for the justices, was that the dry petition actually proposed a constitutional amendment in the form of a legislative act; therefore, it was "a complete legal nullity."²³ Cook asked the tribunal to appoint a referee to check the petition should it rule the proposal valid.²⁴

From the beginning the beer forces had valued the importance of time, and they had bargained for every precious minute through the legal process. By September, 1956, they had begun to fear the consequences of their stalling tactics. In a surprise move, which caught dries and practically everyone else off balance, Cook requested the dismissal of the question of insufficiency of the petition. Prohibitionists may have envisioned a clever motive behind this "drunken" legalistic maneuvering. But indeed the wets had soberly and very methodically charted their course: if the court threw out the case, the referendum would come up at the general election in November, 1956, where local option would have to acquire a majority of all votes cast.²⁵

Wet strategy encountered two major obstacles. The design

²²Ibid., March 29, 1955.

²³Ibid.

²⁴Ibid., and Sterling, "Repeal of Prohibition," 18.

²⁵Daily Oklahoman, September 26, 1956.

of one of these represented the political craftsmanship of Governor Gary who emphatically said he would not present the issue at the general election regardless of judicial action. Gary knew his prerogatives as governor, for the supreme court had already declared in the summer of 1956 that an executive could, if he desired, submit the issue at this discretion.²⁶ The second difficulty proceeded from an unexpected quarter. Wets could rationalize Gary's position, or at worst, dismiss it with a curse and a sign of dismay. But it was not so easy for them to decipher the motives of one William Beardsley. Disclaiming any connection with dries or wets, Beardsley asked the court to grant him sixty days to check the sufficiency and legality of the local option measure. Although the court denied the request,²⁷ it delayed the election for at least another month, making a November vote practically impossible.

The supreme court rendered a decision on United's original motion in July, 1957. The wets by this time had already conceded the validity of the proposal. In essence, the court said that while the proposed amendment greatly resembled a legislative act which had once been proposed in the Oklahoma legislature, this similarity was

²⁶The case has been examined in some detail in Ibid., April 11, 1956.

²⁷Sterling, "Repeal of Prohibition," 20.

by no means fatal to its submission.²⁸ The persistent Rowe Cook filed for a rehearing, which promptly drew a denial and the way now appeared for the election. Obviously the beer interests, had they reckoned it to their advantage, could have put off a vote through further legal action, but they would have run the risk of alienating many "neutral" citizens who otherwise would have been partial to their cause. As some of the leading figures in the beer camp testified years after the campaign, the long delay had given them a time to organize, raise funds, and test the patience of the drys.²⁹

Governor Gary called the special election for December 3, 1957.³⁰ His choice was not arbitrary, and it came only after a significant compromise agreement between drys and wets. Dykema, president of Oklahoma United, wanted to avoid holding any contest during the latter part of November when people were away for Thanksgiving, or uninterested. Therefore, he asked Gary to postpone it until a later date;³¹ in return, he agreed to drop further litigation. The governor put the suggestion of the December vote to George

²⁸Ibid.

²⁹See interviews with various beer leaders in Sterling, "Repeal of Prohibition," 22-23.

³⁰The governor's special proclamation found in the Oklahoma Malt Beverage Association Files, Oklahoma Malt Beverage Building, Oklahoma City, Oklahoma. Hereafter cited as Oklahoma Malt Beverage Files.

³¹Daily Oklahoman, October 2, 1957.

Miller, United Dry attorney, who had drafted the petition and defended it in the courts. Following consultation with Stanley Niles and others, Miller consented to the date advanced by Gary.³² That the drys received the worst end of the compromise seems an inescapable conclusion. Had prohibitionists refused consent to the beer interests proposal, thus forcing them to sustain their court fight, they could have capitalized upon adverse public sentiment which probably would have mounted against them. Most Oklahomans, as witnessed in the liquor referenda in the 1940's, believed that any issue with substantial backing demanded a hearing at the polls.

If the preceding two years following the filing of the United Dry petition had given birth to the unexpected, the few weeks prior to the election brought additional surprise. The politically conscious and verbally flamboyant George Miskovsky, State Senator from Oklahoma County, apparently believing he possessed constitutional insights others lacked, thought he detected grave defects in the local option measure. On November 2, 1957, the eager Miskovsky filed a protest with the court, listing a number of things wrong with the dry measure. His most important objection was that it did not amend the prohibition ordinance of the state constitution. He proposed, therefore to change the title so as to inform voters of the specific portion of the constitution

³²Ibid.

being amended.³³ In addition, he said that the petition did not really authorize county option.³⁴ To question Miskovsky's good faith is to dismiss his possible honest intentions--to ignore his political ambitions is to misinterpret the nature of a politician.

The Miskovsky "bomb shell" produced a curious, yet understandable, cooperative attitude between wets and drys. Both groups, now with their machinery in high gear, asked the court to immediately dispose of the protest. Miller of the United Drys tried to dispel any illusions about this mutual action; he noted that "we don't want it to appear we are marching shoulder to shoulder . . . with the beer industry."³⁵ The Oklahoma Supreme Court finally held that neither the title presented by Miskovsky, nor the one already written had substantial fault; but the court proceeded to draft one of its own to clear any confusion.³⁶

Impediments to the election had now been cleared away after two years of legal controversy. Wets had begun to formulate their strategy in October, 1957 at the Biltmore Hotel in Oklahoma City. Members of the executive committee of United adopted a three-pronged attack: they would concentrate on citizen groups, wives of

³³Ibid., November 3, 1957.

³⁴Ibid.

³⁵Ibid., November 9, 1957.

³⁶Sterling, "Repeal of Prohibition," 30.

beer employees, and business organizations.³⁷ Sound and dynamic leadership which could appeal to a large segment of the state came from George A. Fisher of Oklahoma City whom wets chose to handle their campaign. Fisher served as vice president of the American First Title and Trust Company. He had also been connected with former Governor Roy Turner's campaign, and had held a position in the Citizens for Eisenhower organization in 1956. A retired officer of the 45th Division and a recipient of Oklahoma's Distinguished Service Medal, Fisher brought to the hierarchy of Oklahoma United an enviable reputation which most could respect. And very importantly, he was a religious man who taught an adult Sunday School class at the Northwest Christian Church.³⁸

Drys, of course, had always prided themselves in an abundance of religious leadership. Mobilization for them, then, meant essentially three things: intensifying their church activities, disseminating educational materials, and raising money. The last of these was a problem. At the end of 1956, the United Drys' financial report showed a deficit of \$4,210.32.³⁹ Expenses for 1957 came to nearly \$76,000, and only little over \$35,000 of this amount was spent after

³⁷Ibid.

³⁸Biographical information on Fisher from Daily Oklahoman, October 7, 1957.

³⁹Oklahoma Dry, January-February, 1957.

October 1, 1957, the commencement of the dry campaign.⁴⁰ Beyond any doubt, drys were never able to match the finances of the wets. One has to remember, however, that in the past it had been possible for prohibitionists to carry out a concerted attack without unusual outlays of money.⁴¹ But in 1957, the difference in expenditures of the two antagonists figured prominently in the eventual outcome of the election. Indeed, it was a year when Christian leadership could not eclipse the power of the greenback, wet strategy, and a community attitude which had become liberal enough to sanction the moderate "non-intoxicating beverage."⁴²

If any one particular issue dominated the pre-election debate, as earlier suggested, it was that of beer revenue and its worth to the state. Wets faced the task of persuading the public that revenue from 3.2 beer constituted an important and necessary item in the state's budget, and that its legalized sale benefited other businesses. The adoption of local option, said United, would produce repercussions throughout Oklahoma, and would strip from a \$6,000,000 payroll an industry's 11,000 workers.⁴³

⁴⁰Sterling, "Repeal of Prohibition," 24.

⁴¹Ibid., 25.

⁴²Compared to other citizens of the nation, Sooners consumed very little beer. In 1957, for example, Americans drank 15.7 gallons of beer per capita; Oklahomans drank 8.4 gallons per capita. The "Badgers" of Wisconsin led all states with a per capita consumption of 25.5 gallons. See Ada News, October 19, 1957.

⁴³Undated clipping, Oklahoma Malt Beverage Files.

The "Letter Section" of the Oklahoma Malt Beverage Association Files in Oklahoma City vividly reveals the effort expended by Fisher and his staff in presenting the revenue theme. In letters to real estate brokers and salesmen, for example, Fisher admonished them to "consider carefully the impact on[your] profession" if 3.2 met destruction. "Think of how many hundreds of business . . . vacancies there would be in Oklahoma towns." Lower purchasing power for homes, higher taxes, mortgage delinquencies resulting from persons thrown out of jobs, would all follow if the fanatical prohibitionists had had their way.⁴⁴ And in correspondence to home builders, United noted that the building industry was already curtailed by the tight money situation and that they could not afford to lose any business.⁴⁵

Other illustrative letters reflected the determination and skill employed by the wets in projecting the tragedy to befall Oklahoma if drys prevailed at the polls in December. Unwittingly, prohibitionists could create hardships for practically every citizen. "County option on 3.2," the beer interests told state employees, "would mean that there would be fewer dollars to pay your salary with and less money for other state expenses";⁴⁶ and to ranchers, Fisher suggested

⁴⁴Undated form letter to real estate brokers and salesmen in "Letter Section," Ibid. All letters in the files carry no date.

⁴⁵Letter to Home Builders and Affiliates, in Ibid.

⁴⁶Letter to State Employees, in Ibid.

that "certainly any loss of revenue in taxes will lessen your chances of getting relief on [sales taxes] on seed, feed, and fertilizers."⁴⁷ He informed woefully underpaid teachers that restrictions on brew would shatter their hopes of adequately financing the school system, the aged that the size of their welfare checks stood in jeopardy, and doctors that county option "is not consistent with an enlightened society."⁴⁸ Correspondence to other citizens and businesses pointed up with equal clarity the dire consequences of local option to their trade or profession.

Drys accused wets of deception, exaggeration, mercenary objectives, and outright lies. The Baptist Messenger, commenting on the anticipated unemployment of 11,000 workers in the beer industry, thought it strange "to see [the wet crowd] shedding crocodile tears for [their] company employees." The wages they received were the lowest in the nation, wrote its editor; if workers had to find other employment in a more decent occupation, better for them. "County option," he continued, "may kick them into a [higher] income bracket."⁴⁹ Wets were trying to deceive good, honest God-fearing people.⁵⁰ Stanley

⁴⁷Letter to Ranchers, in Ibid.

⁴⁸All letters cited above are in Ibid.

⁴⁹Baptist Messenger, November 14, 1957.

⁵⁰Ibid.

Niles, laboriously trying to combat the emphasis upon dollars and cents, relied upon the drys' strongest deterrent to iniquity--morality: "How many men, women, and children," he asked, "are we willing to slaughter to keep Progress Brewing Company [the state's lone brewery in 1957] open, 5,000 tavern owners in business and a few tributary industries happy?"⁵¹ Fisher and the beer "gang" had mastered the art of extravagant claims in asserting a state loss of \$11,000,000 from beer income; tax receipts really amounted to \$6,000,000⁵²--an insignificant sum!

Governor Gary did not fail his dry followers who had invested their faith in his wisdom. In fact Niles indicated after the election that "without Raymond's help I never would have gone into the thing [local option fight]."⁵³ The governor's alliance with the United Drys transcended purely political consideration, for he had long held that the state should regulate (prohibit) liquor (including beer) through its police power. He once admitted, however, that "there is no law on earth which can prevent a person from destroying homes," but he believed government had "an obligation to do everything

⁵¹Stanley Niles (comp.), The Casebook for County Option for Ministers, County Officers and Other Workers ([Oklahoma City: United Dry Association], 1956), 8.

⁵²Baptist Messenger, November 14, 1957.

⁵³Sterling, "Repeal of Prohibition," 30-31.

possible to [keep] our citizens from developing a strong desire for intoxicants."⁵⁴ Man alone could not discipline his appetites. "It's my impression," Gary once speculated, "few people can honestly be described as moderate drinkers. The fellow who so classifies himself may be moderate most of the time, but there will be occasions when he slips over into the excessive class."⁵⁵

Gary's economic arguments against beer were just as direct as his moral pronouncements. In a radio address delivered the day prior to the election, he forcefully offered his rebuttal to wet contentions. State government did not need beer taxes! "I am telling you now, as Governor of Oklahoma," he told listening Sooners, "that we can support this government . . . without any tax on beer or whiskey."⁵⁶ According to Gary, at the end of his first year in office there had been a surplus in the general fund of \$7,000,000 and \$18,000,000 the second.⁵⁷ Even if there had been no revenue from beer, stringency would not have resulted; and he blamed beerites for utilizing "scare" tactics. The local option vote, said he, had no direct relation to old age pensions, homestead exemptions, teachers' salaries, highways, or anything else.⁵⁸

⁵⁴Oklahoma Dry, July, 1957; and Purcell Register, July 25, 1957.

⁵⁵Ibid.

⁵⁶Daily Oklahoman, December 2, 1957.

⁵⁷Ibid.

⁵⁸Ibid.

The beer people, "as is typical of that industry," were deliberately trying to mislead the people of Oklahoma.⁵⁹

Any contribution beer had made to state government, Gary viewed as totally negative. It had forced his administration to spend additional funds on large relief rolls; it had brought increased crime, more automobile accidents, and, correspondingly, a greater burden upon the taxpayer. And in the true tradition of Oklahoma prohibitionists, the Baptist governor urged all those concerned with the state's welfare to "rise up and march to the polls by the thousands . . . carrying the Christian Flag, and uphold the cause of righteousness." His battle was that of the Lord's: "I am happy to stand on the side of 3,500 churches in opposition to a commodity that is causing [destruction to homes] and . . . young people to wind up in a life of crime."⁶⁰

Beer leaders had no personal quarrel with the governor, or any other dry, but they did question the validity of his factual statements. In November, 1957, Fisher had already taken the executive to task over his "poor arithmetic." At one point, Gary had denied that beer contributed nearly \$37,000,000 a year in wages and taxes. Fisher, however, said that the beer industry had a payroll of \$26,000,000 annually, and it paid excise taxes totaling more than \$6,000,000, which constituted the fifth largest to that fund. Furthermore, beer paid state,

⁵⁹Ibid.

⁶⁰Ibid.

county, corporation, ad valorem, and other kinds of taxes which exceeded \$5,000,000. If Gary did not need the money, why had it been necessary for him to raise gasoline taxes to pay for bridges and highway construction?; to pretend that the state did need the money was so much "hogwash," said United's campaign director. Gary and the drys were endeavoring to "woof" the public.⁶¹

Condemning the governor's addition was not sufficient; exposing the shortcomings of his administration had some advantage. Beerites alluded to the illegal use of state funds by one of Gary's right-hand men, and to the fact that a state park lodge employee turned up with a federal liquor stamp. And why, they wanted to know, had the governor permitted liquor in his presence at a party held in Oklahoma City when Vice President Richard Nixon visited the state? Why did he not call the "law" or exercise it himself?⁶² Just or unjust, convincing or non-convincing, this criticism was biting, and to Governor Gary, no doubt, hurting.

The repeal of the constitutional provision against liquor

⁶¹Ibid.

⁶²In October, 1957, a number of journalists from across the country assembled for a national conference at Oklahoma City. They staged a party at a local hotel with Governor Gary and Vice-President Richard Nixon as guests. To the governor's embarrassment, the writers freely partook of liquor in his presence. The editor of the Oklahoma Dry bitterly castigated the sponsors of the affair, but refused to indict Gary for not upholding the law. Oklahoma Dry, September-October, 1957.

could not help but edge its way into the 1957 beer controversy. Drys charged that a hard-liquor group, the Christian League for Liquor Control, served as a front for the beer industry. Dykema refuted this allegation, and challenged Stanley Niles of the United Drys to submit evidence supporting his statement. Niles, however, never rendered uncontestable facts in defense of his claim, and could only reply that it was his "judgment," and that of the man on the street.⁶³ He reasoned that the timing of the formation of the League demonstrated "that the brewing industry . . . had something to do with it. . . ." ⁶⁴ Spokesmen for the League heatedly assailed drys for their unfounded charges and noted that their members were busy raising money to repeal prohibition and to support wet candidates in the next gubernatorial election.⁶⁵

Judging from some reports, there had been an increase in bootlegging in the state, and beer leaders took note of this fact in arguing for the continued licensed sale of 3.2. They pleaded to the public not to drive it into the back alleys as was the case with hard liquor. In 1956, the federal government had issued more than 500 retail liquor licenses to retail dealers, and some 700 the following year. At \$50 per license, this meant that bootleggers who chose not to gamble with the federal government paid out \$25,000 and \$35,000 for the two

⁶³Daily Oklahoman, October 5, 1957.

⁶⁴Ibid.

⁶⁵Ibid., see also Baptist Messenger, October 10, 1957.

years respectively to ply their trade unmolested by the "feds."⁶⁶ If securing a license constituted prima facie evidence of an intent to use it for its prescribed purpose, and it probably did, then one could assume that a goodly portion of the purchasers did just that. A youthful and very perceptive student at the University of Oklahoma agreed that liquor dispensers had no trouble marketing their products. "Anyone with the money can buy moisture here regardless of age," said the youth. Oklahoma was not dry--it was "soggy." Except for the mass corruption of law enforcement officers and contempt for the judiciary, Oklahoma's set-up, wrote the young Sooner, "is ideal."⁶⁷

If the persistent theme of prohibition hypocrisy reverberated throughout the state in an election which involved a "non-intoxicating" beverage, so did the question of the "theory" and "practice" of local option, and majority rule. Had the drys really trusted the people, and had they believed in a democratic government, they would not have forced Gary to call a special election, said wets.⁶⁸

The dry Laverne Leader Tribune, however, scolded the opponents of option as anti-democratic in that they would deny citizens

⁶⁶Tulsa World, November 2, 1957.

⁶⁷Oklahoma Daily, November 2, 1957.

⁶⁸Leaflet in the Oklahoma Malt Beverage Files.

of a county the right to majority rule.⁶⁹ The Shawnee News Star believed that local option "merely added confusion [to] a troublesome issue." The people should have better sense than to approve a proposal which would foster more bootlegging, and which provided for an election in the counties every two years.⁷⁰ There always had been an "option" said the Hinton Record--of buying beer from local distributors or of not buying it.⁷¹ Jack Heatwole of Tulsa wrote the Tribune that theoretically local option sounded wonderful, but as for him, if Tulsa County went dry, he would simply get on his telephone or speed off to the nearest wet county to purchase his refreshments.⁷² And the Ponca City News asked why drive beer underground thus bringing back the roaring days of the gay twenties "when young people were called flaming youth and didn't live long enough to finish sowing their wild oats."⁷³

For many years drys had been the happy beneficiaries of the unwavering support of the influential Daily Oklahoman, owned by E. K. Gaylord. Despite his opposition to repeal, Gaylord penned one of the most critical indictments of the "theory" of local option. It was

⁶⁹Laverne Leader Tribune, October 31, 1957.

⁷⁰Shawnee News-Star, October 17, 1957.

⁷¹Hinton Record, October 17, 1957.

⁷²See Heatwole's letter in the Tulsa Tribune, October 31, 1957.

⁷³Ponca City News, November 1, 1957.

not the same thing as in years past, said the rich conservative editor. Once it did conform squarely with Jeffersonian principles, but the automobile and technology had transformed society, "No one would have denied the rightness of local option on any matter whatsoever when this country was young, but nowadays," admitted the Oklahoman, "[it] runs counter to prevalent American policy." In short, local option was a relic of the distant long ago.⁷⁴

Few Oklahomans cluttered their minds with abstract theories of governmental philosophy. To most the issue was simple--to have "suds" or not to have "suds" in counties of the state; that was the real question. In November, unfavorable signs flashed across the horizon which caused trembling among the drys. Between October 28 and November 2, 1957, Central Surveys Incorporated of Shenandoah, Iowa, conducted a state poll to determine attitudes on the forthcoming election. Altogether, Central chose 600 voters who represented a political cross section in thirty precincts for its study. Of the persons questioned, 36 per cent favored local option, 54 per cent opposed it, and 10 per cent had no opinion.⁷⁵ Varied comments by participants in the poll

⁷⁴Daily Oklahoman, October 3, 1957.

⁷⁵See Probable Attitudes in Oklahoma Concerning Local Option in the Sale of Liquor, A Re-examination of Interviews in a Survey Conducted . . . on a Proposal for County Option in the Sale of Beer (Shenandoah, Iowa: Central Surveys, Inc., 1957), found in Nance Collection, Division of Manuscripts, University of Oklahoma.

ranged from the utterly humorous to the profoundly serious. "People will drink this damn beer anyway," said one candid citizen; and another claimed complete "sovereignty" for people of his county--they were going to do what they wanted to, which meant consuming beer even if they voted dry. Others turned to the matter of revenue despite drys' contention that it was insignificant: "We can use that money," and "If we had more beer . . . there would be more tax money for schools . . ." remarked two Sooners obsessed with the pecuniary benefits of beer. Drys generally replied in moralistic terms with such statements as "Beer is a ruination to the young race."⁷⁶

At the special election beerites drowned the drys in an ocean of pro-beer ballots. Local option went down by a vote of 275,528 to 214,012.⁷⁷ A total of forty-three counties voted dry in 1957 compared to twenty in 1933.⁷⁸ Seventeen of these same counties cast their ballots against brew in the option election. They were: Texas, Beaver, Harper, Alfalfa, Woodward, Major, Dewey, Roger Mills, Custer, Washita, Greer, Kiowa, Jackson, Harmon, Tillman, Cotton, and Jefferson. The three other counties which decided for beer in '33 were Woods, Grant, and Payne. All of the counties in

⁷⁶Ibid., 9-12 for above quotations.

⁷⁷Directory and Manual of Oklahoma, 1961, 207.

⁷⁸Norman Transcript, December 4, 1957.

northeastern Oklahoma with the exception of Delaware, Adair, and Sequoyah voted wet in both elections. The southeastern portion of the state, by and large, was dry. Of all the counties, Cimarron with a small rural population had the greatest percentage for local option, while Muskogee stacked up the largest vote against the amendment. The heavily populated counties of Oklahoma and Tulsa voted 63.92 per cent and 71.09 per cent, respectively, against it.⁷⁹

To explain the United Dry defeat is not an easy task. When Governor Gary said that the issue failed because many church people did not vote "Yes," he came close to the truth. But his assertion that many people voted against the amendment because of miscomprehension was of doubtful validity.⁸⁰ Both wet and dry papers simplified the issue so that only near illiterates could fail to understand what stood at stake. The governor's sentiments, however, were echoed by the WCTU⁸¹ and by Baptists who lamented that "we live in a pagan society."⁸² Had dries been honest with themselves, they would have admitted that the fear of the loss of revenue, the well-organized campaign of George Fisher, the subtle force of urbanization, and the

⁷⁹The above data from Ibid.; Daily Oklahoman, December 4 and 10, 1957; and from scattered undated clippings in the Prohibition Collection, Tulsa Public Library, Tulsa, Oklahoma.

⁸⁰Clinton Daily News, December 11, 1957.

⁸¹Daily Oklahoman, December 8, 1957.

⁸²Baptist Messenger, December 12, 1957.

twenty-four year tradition of beer had worked their will. Moreover, drys helped to wreck their own ambitions by unrestrained and undocumented statements, their unwise expenditure of money in areas already "saved," and their failure to constantly bombard the business interests with their "educational" materials.

The 1957 beer election signaled the beginning of the end for Oklahoma's noble experiment. Indeed, the drys first major offensive since statehood had carried within its own powerful thrust, deadly seeds of massive destruction. The Daily Oklahoman correctly prophesied after the election that the defeat of the constitutional amendment would bring repeal to the forefront.⁸³ Drys, who relied upon the church and tradition, refused to believe that Sooners were ready to rewrite history.⁸⁴ What their leaders overlooked was that sentiment for liquor was slowly encroaching upon established habits. Much of the prohibitionists' strength had come from rural areas; strikingly, Oklahoma by 1950 was more than 50 per cent urban. It is a fact of much importance that of the counties with cities of populations above 10,000 (a total of twenty-five), all but four voted against the local option amendment!⁸⁵ Another omen, not yet clear, had been cast across the Oklahoma landscape.

⁸³Daily Oklahoman, December 4, 1957.

⁸⁴Comments in Ibid.

⁸⁵The 1950 Census listed Oklahoma as 51 per cent urban and 49 per cent rural.

CHAPTER X

BARLEYCORN'S RESURRECTION: THE END OF AN ERA

Those who had predicted that the "annihilation" of the dries in the 1957 beer referendum would push the liquor issue into the governor's race the following year, proved accurate. In the past, most state politicians, especially gubernatorial candidates, studiously avoided repeal, deeming it too delicate to touch.¹ But if political triumph once depended upon the avoidance of the explosive question, a few hopeful aspirants reasoned that success in 1958 hinged in part upon a declaration to let Sooners decide the fate of the 52 year old prohibition movement. Certainly, the one person who partly held the key to the repeal kingdom was the state's governor, for in the final analysis, he would have the responsibility of pressing a referendum through the legislature or of placing repeal before the people at a favorable time. Clearly then, a "wet" executive could render great service to the cause of legalized liquor. This fact was plainly

¹Robert S. Walker and Samuel C. Patterson, Oklahoma Goes Wet (Eagleton Institute Studies in Practical Politics, No. 24. New Brunswick: Rutgers University, 1960), 3. Hereafter cited as Walker, Oklahoma Goes Wet.

underscored in September, 1957, when the Christian League for Legal Control informed its disciples that "The . . . first thing we must do is elect a governor who is friendly to our program."²

The first candidate to declare for repeal in the '58 campaign was State Senator George Miskovsky. In June, 1957, at Oklahoma City, Miskovsky proposed a program based on repeal, reorganization, and reapportionment.³ After the formation of the Christian League, he welcomed its support, and he enthusiastically applauded the group for "creating a vehicle whereby the liberal Christian element of Oklahoma might face the liquor question in 1958 with realistic idealism." The time had come, said the senator, to "take our heads out of the sand."⁴ More candidly than any other serious contender for the governorship in the state's history, Miskovsky decried the "religious fanaticism" drys employed in fighting alcohol. And he went further to denounce the "hypocrisy, corruption and dishonesty in Oklahoma government for fifty years." It was time for a change. Prohibitionists had been "milking" the honest Christian people long enough, said the Episcopalian from the Nichols Hills section of Oklahoma City. "They've cost the state millions," and "their failure is a state disgrace and a national joke." Miskovsky thought that if wets were offered a repeal measure as a tax program with

²Daily Oklahoman, September 28, 1957.

³Walker, Oklahoma Goes Wet.

⁴Daily Oklahoman, September 29, 1957.

controls written into the law, it would carry. The people back in '49 had been asked to vote for a bad bill--a "pig in a poke," as he phrased it.⁵

Miskovsky's blazing of the repeal path made it more difficult for other candidates to evade the prohibition issue. His outspoken pronouncements again turned the people's attention to the question, gave dejected wets renewed enthusiasm, and made it something less than blasphemy for a candidate to publicly take a stand on a liquor control policy.⁶ Other major Democratic candidates who finally favored repeal or a vote of the people were State Judge Andrew Wilcoxon, State Senator James A. Rinehart, and Tulsa Attorney J. Howard Edmondson. The leading Republican candidate, Phil Ferguson, personally desired outright repeal.⁷ Young Republicans found an interesting reason to support submission; it was because "bootleggers consistently [aided] Democratic candidates from sheriff to governor with the tacit understanding that they will ignore or soft pedal Oklahoma's prohibitory laws."⁸ Despite this allegation, prohibition in 1958 was not a partisan political matter.⁹

⁵Ibid.

⁶Walker, Oklahoma Goes Wet, 4.

⁷Daily Oklahoman, September 11, 1957.

⁸Ibid., February 24, 1958.

⁹Walker, Oklahoma Goes Wet, 4.

Prohibitionists did not go unrepresented in the campaign. The leading dry contender was Democrat W. P. "Bill" Atkinson. A personal abstainer, political observers regarded this Midwest City millionaire as "the man to beat" in the early stages of the campaign.¹⁰ The only other serious Democratic contestant for the dry vote was William Doenges. A wide and very costly split developed in the dry camp when the Methodists insisted upon United Dry endorsement of his candidacy; Baptists, however, wanted the group to remain formally uncommitted.¹¹ But the fact that Doenges had advanced part of his personal holdings as collateral for a United Dry loan, made some Methodist brethren more determined to back him, and no doubt he had expected an endorsement. Atkinson had also contributed money to the drys.¹² The failure to concentrate all of their power behind one man did considerable damage to the cause of the United Drys. As one dry official said after the election, one of the dry candidates could have won had Methodists and Baptists buried their obstinacy.¹³

The bitterly fought primary dashed to the ground the hopes of those who wanted the wet-dry issue kept in the background. As minor candidates fell by the wayside, Atkinson, Edmondson, and Miskovsky emerged as the strongest contenders for their party's nomination.

¹⁰Ibid. ¹¹Ibid.

¹²Sterling, "Repeal of Prohibition," 39.

¹³Ibid.

Atkinson, with bountiful resources and a powerful organization, reasoned that he could easily overcome the Oklahoma senator, and send the "boy" politician from Tulsa back to school for more training.¹⁴ But this young reformer from the Oil City taught them both a hard and unwanted lesson. Before the primary, he had projected a program which pleased wets but invited the ire of drys. "I believe people are fed up with prohibition as now written and enforced," said the attractive and dynamic young lawyer. The state must tighten enforcement by the use of the proper agencies when local officers failed to exercise their responsibilities. If elected, Edmondson promised a special election on repeal.¹⁵

The reform program offered by the youthful Tulsan drew many Oklahomans to his side in the primary. Edmondson completely confounded the experts, beating out Atkinson by a narrow 742 votes; Miskovsky, Doenges, and William Coe followed in that order. Had not Doenges entered the race, it is almost certain his dry votes would have gone to Atkinson.

Neither Edmondson nor Atkinson gathered a majority of the ballots cast, thus making a run-off necessary to determine an opponent for the Republican Phil Ferguson, who handily won his party's nomination. Both Democratic candidates moved hurriedly to consolidate their strength. Atkinson augmented his camp with support from Coe, Rinehart, and Gov-

¹⁴Ibid., 40-41.

¹⁵Daily Oklahoman, May 22, 1958.

ernor Gary. Edmondson won the allegiance of Doenges, who defected from the dry camp, and Miskovsky. Noticeably, the aggressive campaign carried out against the "infant" from Tulsa, as some of the Atkinson ranks characterized Edmondson, earned him more friends than his opponents had anticipated!¹⁶

The approaching run-off saw Edmondson continue to espouse his views on submission, while Atkinson gradually liberalized his former stand on repeal. Apparently, the Midwest City politician had come to realize that he needed part of the wet vote if he were to defeat Edmondson. Therefore, a week after the first primary in July, he indicated a willingness to submit repeal at a special election if a person or a group offered an initiative petition. Drys exploded with verbal fury;¹⁷ but Atkinson was their last hope, and the United Drys continued to back him. Despite his shift in position, however, Atkinson could not match the political strength generated by the youthful Edmondson who defeated his rich opponent by one of the most impressive run-off primary majorities in state history.

Except those who believed in miracles in Oklahoma politics, few doubted the Democrats' chances of trouncing the Republicans at the polls. Neither of the parties' candidates greatly differed on the liquor

¹⁶For a discussion of the political alliances after the primary see Walker, Oklahoma Goes Wet, 6.

¹⁷Sterling, "Repeal of Prohibition," 41.

question. Edmondson, however, conscious of the lack of a unified opinion among wets over a control measure, refused to get involved in any squabbles.¹⁸ Likewise, he very wisely did not declare for or against repeal, only pledging himself to submission within ninety days after inauguration. Ferguson announced unequivocally that in his administration "prohibition will be repealed."¹⁹ In an effort to capitalize on the stand of the two candidates, a political unknown named D. A. Bryce entered the race as an Independent. Confronted with two bad choices between the major parties, and with a fifty year tradition hanging precariously in the political balance, the United Drys gave the unheralded and obscure Bryce their support. Indeed, drys' desperation reminded one of a drowning man feverishly, yet vainly, gasping for air. They wanted a lease on life--the right to mold part of Oklahoma's social policy for years to come. They failed. When Edmondson defeated Ferguson by the greatest margin in state history,²⁰ the sleeping John Barleycorn experienced the first signs of revival.

With victory achieved, the governor-elect appointed a committee to study a repeal proposal. W. Lee Johnson of Pawnee served

¹⁸Daily Oklahoman, August 31, 1958.

¹⁹Walker, Oklahoma Goes Wet, 7.

²⁰The vote read 399,504 to 107,495; Bryce came in a poor third, 31,840, a record high for an Independent. See Directory and Manual of Oklahoma, 1961, 27 and 232.

as its chairman. Other members included W. P. Pruitt of Muskogee, Ernest Smith of Henryetta, Harley Venters of Ardmore, Wayne Beard of Madill, Loren Williams of Poteau, Mrs. Oliver Benson of Norman, Emery Jennings of Muskogee, N. G. Henthorne of Tulsa, Gene Grubitz, Jr., of Elk City, Boston Smith of Oklahoma City, E. R. Burns of Tulsa, Mrs. Jack Carter of Lawton, Bill Broadrich of Ada, R. D. Barnes of Tulsa, and the Reverend Duane Bazil of Atoka.²¹ The committee consisted of members of many professions, and a wide range of opinions. In appointing the study group, Edmondson said that he would recommend submission to the legislature, but he did not rule out the possibility of an initiative petition.²²

Prior to the establishment of the committee, two major repeal groups organized to circulate a repeal measure in the event Edmondson could not ram repeal through the legislature. The first of these, the Citizens Committee to Repeal Bootleg Control, consisted mostly of Miskovsky's supporters. The Citizens Committee was the senator's own creation "and he was the dynamic force that made it an influence in Oklahoma Repeal politics."²³ In November, 1958, members of the Committee met at the Municipal Auditorium in Oklahoma City to commence their drive for 83,000 signatures. Their plan called

²¹Daily Oklahoman, November 7, 1958.

²²Ibid.

²³Walker, Oklahoma Goes Wet, 10.

for privately owned package stores, county option, and a system whereby one-third of liquor revenue went to wet cities and towns, and two-thirds to the state; it also prohibited sale by the drink. Miskovsky's actions mildly irritated Edmondson who argued that he should have waited until the study committee made its report. But the senator wanted to become "Mr. Repealist." He proceeded to criticize the Edmondson group for its unusual size, and he warned in one of his comments that "it will be surprising if they can agree on the Ten Commandments before they are through."²⁴ He proudly pointed to the virtues of his "conservative" plan; it would foster temperance and moderation.²⁵

The second repeal group, the Oklahoma League for Legal Control, was as intent as the Citizens Committee in wiping prohibition from the constitution. A Tulsa organization headed by Neil Bogan, the League also circulated a petition for a vote which implied, of course, differences of opinion among wets. Essentially, Bogan's organization preferred local (city) option, and sale by the drink in certain establishments. The League was very critical of the Miskovsky proposal, especially the county option feature; its members argued that city option would protect smaller communities within counties.²⁶ The League fell

²⁴Daily Oklahoman, November 17, 1958.

²⁵Oklahoma City Advertiser, December 12, 1958.

²⁶Daily Oklahoman, December 23, 1958; and Walker, Oklahoma Goes Wet, 12.

far short of its goal, and most of the signatures it obtained came from within Tulsa.

The study group worked rapidly and, on December 20, 1958, made its report to the governor-elect. Edmondson wisely abstained from attending any of its meetings, but one member of his staff, Whit Pate, sat in on the proceedings.²⁷ The committee endeavored to devise a plan which would attract broad following and at the same time benefit the state. It called for: (1) privately owned package stores in towns of 2,000 population or more, county seat towns, and state lodges, (2) revenue to be divided on the basis of one-third to cities and towns, and two-thirds to the general fund, (3) a 2 per cent sales tax on all alcoholic beverages in addition to other taxes, (4) no county option at the beginning of repeal, but for an election in two years to determine a county's preference.²⁸ One of the committee members remarked that this proposal would "please the old folks, the rural element, the moderate drys and the wets. You might say it's a plan under which everybody can have their cake and eat it too."²⁹

Local option posed one of the biggest barriers to wet unity.

²⁷The study committee divided itself into four component parts, each of which handled a specific area of the repeal question: (1) revenue, (2) local option, (3) package stores, (4) state vs private sales. Mrs. June Benson, Gene Grubitz, Loren Williams, and N. B. Henthorne headed these sub-committees.

²⁸Daily Oklahoman, December 21, 1958.

²⁹Ibid.

The study committee had recommended a delayed vote after the repeal election. Miskovsky and others always felt that the people would reject any proposal without this feature.³⁰ Edmondson agreed that a vote on repeal and local option simultaneously had some merit, but he argued that it would deny Sooners the chance to see how an effective control system operated.³¹ The influential Gaylord of the Oklahoman sided with Miskovsky, and in an editorial "Like Rock and Rye," he assailed the governor-elect for bowing to the suggestions of the study committee in what struck some people as a "singularly awkward and crablike approach to the option question." Oklahoma's record, said Gaylord, showed that it and repeal were as mixed "as the gin and Vermouth in a dry martini." The dry Sooner editor knew his politics--and his drinks. And with years of prohibition history stuffed away in his mind, he cautioned that any attempt to push repeal down rural throats "parched by preference is bound to stick . . . in the craws of representatives from dry counties."³²

Edmondson could not ignore the influence of George Miskovsky

³⁰Revenue played an important part in molding their opinion. In his testimony before the repeal committee, Miskovsky estimated that if the state held a local option election only twenty-five counties would vote wet. See his comment in Ibid., November 23, 1958.

³¹Ibid., January 9, 1959.

³²Ibid., January 7, 1959.

in his search for a workable plan that would hurdle the legislature. In January, 1959, he and the senator met and discussed their differences; the following month, Miskovsky announced an alignment of forces with the governor. In explanation of his about face, he only "modestly" suggested that "wise men change their minds"; he agreed with Edmondson "100 per cent," and he would join supporters of his program "shoulder to shoulder."³³ Moreover, Miskovsky dropped his petition and prepared another one in line with Edmondson's ideas. The compromise between the governor and the senator glued together a formidable coalition, and served notice on the drys that a battle lay ahead in the legislature. Truly, ill-winds blew in the drys' direction.

In late December, 1958, floor leaders of both houses met with Edmondson to map out a repeal resolution for presentation at the opening session of the legislature. They agreed to give repeal priority because of its controversial nature, and because revenue hinged upon it.³⁴ Edmondson again underscored the vital connection between repeal and revenue in his address to the joint session of the legislature when he told that body that the administration needed to know whether or not to include taxes from liquor sales in the budget.³⁵ Prior to his

³³Walker, Oklahoma Goes Wet, 13.

³⁴Daily Oklahoman, December 30, 1958.

³⁵House Journal, 1959, 95-97.

message, he bluntly informed legislators that he would use the full power of his office to prompt submission,³⁶ and, with lots of patronage to use up, the lawmakers knew exactly what the governor meant.

Edmondson's election produced near frantic reactions among prohibitionists. The United Drys tried to gain the unity they had lost during the gubernatorial campaign by elevating Dr. Sam Scantland to executive director, replacing Stanley Niles who had been a source of friction. A Baptist, Scantland headed that denomination's missions program and was well known in religious circles. Unfortunately, he suffered from political neophytism,³⁷ and the pressures he later encountered found him unconditioned for the task at hand. Nevertheless, the clergyman entered his new position with optimism and blasted with all religious fervor at his command those who wished to "baptize Oklahoma with liquor."³⁸ The people of the state had to keep the "Big Red E" from transformation into the "big red error."³⁹ And he pledged Sooner ministers to stand as Henry Petain at Verdun and say "They shall not pass!"⁴⁰ Prayer would constitute part of their heavy artillery.⁴¹

³⁶Daily Oklahoman, January 8, 1959.

³⁷Sterling, "Repeal of Prohibition," 56.

³⁸Oklahoma City Times, November 7, 1958.

³⁹Elk City News, November 9, 1958.

⁴⁰Ibid.

⁴¹Ibid.

But what prayer needed to accomplish most within dry ranks was solidarity among the churches. Non-fundamentalist sects, of course, had always been a negligible part of the prohibitionists' establishment, and some groups such as Catholics, Jews, and Episcopalians had quietly, if not openly, assumed a hostile attitude toward the dries. Unity then, meant cohesion of the Protestant churches. Methodists, in particular, presented a problem. Many resented the dominance of Baptists in the United Dry organizational structure; others viewed their brethren as too extreme in temperament. To cement the Association, its executive committee elevated Dr. Joseph Shackford (a Methodist), to the presidency, succeeding Max Stanfield.⁴² The effort to lessen discord bore some results, but full unity never materialized. At no other time had the church people experienced a split of such proportions, and at a moment when the legislature readied itself for one of the most critical fights in its history.

Four basic repeal proposals came before the Twenty-seventh Legislature. The ideas of Bogan's Repeal League were embodied in House Joint Resolution No. 508; those of the Citizens Committee became House Joint Resolution No. 502; and a plan for state-owned stores showed up in House Joint Resolution No. 505. Edmondson's study committee report was found in House Joint Resolution No. 501 and Senate Joint Reso-

⁴²Walker, Oklahoma Goes Wet, 14.

lution No. 1.⁴³ Legislative leaders and the governor agreed that joint hearings should be held on the bills, but that each committee involved with the repeal proposals should retain the right to act independently. Accordingly, committee chairmen set hearings, to consist of two four-hour sessions, for January 20 and 21, 1959.

Wets of varying shades presented their case on the first day. Senator Miskovsky (who had not yet compromised with Edmondson), appeared to urge approval of his group's plan, and to attack the suggestion of Senator Jim Nance, Chairman of the Committee on Revenue and Taxation, that the legislature place a \$5.00 tax per barrel on liquor. Senator Louis Ritzhaupt and Neil Bogan pushed the Repeal League's proposal, while Senator Tom Payne and Representative Robert Lollar argued in favor of the Edmondson proposal. Those who desired state-owned liquor stores had their views voiced by Dr. H. V. Thornton, Professor of Government, University of Oklahoma. Ministers of non-fundamentalist churches also pleaded the wets' case.⁴⁴

The fervor of dry testimony more than matched that of the wets. Moralism and the de-emphasis on revenue prevailed in 1959 as

⁴³See the excellent discussion in Sterling, "Repeal of Prohibition," 62.

⁴⁴For full coverage see Tulsa World, January 21, 1959; and Daily Oklahoman, January 21, 1959.

it had for the past fifty-two years. Mrs. Elizabeth House still recalls the intensity with which she told the Committees to "keep Sin out of Oklahoma."⁴⁵ One United Dry spokesman admitted the imperfect nature of prohibition, but said legalized liquor would bring more bootlegging and mounting social destruction. The president of Phillips University at Enid, Dr. Eugene Briggs, strove to discredit repealists' claims of huge revenue; and Dr. Shackford said that all states which had adopted legalized liquor in some form could be wrong; Oklahoma should not rush to conform.⁴⁶

With the hearings completed, the senate settled down to what developed into an unforgettable session. Fortunately, Governor Edmondson and Miskovsky had "buried the hatchet" by February, especially on local option which had proved a very troubling issue. The compromise they reached provided for two separate ballots at the same election, one for repeal, the other for option.⁴⁷ When the Miskovsky-Edmondson proposal came to the floor of the senate, several legislators made vigorous attempts to alter the plan.⁴⁸ A number of successful amendments passed the senate pertaining to prices on wholesale liquors,

⁴⁵Personal interview with Mrs. Elizabeth House, Tulsa, Oklahoma, May 20, 1966.

⁴⁶Muskogee Times Democrat, January 21, 1959.

⁴⁷Walker, Oklahoma Goes Wet, 16.

⁴⁸For the struggle in both houses of the legislature to alter the plan see Sterling, "Repeal of Prohibition," 69-74.

their sale in towns of certain sizes, and to minors and the insane, advertising, and the revocation of licenses. Perhaps the most important amendment required legislative approval of members of the Alcoholic Control Board which the act established. Finally, as a penalty for past "sins," persons who had held federal liquor stamps or who had been convicted of a felony were forbidden to purchase a state permit.⁴⁹

The administration encountered a momentous challenge in pushing the referendum through the senate. But for the first time in its history the upper chamber passed a repeal measure 29 to 15 on February 11, 1959; and it provided for a special election April 7 by a vote of 31 to 13.⁵⁰ A total of thirty votes were needed to call such an election, and victory came only after a bitter five-hour debate. The most crucial votes were those of Senators Ryan Kerr of Altus and Byron Davis of Gotebo, both of whom voted against the amendment itself, but changed their minds on its submission to the people at a special contest. The dry Joe B. Cobb scolded the administration for steam-rolling the bill through the senate in one day; he hoped his colleagues in the house would administer it the coup de grâce. The cryptic Ray Fine characterized the bill as the image of the devil himself.⁵¹ Obviously, the reso-

⁴⁹Ibid., 74.

⁵⁰Senate Journal, 1959, 233.

⁵¹For comments by various senators see the Daily Oklahoman, February 12, 1959.

lution could never have been passed unless some former drys changed their minds. The truth is, writes a student of the subject, "the Senate Drys who voted to support the repeal referendum do so on the grounds that it was preferable, if there was to be a statewide vote on repeal, for the proposal to be drafted by the legislature, rather than by private citizens' groups operating through the initiative procedure."⁵²

Edmondson's task now shifted to the house. Dry strategy to offset the senate "heresy" soon displayed itself: they would amend the bill to death by attaching a provision for state-owned stores. And that, they were certain, Oklahomans would not accept.⁵³ Thus, United Dry leaders put forth every effort urging citizens to write their representatives encouraging them to torpedo the inclination toward iniquity.⁵⁴

While the house considered the repeal bill, an important development occurred which undoubtedly affected that body's decision. In February, the Reverend Scantland alleged that some legislators may have been bribed, and indicated the possibility of an investigation. Both wet and dry lawmakers, the honor of their august assemblage at stake, were furious. Speaker of the House Clint Livingston verbally blistered the preacher, urging that Scantland should "keep his big, fat mouth shut."⁵⁵

⁵²Walker, Oklahoma Goes Wet, 17.

⁵³Daily Oklahoman, February 13, 1959.

⁵⁴Ibid.

⁵⁵Ibid., February 17, 1959.

The Baptist clergyman, now on the defensive, asserted that he had voiced a rumor to which he wanted to "strike a match." He did--and it burned Scantland and the drys. When asked whether he had actually seen money change hands, he evasively suggested that George Miskovsky probably would have some idea. Miskovsky uneuphemistically called the minister a "categorical liar," and accused Scantland of going "arm and arm with the underworld because he is adopting their tactics."⁵⁶ The senator said that he should apologize and tell the people of Oklahoma that he got "carried away" and really did not know what he was saying. At the invitation of the house, Scantland appeared before a committee and offered an humble apology, but the damage he had done was irreparable.

The debate in the house began with the galleries jam-packed with interested parties. The administration had a formidable job--to push the bill through without any changes. More importantly, Edmondson needed sixty votes to pass the measure and eighty to get a special election.⁵⁷ And for a house which had never come any closer to passing a liquor referendum than many sincere drys to a fifth of Old Crow or Jim Beam, those were a lot of votes. The governor and his leaders pressured house members while both wets and drys collared many trembling legislators in the lobbies to "give them the message from the folks back home." The

⁵⁶Ibid.

⁵⁷Ibid.

tenseness of the moment reflected itself on the floor of the house; at one point tempers became so taunt that the speaker had to remind his colleagues that "we're all blood brothers,"⁵⁸ and besides "we're on TV."⁵⁹

For six and one-half hours, lawmakers heatedly considered Barleycorn's resurrection from a long slumber. Old arguments couched in new language popped forth. To drys, the house should not legalize the "master tranquilizer"; the "tranquilizer," said wets, was no farther away than the nearest boot.⁶⁰ Intent upon frustrating the governor's plans, prohibitionists in the house offered a number of amendments in an effort to force the bill into conference. Shortly after 8 p.m. on February 18, the house voted; the repeal resolution carried without a single change by a vote of 65 to 33, and the provision for a special election, 81 to 37.⁶¹ To the advantage of wets, a total of eighteen legislators changed their votes to call the April 7 vote.

Governor Edmondson committed himself to strict enforcement of the prohibition law as long as it remained a part of the consti-

⁵⁸"Vote Becomes Price of Oklahoma Drinking," Life, XLVI (March, 1959), 22.

⁵⁹Ibid.

⁶⁰Ibid. For fiscal 1958-1959, the Internal Revenue Service issued 585 retail liquor stamps and one wholesale license. Statistics from Records of the Internal Revenue (1958-1959), Federal Building, Oklahoma City, Oklahoma.

⁶¹House Journal, 1959, 231-232.

tution. He pledged to give Sooners a clear choice--no booze or legal booze. Although the crackdown on bootleggers did not attract national attention until after he took office, and until he appointed Joe Cannon as Safety Commissioner, it had really begun before then on a local level by many officials.⁶² Cannon acted with directness. The thirty-four year old commissioner informed clubs and hotels that the liquor traffic must stop; and he told the sheriffs of Oklahoma's seventy-seven counties to clean up their domain, or he would take action. The "crew cut commando," as some labeled him, also announced that the highway patrol would assist in the enforcement program. This decision brought a tirade of criticism from some citizens and lawmakers, especially the Chairman of the Senate Committee on Public Safety, Everett Collins. Cannon and the governor insisted, however, that the patrol could successfully pursue bootleggers while handling road problems.⁶³

Edmondson's decision to dry up Oklahoma was not an impulsive gesture. His response represented a deliberate plan. He had

⁶²Officials in Oklahoma City and Tulsa, for example, began to carry out concerted raids as early as November, 1958. By January, 1959 things had become "so hot" some legislators seriously pondered whether or not the governor's ball would be "wet" or "dry." One senator quipped that "it probably will be a buttermilk ball, and you can bring your own cow." See Oklahoma City Times, January 8, 1959; and also "Corking Up the Jug," Newsweek, LIII (March 2, 1959), 25.

⁶³Daily Oklahoman, January 16, 1959.

heard of the enforcement program in Kansas and how it had hastened repeal; he "just didn't believe Oklahomans wanted enforced prohibition."⁶⁴ In November, 1958, a newspaper in the governor's home town had discussed the "Jayhawk" experiment and the effective policy of state officials who ordered illegal joints to close up or get raided. Panic followed, liquor became scarce, and soon the price of a good fifth had skyrocketed to \$20--almost a "prohibitive" price.⁶⁵ "Solid citizens" became "boiling mad" and repeal followed. And the Tribune warned the United Drys that instead of cheering the governor's program, they should be "shaking" in their shoes, for Oklahomans simply would not tolerate expensive booze.⁶⁶ And it could have added, strict enforcement.

At first the Cannon raids evoked only mild disgust among bootleggers and hard drinking Sooners, and they accepted the "youngster's immature action" as one of Edmondson's infant jokes. After all, it was a new administration, and the people needed something for public consumption. But Cannon was serious, and he determined that whatever the public needed, it was not booze. He threw up road blocks, searched here and there, and at times gave the impression of universality. Boots, turning to technology to outwit the "young fellow," installed radios in

⁶⁴See Sterling's interview with Edmondson in his "Repeal of Prohibition," 76.

⁶⁵Tulsa Tribune, November 19, 1958.

⁶⁶Ibid.

their vehicles to keep track of the "commando," but only reaped frustration resulting from a specially devised patrol code.⁶⁷ Cannon, of course, never assumed that he could make the whole of Oklahoma a Sahara, but he did set out to significantly reduce the supply of liquor in Oklahoma, and to frighten tavern owners and bootleggers into obedience. And he did! For the first time in many a year, said one paper⁶⁸ in Northeast Oklahoma, "Spavinaw [Mayes County] is dry." A lot of other Spavinaws dotted the Oklahoma landscape by April, 1959.

Drys hated to admit it, but the enforcement they had demanded for years, worked against them. The Cannon crusade did not only limit the flow of intoxicants, but it gave the impression that they abounded in plentitude. Prohibitionists, of course, pretentiously praised the young Edmondson, but everyone detected the forced laudations. And to their great disadvantage, the raids disturbed the business community in the state, particularly hotels which suddenly had to cancel parties because a man hired to do his job did just that--and without favor. Consequently, it was not difficult to comprehend why during the debate over repeal in the legislature, the mail of legislators became increasingly wet. Cannon was partly the answer! Relentlessly, he continued to press his campaign until the people of Oklahoma went to the polls and

⁶⁷"Corking Up the Jug," Newsweek, 25.

⁶⁸Tulsa Tribune, March 5, 1959.

gave the lie to Will Rogers' old assertion about Sooners voting dry as long as they could stagger to the polls.⁶⁹

Although wets were divided before the legislative battle, by February, they were in better condition than at any other time in the state's history. Repealists coordinated their campaign under the United Oklahomans for Repeal, directed by H. W. McNeil, an Oklahoma City oilman.⁷⁰ McNeil accepted his position only upon agreement that he would have full control of the entire operation. Since his executive committee consisted of strong personalities such as Miskovsky and Bogan, old soldiers with scars from the repeal battle which only victory could heal, prudence no doubt dictated McNeil's demand for a free hand. The group acquired indirect support from the governor's office when McNeil persuaded Edmondson to appoint Whit Pate an ex officio member of the organization, thus implying the governor's sanction of the campaign, if not repeal; officially, Edmondson maintained a neutral position.⁷¹

McNeil organized his attack with consummate skill and enviable energy. He established a main office at Oklahoma City composed of two "troubleshooters," a specialist in preparing newspaper releases and advertisements, two secretaries, and two publicity men.⁷² He then

⁶⁹The best discussion of the Cannon raids is in Sterling, "Repeal of Prohibition," 79-81.

⁷⁰Daily Oklahoman, February 27, 1959.

⁷¹Walker, Oklahoma Goes Wet, 22.

⁷²Sterling, "Repeal of Prohibition," 83.

created county organizations which kept in constant contact with headquarters through district agents. All of these local groups more or less resembled each other; each had a chairman, a vice chairman, a secretary-treasurer, and usually a steering committee.⁷³ McNeil's leadership, however, allowed for reasonable flexibility although general policy was established by central headquarters.

The United Oklahomans acquired support from other groups not directly a part of their super structure. Before approval of the referendum, the beer interests had stated their intention of avoiding the repeal battle as long as it did not disturb 3.2 beer. In fact, there had been much talk of disbanding the old Oklahoma United which in 1957 had turned back local option.⁷⁴ But if the prohibitionists triumphed over the repealists, would not they again assault the moderate drink? Answering in the affirmative, Oklahoma United joined the ranks of the "true wets," bringing with them the majority of the workers in the beer and related businesses.⁷⁵ Also, Miskovsky's personal political organization, which never became a part of the United Oklahomans for Repeal, lent its powerful assistance.⁷⁶

⁷³Ibid. ⁷⁴Daily Oklahoman, September 18, 1958.

⁷⁵Little fear existed among beer men over huge losses of revenue if repeal passed. Personal interview with Louis Gatti, executive secretary, Oklahoma Malt Beverage Association, Oklahoma City, August 20, 1966.

⁷⁶McNeil and Miskovsky could never agreed on strategy. The

Drys, on the other hand, had never approached a campaign laden with as many multitudinous problems. Its leadership exhibited drive and enthusiasm, to be sure, but lacked vital political experience so necessary to steer the forces of righteousness over those of demon rum. Neither Scantland nor Shackford could fill the bill; one was a novice and often inept, the other a newcomer to the state, unschooled in Sooner attitudes. The coolness of some denominations, as already suggested, did little to inspire leaders who needed it. Genuine "brotherly" cooperation escaped the drys. After the election Scantland specifically complained of deficient Methodist support.⁷⁷ Within some other groups, Presbyterian for example, ministers such as the dry Ralston Smith of Oklahoma City and the pro-repeal Kenneth Feaver of Norman battled to win acceptance of their views.

Beyond the split in the church, the greatest problem drys confronted stemmed from money to finance their defense of prohibition. Naturally it is difficult to estimate dry expenditures since prohibitionists relied heavily upon local congregations which often did not channel their contributions through United Dry headquarters. From January to April, 1959, the drys spent nearly \$79,000, while the WCTU

former claimed that the senator broke his promise to allow him to run the campaign.

⁷⁷ Sterling, "Repeal of Prohibition," 87.

expended another \$30,000 in its own campaign. The best estimate of their opponents' expenses is \$300,000!⁷⁸ That the anti-liquor forces augmented their campaign chest by funds from self-interested bootleggers has for years been a commonplace, yet unsupported, assertion. Prohibitionists would have been unwise, indeed insane, to have admitted the acceptance of this "dirty" money. One writer, however, has reasoned that "the truth of the matter seems to have been that bootleg money did flow into the dry treasuries, but by indirect and circuitous routes."⁷⁹ When an Oklahoma bootlegger appeared on national television in March, 1959 and expressed the desire for a dry victory, some Sooner suspicions became immediately transformed into incontestable fact. Any dogmatic generalization about bootleg support runs the risk of inexcusable error; but it is true that Oklahoma prohibition, like its politics, often made strange bedfellows.⁸⁰

Wets and dries took out their old campaign records for a dramatic replay. Prohibitionists preached prayer and moralism, wets, revenue and freedom of choice.⁸¹ McNeil, however, conducted his

⁷⁸Compare Ibid., 89 and Walker, Oklahoma Goes Wet, 25.

⁷⁹Ibid., 28.

⁸⁰Many speculated that the recognizable increase in the cost of liquor went to support the dry campaign. The rise of whiskey prices, however, could have resulted from the disparity between supply and demand.

⁸¹Based on "Look Out Oklahoma," a pamphlet prepared by the United Dry Association in the files of the Sooner Alcohol and Narcotic

campaign with much more finesse than wet leaders in the past. He stressed the strong controls written in the amendment, and he avoided the confusion of the moral issue. He did not waste time on devout drys, nor on staunch wets, but applied unrelenting pressure upon the "fence straddler" who wavered back and forth.⁸² McNeil received support in this effort from the Volunteer Churchmen for Repeal of Oklahoma City⁸³ which argued that if the possibility of the wrong choice was taken away from man, the virtue of temperance could never develop. Notably, the churchmen did not question drys' sincerity.⁸⁴

As in the past, revenue occupied a prominent place in the wet-dry debate. In 1958-59, Oklahoma politicians had talked of the possibility of increased taxation. Levies on liquor, McNeil told taxpayers, could provide a reliable substitute for other kinds of taxes; it was an old argument. With additional money, city governments could raise employee's salaries, and provide a number of new and better services. Seemingly, this approach in 1959 had its telling

Education Association (SANE), Bethany, Oklahoma; and Walker, Oklahoma Goes Wet, 27.

⁸²Sterling, "Repeal of Prohibition," 85. McNeil held that there was a "swing group" of perhaps 120,000 voters composed mostly of women.

⁸³"Support Repeal," a pamphlet prepared by the Volunteer Churchmen for Repeal, in the author's possession.

⁸⁴Ibid.

effects. Professional groups such as the grossly underpaid teachers, for example, saw in repeal the hope for higher salaries, although their state association remained neutral on repeal.⁸⁵

Newspapers have always been both a molder and a reflector of public attitudes. How much influence they have been able to mold at a given time on a particular issue is debatable. Professors Walker and Patterson in their study of Oklahoma newspapers during the 1959 prohibition election found that editors pursued a policy consonant with their perception of community attitudes.⁸⁶ The Sooner state in the year of repeal had 122 daily and weekly papers. The Walker-Patterson study revealed that the overwhelming majority of these (87 per cent) either favored repeal or took no clear-cut position, while only a very few (13 per cent) came out full blast against it. More than half (54 per cent) of those who favored the amendment edited dailies, while nearly two-thirds (60 per cent) of those who took no stand edited weeklies. Significantly, almost three-fourths (73 per cent) of the editors who opposed the liquor bill published weeklies.⁸⁷ Undeniably then, the Oklahoma press, like the national press of the 1920's, had much to do

⁸⁵Walker, Oklahoma Goes Wet, 31.

⁸⁶Robert S. Walker and Samuel C. Patterson, "The Political Attitudes of Oklahoma Newspapers: The Prohibition Issue," Southwestern Social Science Quarterly, XLII (December, 1961), 278.

⁸⁷Ibid., 278-79.

with prohibition's fate.⁸⁸

If drys experienced pessimism as April 7 neared, there was ample reason. Every sign pointed to calamity. During the latter part of March polls showed them running far behind the pace-setting repealists. One study revealed that of 495 persons who had voted for local option on beer, 290 said they would vote for repeal, 169 remained steadfastly dry, and 36 had not yet made up their minds. On the other hand, a total of 606 citizens out of 869 who voted wet in 1957 said they would repeat their act in April; and only 47 of this total were undecided. Local option, the poll showed, would carry by a large majority, recruiting its followers from the same persons who had voted for the restriction on beer two years earlier.⁸⁹

In the minds of many drys April 7, 1959 is a day which will forever ingloriously adorn the pages of Oklahoma history. The people of the Sooner state went to the polls and took the humor out of Will Rogers' joke. They approved repeal 396,845 to 314,380. Local option failed 469,503 to 221,404.⁹⁰ An entire era in Oklahoma's social and political life had been ushered out, and a new industry ushered in.

⁸⁸See Sinclair, Era of Excess, 309-314.

⁸⁹For the result of the poll see the Daily Oklahoman, March 29, 1959.

⁹⁰Directory and Manual of Oklahoma, 1961, 208. See the text of the amendment in Appendix B.

Devout and professional drys found it hard to keep faith. They looked, however, to the immediate return to the calm and peaceful days when righteousness ruled supreme. Liquor was legal, thundered the Baptist Messenger, but "Sin is Sin,"⁹¹ and a bottle of state-sanctioned booze would produce the same results as a bottle of bootleg "hooch."⁹² The WCTU echoed the same sentiments.⁹³ More crime, more tragedy, more poverty, more deaths, moaned one dry.⁹⁴ But a ray of hope beamed through the dark clouds of evil: "Three to five years from now, with the bitter results of free-flowing whiskey evident on every hand and the utter impossibility of legal control demonstrated," citizens would return to the straight path. At this writing (1967), the prediction has not come true, and there is little to suggest that Sooners will return to the social experiment begun in 1907 and for more than half a century commanded obedience to its mandates.

⁹¹April 16, 1959.

⁹²Ibid.

⁹³Daily Oklahoman, April 9, 1959.

⁹⁴Baptist Messenger, April 16, 1959.

OF THINGS PAST: A SUMMARY VIEW

Oklahoma had the marked distinction of being the only state ever to enter the Union with prohibition written into its constitution. Her unique claim to this position represented the diligent and collective activity of prohibitionist groups which militantly and relentlessly espoused the virtues of temperance and the evils of drink for years prior to statehood. From the very day the legislature of Oklahoma Territory passed a liquor statute in 1890, drys, although not yet highly organized, determined that "demon rum" must be driven from the new commonwealth. This local action was a part of a national battle between prohibitionists and wets in the latter part of the nineteenth century and the early twentieth. These two forces regularly clashed in a bitter struggle to exert their power and win the acceptance of a social policy beneficial to their interests.

The most instrumental organizations in the fight for constitutional prohibition in Oklahoma were the Anti-Saloon League and the Women's Christian Temperance Union (WCTU). Ably supported and financed by the Protestant churches, these groups carried out a well organized campaign to convert citizens to their cause. The WCTU had long been at work in Indian Territory when the Congress passed the

Oklahoma Organic Act, and its formation predated that of the Anti-Saloon League by more than a decade. The League, however, proved the more influential in the achievement of statewide prohibition. When it began agitation in the late 1890's, the churches and the women had already begun to cultivate a public attitude amenable to liquor reform. Its task, then, was the mobilization of a predominantly rural and fundamentalist populace for political action to drive liquor and the "morally depraved" saloons from the Territory.

The statehood question and the presence of the Indian in what is now present day Oklahoma greatly strengthened the efforts of prohibitionists in their campaign for sobriety. As the possibilities of entrance into the Union came closer to realization, dries throughout the nation bombarded Congress with letters and resolutions urging that body not to admit the new state without a restrictive liquor provision. They argued the morality of prohibition and alluded to the legal obligations the government had to the Indian. Congress, however, did not fully respond to their demands, but in the 1906 Enabling Act it provided for single statehood and prohibition in old Indian Territory and in the Osage Lands.

With the accomplishment of this notable victory, dries moved hurriedly to organize for the fight at the Constitutional Convention which would decide whether to continue the wet policy in the western portion of the proposed state. By capturing the allegiance of powerful figures at

the convention, prohibitionists, led by the aggressive Anti-Saloon League, persuaded the Founding Fathers to include prohibition in the state constitution. Aware that the issue could possibly endanger ratification, delegates chose to submit the dry proposition separately. When the people approved the measure in September, 1907, they established a social policy which endured for more than half a century. That Oklahomans sanctioned the anti-liquor provision should not strike one as altogether strange, for indeed it is necessary to remember that the Oklahoma Constitution contained not only prohibition, but such democratic instruments as the initiative and the referendum, all of which resulted in part from the progressive mentality of the early twentieth century.

The rock upon which the constitutional mandate and liquor statutes faltered was enforcement. Vigilant prohibitionists convinced a majority of the state's citizens of the value of dry laws, but they never succeeded in fostering an assertive public sentiment which commanded vigorous execution. At the end of the first state administration, for example, the governor bemoaned the disrespect for law, and forty-seven years later one of his predecessors echoed the same sentiment, complaining that Sooners simply did not want strict enforcement. But long before J. Howard Edmondson gave this critical assessment, the dry regime had time and again come in for serious indictment. At the

very apex of the national prohibition movement, to illustrate, federal authorities pointed to Oklahoma's derelict role in the noble experiment. One report very candidly described the inefficiency of the enforcement machinery, the corruption of law officials, and the unconcerned attitude of respected citizens who played significant off-stage roles in the gin and jazz age production of the roaring twenties.

Chronic enforcement failures and the ambitions of profit-conscious businessmen spurred intermittent efforts to abandon the dry order. Between September, 1907 and April, 1959, the state had a total of nine elections which dealt directly or indirectly with the issue of prohibition. In 1908, the people defeated a proposed amendment designed to give the legislature authority to establish "medical dispensaries" for the sale of liquor in towns of 1,000 population in addition to those already permitted by the constitution. Two years later dry forces met and successfully turned back the first repeal attempt when wets brought the whiskey issue up for a vote through the initiative process. The period between 1910 and 1933 saw a number of abortive movements to place a control measure on the ballot, but the liquor interests could not persuade the legislature to authorize a referendum, or enough people to sign an initiative petition.

Not until 1933 did the prohibition section of the Oklahoma Constitution undergo modification. Encouraged by Congressional approval of the Twenty-first Amendment and the passage of an act permitting the

sale of 3.2 per cent beer, wets carried out an intense campaign to force the acceptance of the "non-intoxicating" beverage in Oklahoma. With the state staggering from the blows of the depression, those favorable to beer employed the identical revenue argument advanced by President Roosevelt when he sought favorable liquor legislation from Congress. To convince legislators and the governor of the value of beer was no mean task. However, strong leadership, the desire for revenue, and political bargaining finally gave wets their first "modified" victory in July, 1933 when the people accepted a referendum on 3.2 beer. For twenty-four years after its adoption, the beer bill remained on the books undisturbed by drys, but in 1957 they launched a determined attack upon the "moderate" drink.

Inspired by the acceptance of beer, wets during the period 1936-1949 became more active, making a total of three attempts to amend the constitution to allow for the sale of intoxicating beverages. In each of these repeal elections, they had to rely upon the initiative, and with the exception of the 1949 contest the people voted at a general election. Consequently, drys enjoyed a decided advantage over their opponents since the "silent vote" operated in their favor. But beyond this, badly drawn control measures, the inability of wets to mount a sustained drive, and the solidarity of the Protestant churches helped to snap the life from repealists' hopes. Notably, however, dry majorities gradually decreased at each referendum.

The beginning of the end of Oklahoma's prohibition experience came in 1957 when the people voted down a dry-initiated local option amendment on beer. Significantly, for the first and only time in the state's history, drys had to utilize the initiative. The immediate effect of the defeat was the projection of repeal into the 1958 governor's race. Led by State Senator George Miskovsky, a number of candidates declared for outright repeal or a vote on the issue. Prohibitionists, organized under the United Drys, divided over a suitable candidate and as a result enabled a young reform-minded thirty-three year old Tulsa Democrat, J. Howard Edmondson, to win the governorship by the largest majority ever.

Edmondson acted decisively and his methods yielded results wets long desired. Aided by a vigorous enforcement campaign, he pushed an historic liquor referendum through the legislature. By April, 1959, ominous signs reflected possible disaster for Oklahoma drys. When Sooners trooped to the polls and approved the Twenty-seventh Amendment to their constitution, the forces of traditionalism and the remains of an agrarian society gave way to a new era. Indeed, drys had experienced their "last hurrah." Hopeful and sincere prohibitionists, however, believed that Oklahoma like the Biblical Prodigal Son would find its way back into the moral fold. But seemingly, the state has said "Good-Bye and Good Riddance" to prohibition.

APPENDIX A

PROHIBITION SECTION OF THE OKLAHOMA

ENABLING ACT

The manufacture, sale, barter, giving away, or otherwise furnishing, except as hereinafter provided, of intoxicating liquors within those parts of said State now known as the Indian Territory and the Osage Indian Reservation and within any other parts of said State which existed as Indian Reservations on the first day of January, nineteen hundred and six, is prohibited for a period of twenty-one years from the date of the admission of said State into the Union, and thereafter until the people of said State shall otherwise provide by amendment of said constitution and proper State legislation. Any person, individual or corporate, who shall manufacture, sell, barter, give away, or otherwise furnish any intoxicating liquor of any kind, including beer, ale, and wine, contrary to the provisions of this section, or who shall, within the above-described portions of said State, advertise for sale or solicit the purchase of any such liquors, or who shall ship or in any way convey such liquors from other parts of said State into the portions hereinbefore described, shall be punished, on conviction thereof, by fine not less than fifty dollars and by imprisonment not less than thirty days for each offense: Provided, That the legislature may provide by law for one agency under the supervision of said State in each incorporated town of not less than two thousand population in the portions of said State hereinbefore described; and if there be no incorporated town of two thousand population in any county in said portions of said State, such county shall be entitled to have one such agency, for the sale of such liquors for medicinal purposes; and for the sale, for industrial purposes, of alcohol which shall have been denaturized by some process approved by the United States Commissioner of Internal Revenue; and for the sale of alcohol for scientific purposes to such scientific institutions, universities, and colleges as are authorized to procure the same free of tax under the laws of the United States; and for the sale of such liquors to any apothecary who shall have executed an approved bond, in a sum not less than one thousand dollars, conditioned that none of such liquors shall be used or disposed of for any purpose other than in the

compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers by the United States, and the payment of such special tax by any person within the parts of said State hereinabove defined shall constitute prima facie evidence of his intention to violate the provisions of this section. No sale shall be made except upon the sworn statement of the applicant in writing setting forth the purpose for which the liquor is to be used, and no sale shall be made for medicinal purposes except sales to apothecaries as hereinabove provided unless such statement shall be accompanied by a bona fide prescription signed by a regular practicing physician, which prescription shall not be filled more than once. Each sale shall be duly registered, and the register thereof, together with the affidavits and prescriptions pertaining thereto, shall be open to inspection by any officer or citizen of said State at all times during business hours. Any person who shall knowingly make a false affidavit for the purpose aforesaid shall be deemed guilty of perjury. Any physician who shall prescribe any such liquor, except for treatment of disease which after his own personal diagnosis he shall deem to require such treatment, shall, upon conviction thereof, be punished for each offense by fine of not less than two hundred dollars or by imprisonment for not less than thirty days, or by both such fine and imprisonment; and any person connected with any such agency who shall be convicted of making any sale or other disposition of liquor contrary to these provisions shall be punished by imprisonment for not less than one year and one day. Upon the admission of said State into the Union these provisions shall be immediately enforceable in the courts of said State.

APPENDIX B

ARTICLE XXVII OF THE OKLAHOMA

CONSTITUTION

1. There is hereby created the Oklahoma Alcoholic Beverage Control Board, the members of which shall be appointed by the Governor, with the advice and consent of the State Senate. The Board shall appoint a Director, with the advice and consent of the State Senate, whose duties shall be defined by the Legislature. The Board shall have such power and authority to enforce said rules and regulations as may be prescribed by the Legislature. The Board shall consist of five (5) members, and no two (2) members shall be appointed from any one Congressional District and no more than four (4) members of the Board shall belong to the same political party. The members of the Board shall be appointed within sixty (60) days after the passage of this Amendment, to serve the following terms from the date of appointment: One member for (2) years; one member for three (3) years; one member for (4) years; one member for six (6) years; and one member for seven (7) years; or until successors are duly appointed and qualified; and, as the term of each member expires, a successor shall be thereupon appointed by the Governor for a term of seven (7) years, with the advice and consent of the State Senate. The members of the Board shall be removable from office for cause as other officers not subject to impeachment.

2. The terms and provisions of this Amendment, and laws enacted by the Legislature pursuant hereto, shall not include nor apply to any beer or cereal malt beverage containing not more than three and two-tenths per cent (3.2%) of alcohol by weight.

3. The Legislature shall enact laws providing for the strict regulation, control, licensing, and taxation of the manufacture, sale, distribution, possession, and transportation of alcoholic beverage, consistent with the provisions of this Amendment. Provided, that any manufacturer, or subsidiary of any manufacturer who markets his product solely through a subsidiary or subsidiaries, a distiller, recti-

fier, bottler, winemaker, brewer, or importer of alcoholic beverage, bottled or made in a foreign country, either within or without this state, shall be required to sell such brands or kinds of alcoholic beverages to every licensed wholesale distributor who desires to purchase the same, on the same price basis and without discrimination, and shall further be required to sell such beverages only to those distributors licensed as wholesale distributors, and all laws passed by the Legislature under the authority of the Article shall be consistent with this provision.

4. The open saloon, for the sale of alcoholic beverage, as commonly known prior to the adoption of the Eighteenth Article of Amendment to the Constitution of the United States of America, is hereby prohibited. The words "open saloon" shall mean: Any place, public or private, wherein alcoholic beverage is sold or offered for sale, by the drink; or, sale, for consumption on the premises. Retail sales of alcoholic beverage shall be limited to the original sealed package, by privately owned and operated package stores, in cities and towns having a population in excess of two hundred. No goods, wares or merchandise shall be sold and no services shall be rendered on the same premises on which alcoholic beverages are sold. Premises are herein defined to be the entire space in which alcoholic beverages are sold or displayed and said premises must be separated from any premises on which any other goods, wares or merchandise are sold or services rendered by walls which may only be broken by a passageway to which the public is not admitted. Not more than one retail license shall be issued to any person or general or limited partnership.

5. It shall be unlawful for any licensee to sell or furnish any alcoholic beverage to: A person under twenty-one (21) years of age; or a person who has been adjudged insane or mentally deficient; or a person who is intoxicated. Sales, gifts or deliveries to persons under twenty-one (21) years of age shall be deemed a felony; and any license issue pursuant to any law, in compliance with this Amendment, shall be revoked upon conviction for such sale, gift or delivery. It shall be unlawful for any person, firm or corporation to advertise the sale of alcoholic beverage within the State of Oklahoma, except one sign at the retail outlet bearing the words "Retail Alcoholic Liquor Store." Sales to insane, mentally deficient, or intoxicated persons shall be deemed a felony. Any person under the age of twenty-one (21) years who misrepresents his age, for the purpose of obtaining the purchase of any alcoholic beverage, shall be guilty of a misdemeanor.

6. It shall be unlawful for any person to sell, at retail,

any alcoholic beverage: On the first day of the week, commonly called Sunday; on the day of any National, State, County or City Election, including Primary elections, during the hours the polls are open; and on Decoration or Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. Any licensee or person violating the provisions of this Section shall be deemed guilty of a misdemeanor and any license issued pursuant to the provisions of this act shall be revoked upon conviction for such sale in violation of this section.

7. The retail sale of intoxication liquors shall be subject to the sales tax statutes enacted by the Legislature and in addition thereto the Legislature may levy taxes upon the manufacture, possession, and/or sale of intoxicating liquors, the proceeds of which, except sales tax, shall be distributed as follows: (a) The Oklahoma Tax Commission shall collect and distribute the taxes collected under the terms of this Article and shall distribute ninety-seven percent (97%) of such taxes as are levied as follows: One-third ($1/3$) shall be allocated to the counties of the State of Oklahoma on the basis of area and population (giving equal weight to area and population) wherein the sale of intoxicating liquors is lawful and all of said funds shall be appropriated by the Board of County Commissioners in each county to all incorporated cities and towns in said county on the basis of population within each city and town on a per capita basis based on the last preceding Federal Decennial Census. (2) Two-thirds ($2/3$) shall be credited to the General Revenue Fund of the State of Oklahoma. (b) The remaining three percent (3%) of such taxes collected under the provisions of this Act shall be paid to the State Treasurer and placed to the credit of the Oklahoma Tax Commission Fund, to be paid out of said fund pursuant to appropriations made by the State Legislature. (c) All State license fees shall be collected by the Oklahoma Alcoholic Beverage Control Board and deposited in the State Treasury and after the expenses of the Board, as approved by the Legislature, have been deducted, the balance shall be credited to the General Fund.

8. The State of Oklahoma, or any political subdivision thereof, or any board, commission, agent, or employee thereof, is hereby prohibited from engaging in any phase of the alcoholic beverage business, including the manufacture, sale, transportation, or distribution thereof, at wholesale or retail, and the maintenance, ownership, or operation of warehouses or alcoholic beverage stores. Provided, that nothing herein shall prohibit the sale of alcoholic beverage legally confiscated as provided by law.

9. Incorporated cities and towns, situated in counties wherein the sale of alcoholic beverage is lawful, may levy an occupation

tax, not exceeding the amount of the State license fees, for the manufacture, distribution, or sale of alcoholic beverage.

10. No retail or wholesale distributor's license shall be issued to: (a) A corporation, business trust or secret partnership. (b) a person or partnership unless such person or all of the copartners including limited partners shall have been residents of the State of Oklahoma for at least ten (10) years immediately preceding the date of application for such license. (c) a person or a general or limited partnership containing a partner who has been convicted of a violation of a prohibitory law relating to the sale, manufacture, or the transportation of alcoholic beverages which constituted a felony or misdemeanor. (d) a person or a general or limited partnership containing a partner who has been convicted of a felony or who has held a Federal Liquor Stamp while a resident of the State of Oklahoma prior to the adoption of this act, except those persons who have held said stamp on a military reservation or installation.

BIBLIOGRAPHY

Manuscripts

- Barde, Frederick S., Collection. Oklahoma Historical Society.
Oklahoma City, Oklahoma.
- Cole, Redmond C., Collection. Division of Manuscripts, University
of Oklahoma. Norman, Oklahoma.
- Department of Justice, General Records, National Archives, Record
Group 60, 1910-1945. Washington, D. C.
- Files of the Oklahoma Malt Beverage Association. Oklahoma Malt
Beverage Building. Oklahoma City, Oklahoma.
- Files of the Secretary of State. Secretary of State's Office. Okla-
homa City, Oklahoma.
- Files of the Sooner Alcohol and Narcotic Education Association.
Sooner Alcohol and Narcotic Education Office. Bethany, Okla-
homa.
- Haskell, Charles N., Collection. Division of Manuscripts, University
of Oklahoma. Norman, Oklahoma.
- Historic Oklahoma Collection. Division of Manuscripts, University
of Oklahoma. Norman, Oklahoma.
- Johnston, Henry S., Collection. Division of Manuscripts, University
of Oklahoma. Norman, Oklahoma.
- Murray, William H., Collection. Division of Manuscripts, University
of Oklahoma. Norman, Oklahoma.
- National Commission on Law Observance and Enforcement Research
Records, National Archives, Record Group 10. Washington, D. C.
- Nance, James, Collection. Division of Manuscripts, University of
Oklahoma. Norman, Oklahoma.

Phillips, Leon, Collection. Division of Manuscripts, University of Oklahoma. Norman, Oklahoma.

Records of the Internal Revenue Service. Federal Building, Oklahoma City, Oklahoma.

Special Collection on Prohibition. Oklahoma Historical Society. Oklahoma City, Oklahoma.

Special Collection on Prohibition. Tulsa Public Library. Tulsa, Oklahoma.

Tilghman, William and Zoe Agnes, Collection. Division of Manuscripts, University of Oklahoma. Norman, Oklahoma.

West, Charles, Collection. Division of Manuscripts, University of Oklahoma. Norman, Oklahoma.

Woman's Christian Temperance Union Collection. Oklahoma Historical Society. Oklahoma City, Oklahoma.

Minutes and Proceedings

Annual of the Southern Baptist Convention, 1920-1936.

Minutes of the Oklahoma Baptist General Convention, 1908-1958.

Minutes of the Oklahoma Methodist Episcopal Church (South), 1905-1958.

Minutes of the Synod of the Oklahoma Presbyterian Church (USA), 1899-1958.

Minutes of the Oklahoma Woman's Christian Temperance Union, 1907.

Proceedings of the National Convention of the Anti-Saloon League, 1915-1933.

Public Documents

Address of Governor C. N. Haskell . . . Before the Oklahoma Prohibitionists, April 15, 1908. Guthrie: Leader Printing Co., 1908.

Biennial Report of Benjamin F. Harrison, Secretary of State of . . .
Oklahoma for the Two Years Term Ending November 30, 1912.
 Oklahoma City: Peerless Press, 1912.

Carter, Dorset (comp.). Indian Territory Statutes (1899). Saint Paul:
 West Publishing Co., 1899.

Constitution of Oklahoma.

Directory and Manual of . . . Oklahoma, 1961.

First Message of the Governor to the Second State Legislature, January
5, 1909. Guthrie: Leader Printing Co., 1909.

House of Representatives. Journal. Biennial, 1907-1959.

Inaugural Address of Governor C. N. Haskell, November 16, 1907.
 Guthrie: Leader Printing Co., 1907.

Message of Governor Robert L. Williams to the Sixth Legislature of
the State of Oklahoma, January 4, 1917. Oklahoma City: n.p., 1917.

Meyer, Leo (comp.). Oklahoma State Manual, 1909. Guthrie: Leader
 Printing Co., 1909.

Proceeding of the Constitutional Convention of the Proposed State of
Oklahoma. Muskogee: Muskogee Printing Co., 1907.

Regular Biennial Message of Governor Lee Cruce to the Legislature of
1913. Vinita: Leader Printing Co., 1913.

Senate. Journal. Biennial, 1907-1959.

Session Laws of Oklahoma. Biennial, 1907-1959.

Seventh Special Message of the Governor to the First Legislature, De-
cember 12, 1907. Guthrie: Leader Printing Co., 1907.

Snyder, Henry G. (comp.). The Compiled Laws of Oklahoma. Kansas
 City: Pipes-Reed Co., 1909.

Statutes of Oklahoma, 1890.

Twelfth Biennial Report of the Oklahoma Tax Commission, 1956.

U. S. Bureau of the Census. Special Reports, Religious Bodies, 1906. Summary and General Tables, Part I. Washington: Government Printing Office, 1910.

_____. Thirteenth Census of the United States, 1910. Abstract, with Supplement for Oklahoma. Washington: Government Printing Office, 1913.

_____. U. S. Census of Population: 1950, Vol. II. Characteristics of the Population. Part 36, Oklahoma. Washington: Government Printing Office, 1952.

U. S., Congressional Record. Vol. XLIX.

U. S., House of Representatives. Hearing on Prohibition in the Proposed State of Oklahoma Before the Committee on Territories. 59th Cong., 1st Sess. Washington: Government Printing Office, 1905.

U. S., National Commission on Law Observance and Enforcement. Enforcement of the Prohibition Laws. Official Records of the National Commission on Law Observance and Enforcement. . . . 6 vols. Washington: Government Printing Office, 1931.

U. S., Statutes at Large. Vols. XXXIV, XXXVII.

Wilson, W. F. Wilson's Revised and Annotated Statutes of Oklahoma, 1903. 2 vols. Guthrie: State Capital Co., 1903.

Williams, Robert L. (comp.). Constitution and Enabling Act of Oklahoma, Annotated, with Reference to the Constitutions, Statutes, and Decisions of Other States and the U. S. Kansas City: Vernon Law Book Co., 1912.

Court Cases

Crossland et al vs State. 74 Okla. 58.

DeHasque vs Atchison, Topeka, and Santa Fe Railroad Co. 68 Okla. 182.

Robert Lozier vs Alexander Drug Co. 23 Okla. 1.

State ex rel., Williamson et al vs Carter, Secretary of State, et al. 177 Okla. 384.

Swan vs Wilderson. 62 Pac. 422.

Watkins vs Grieser. 66 Pac. 332.

Interviews

Oklahoma City, Oklahoma. Interview with Louis Gatti, Executive Secretary, Oklahoma Malt Beverage Association. August 20, 1966.

Tulsa, Oklahoma. Interview with Mrs. Nellis Holmes. March 16, 1963.

_____. Interview with J. F. Shallenberger. May 27, 1966.

Stillwater, Oklahoma. Interview with Mrs. Elizabeth House. May 20, 1966.

Theses and Dissertations

Heckman, Dayton E. "Prohibition Passes: The Story of the Association Against the Prohibition Amendment." Unpublished Ph.D. dissertation, Department of History, Ohio State University, 1939.

Mertz, Paul. "Oklahoma and the Year of Repeal, 1933." Unpublished Master's thesis, Department of History, University of Oklahoma, 1958.

Neal, Nevin. "A Biography of Joseph T. Robinson." Unpublished Ph.D. dissertation, Department of History, University of Oklahoma, 1958.

Pearlin, Leonard I. "An Application of Correlation Methods to the Results of the 1949 Prohibition Referendum." Unpublished Master's thesis, Department of Sociology, University of Oklahoma, 1950.

Scales, James R. "Political History of Oklahoma, 1907-1944." Unpublished Ph.D. dissertation, Department of History, University of Oklahoma, 1949.

Sterling, Dwayne W. "The Repeal of Prohibition." Unpublished Master's thesis, Department of History, University of Oklahoma, 1965.

Zwick, Gwen W. "Prohibition in the Cherokee Nation, 1820-1907." Unpublished Master's thesis, Department of History, University of Oklahoma, 1940.

Books

Alexander, Charles. The Ku Klux Klan in the Southwest. Lexington: University of Kentucky Press, 1965.

Asbury, Herbert. Carry Nation: The Woman With the Hatchet. New York: Alfred A. Knopf, 1929.

_____. The Great Illusion: An Informal History of Prohibition. Garden City, New York: Doubleday and Co., 1950.

Bandy, William. Commentary on Intoxicating Liquor Laws in Oklahoma. Saint Paul: West Publishing Co., 1953.

Beman, Lamar T. (comp.). Selected Articles on the Liquor Traffic. White Plains, New York: H. W. Wilson Co., 1917.

Catlin, Geroge E. Liquor Control. New York: Henry Holt and Co., 1931.

Cherrington, Ernest H. (ed.). The Anti-Saloon League Year-Book, 1909-1919. Westerville, Ohio: American Issue Publishing Co., 1909-1919.

_____. The Evolution of Prohibition in the United States: A Chronological History. . . . Westerville, Ohio: American Issue Publishing Co., 1920.

_____. (ed.). Standard Encyclopedia of the Alcohol Problem. 6 vols. Westerville, Ohio: American Issue Publishing Co., 1925.

Colvin, D. L. Prohibition in the United States: A History of Prohibition Party, and of the Prohibition Movement. New York: George H. Doran Co., 1926.

Cordon, Seth, and Richards, W. B. (comps.) Oklahoma Redbook, 1912. 2 vols. Tulsa: Tulsa Daily Democrat, 1912.

The Cyclopedia of Temperance and Prohibition. New York: Funk and Wagnalls, 1891.

- Dabney, Virginius. Dry Messiah: The Life of Bishop Cannon. New York: Knopf, 1949.
- Dale, Edward E., and Rader, Jess L. (comps.). Readings in Oklahoma History. New York: Row Peterson and Co., 1930.
- _____, and Morrison, James D. Pioneer Judge: The Life of Robert L. Williams. Cedar Rapids, Iowa: Torch Press, 1958.
- Democratic National Committee. Campaign Addresses . . . of Governor Alfred E. Smith. . . . Washington, D. C.: Democratic National Committee, 1929.
- Dobyns, Fletcher. The Amazing Story of Repeal: An Exposé of the Power of Propaganda. New York: Willett, Clark and Co., 1940.
- Dunford, Edward B. The History of the Temperance Movement. Washington: Tem Press, 1943.
- Earhart, Mary. Frances Willard: From Prayers to Politics. Chicago: University of Chicago Press, 1944.
- Ellis, A. H. History of the Constitutional Convention of the State of Oklahoma. Muskogee: Privately Published, 1923.
- Eubanks, John E. Ben Tillmans' Baby: The Dispensary in South Carolina, 1892-1915. Augusta: Privately Published, 1950.
- Foreman, Grant. A History of Oklahoma. Norman: University of Oklahoma Press, 1942.
- _____. Indian Removal: The Immigration of the Five Civilized Tribes of Indians. Norman: University of Oklahoma Press, 1932.
- _____. The Five Civilized Tribes. Norman: University of Oklahoma Press, 1934.
- Fowler, Oscar. The Haskell Regime: The Intimate Life of Charles Nathaniel Haskell. Oklahoma City: Boles Printing Co., Inc., 1933.
- Gibson, A. M. Oklahoma: A History of Five Centuries. Norman: Harlow Publishing Corp., 1965.
- Gordon, Anna. Frances Willard. Revised and abridged. Chicago: Woman's Christian Temperance Union Publishing Association, 1921.

- Haynes, Roy A. Prohibition Inside Out. New York: Doubleday, 1923.
- Hillerman, Abbie B. History of the Woman's Christian Temperance Union of Indian Territory (Oklahoma Territory and State). Sapulpa: Jennings Printing and Stationary Co., 1925.
- Hines, Gordon. Alfalfa Bill: An Intimate Biography. Oklahoma City: Oklahoma Press, 1932.
- Hoover, Herbert. The Memoirs of Herbert Hoover. 3 vols. New York: Macmillan.
- Johnson, William E. The Federal Government and the Liquor Traffic. Westerville, Ohio: American Issue Publishing Co., 1911.
- _____. Ten Years of Prohibition in Oklahoma. Westerville, Ohio: American Issue Publishing Co., 1917.
- Krout, John A. The Origins of Prohibition. New York: Alfred A. Knopf, 1915.
- McRill, Albert L. And Satan Came Also: An Intimate Story of a City's Social and Political History. Oklahoma City: Britton Publishing Co., 1955.
- Mathews, John Joseph. Life and Death of an Oilman. Norman: University of Oklahoma Press, 1951.
- Mertz, Charles. The Dry Decade. Garden City, New York: Doubleday, Doran and Co., 1930.
- Miller, Robert M. American Protestantism and Social Issues. Chapel Hill: University of North Carolina, 1958.
- Murray, William. Memoirs of Governor Murray and True History of Oklahoma. 3 vols. Boston: Meador Publishing Co., 1945.
- Niles, Stanley, ed. The Casebook for County Option for Ministers, County Officers and Other Workers. [Oklahoma City: United Dry Association,] 1956.
- Odegard, Peter H. Pressure Politics: The Story of the Anti-Saloon League. New York: Columbia University Press, 1928.

The Oklahoma Annual Almanac and Industrial Record, 1908. Oklahoma City: Oklahoma Publishing Co., 1908.

Rosenman, Samuel, ed. The Public Papers and Addresses of Franklin D. Roosevelt. 13 vols. New York: Random House, 1938-1950.

Schemeckebier, Laurence P. The Bureau of Prohibition. Washington: Brookings Institute, 1929.

Sinclair, Andrew. Era of Excess: A Social History of the Prohibition Movement. New York: Harper and Row, 1962.

Sinclair, H. M. Making Oklahoma Safe for the Democratic Party or How the Williams Machine Stole the Election of 1916. Oklahoma City: Privately Published, 1917.

Stewart, Dora A. The Government and Development of Oklahoma Territory. Oklahoma City: Harlow Publishing Co., 1933.

Tilghman, Zoe A. Marshal of the Last Frontier: Life and Services of William Matthew (Bill) Tilghman, for 50 Years One of the Greatest Peace Officers of the West. Glendale, Col.: A. H. Clark, 1949.

U. S. Treasury Department. Statistics Concerning Intoxicating Liquors. Washington: Government Printing Office, 1921-1933.

Walker, Robert S., and Patterson, Samuel C. Oklahoma Goes Wet: The Repeal of Prohibition. (Eagleton Institute Studies in Practical Politics, No. 24) New Brunswick: Rutgers University Press, 1960.

Wardell, Morris L. Political History of the Cherokee Nation, 1838-1907. Norman: University of Oklahoma Press, 1938.

The Year-Book of the United States Brewers' Association, 1909-1919. New York: United States Brewers' Association, 1909-1919.

Zornow, William Frank. Kansas: A History of the Jayhawk State. Norman: University of Oklahoma Press, 1957.

Articles

"Beer Wet Oklahoma Votes for Hard Liquor," Report on Man's Use of Alcohol, XVII (May-June), 3-4.

- "Billups' Booze Bill," Outlook, LXXXIX (June 1908), 311. Editorial page.
- Brown, Ames L. "Nation-wide Prohibition," Atlantic Monthly, CXV (June 1915), 734-47.
- Brown, William. "State Cooperation in Enforcement," Annals of the American Academy of Political and Social Science, CLXIII (September 1932), 30-38.
- "Corking Up the Jug," Newsweek, LIII (March 2, 1959), 25-26.
- Foreman, Grant. "A Century of Prohibition," Chronicles of Oklahoma, XII (June 1934), 133-141.
- Foxcroft, Frank. "Prohibition in the South," Atlantic Monthly, CI (May 1908), 627-34.
- Furbay, H. G. "The Anti-Saloon League," North American Review, CLXXVIII (September 1903), 434.
- Goddard, Mary. "Well Went Dry Just 50 Years Ago," Daily Oklahoman, November 13, 1957. Magazine section.
- "How Wet is Wet?" Newsweek, LII (September 8, 1958), 31-32.
- Hudson, Peter J. "Temperance Meetings Among the Choctaws," Chronicles of Oklahoma, XII (June 1934), 130-32.
- Jeffery, Earl C. "News About Whiskey-wet Oklahoma," Report on Man's Use of Alcohol, XVIII (March-April, 1960), 4-5.
- Moley, Raymond. "The Drys Last Hurrah," Newsweek, LIII (March 9, 1959), 116.
- Nesbitt, Paul (ed.). "Governor Haskell Tells of Two Conventions," Chronicles of Oklahoma, XIV (June 1936), 189-217.
- "Number of Dry States Doubled," Literary Digest, L (March 1915), 536.
- "Oklahoma Votes on Whiskey," Report on Man's Use of Alcohol, XVII (March-April, 1959), 1-11.
- "Prohibition Party," Independent, LXVII (April 1909), 929-30.
- "Prohibition Winning the West," Literary Digest, XLIX (November 1914), 997-98.

Reinmiller, G. A. "Oklahoma City's First Civic Clean-up," Sturms, IX (January 1910), 27-32.

_____. "West vs Reardon," Sturms, IX (February 1910), 35-36.

Simpson, R. W. "Near Prohibition in the South," Harper's Weekly, LIII (July 1909), 15.

"The Saloon in the South," Outlook, LXXXVIII (March 1908), 581-82.

"To Dam the Interstate Flow of Drink," Literary Digest, XLIV (January 1912), 106-107.

"Vote Becomes Price of Oklahoma Drinking," Life, XLVI (March 1959), 20-24.

Walker, Robert and Patterson, Samuel C. "The Political Attitudes of Oklahoma Newspapers: The Prohibition Issue," Southwestern Social Science Quarterly, XLII (December 1961), 271-279.

Whitener, Daniel J. "The Dispensary Movement in North Carolina," South Carolina Quarterly, XXVI (January 1937), 33-58.

"Will the Webb Law Work?" Literary Digest, XLVI (April 1913), 816-17.

Newspapers

Altus Times

Alva Weekly Courier

American Issue

Baptist Informer

Baptist Messenger

Beaver Herald

Beaver Journal

Beaver County Democrat

Blackwell Times-Record

Cherokee Advocate
Cherokee Messenger
Chickasha Daily Express
Clinton Daily News
Daily Oklahoman
Daily Oklahoma State Capitol
El Reno News
Elk City News
Eufaula Republican
Frederick Enterprise
Guthrie Daily Leader
Guymon Herald
Harlow's Weekly
Kingfisher Free Press
Lexington Leader
Mangum Star
Muskogee Daily Phoenix
Muskogee Times Democrat
New York Times
Norman Transcript
Oklahoma City Times
Oklahoma City Times Journal
Oklahoma Messenger

Oklahoma News

Pauls Valley Enterprise

Ponca City News

Sayre Headlight

Stillwater Gazette

Tulsa Daily Democrat

Tulsa Daily World

Tulsa Tribune

Union Signal

Vinita Weekly Chieftain

Watonga Republican

Wilburton News

Woodward News Bulletin