

THE IMPEACHMENT OF J. C. "JACK" WALTON

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Bachelor of Science

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Weatherford, Oklahoma

1929

Submitted to the Department of History
Oklahoma Agricultural and Mechanical College
In Partial Fulfillment of the Requirements
For the Degree of
MASTER OF ARTS

1937

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PREFACE

In fiction, no subject could lend more glamour or colorful romance than that which has been treated only historically here.

The purpose of this script, however, is to present an unbiased, authentic, "birds-eye" view of the political strife in the state of Oklahoma during the year 1923.

The data used has been gathered from newspaper files, men who were concerned personally with the situation at the time of its occurrence, and documentary records, such as have been preserved by the State's Courts and Legislature.

The study includes a short review of the life history of the chief character.

The writer wants to express his gratitude to Doctor T. H. Reynolds for the many helpful suggestions given him in compiling this piece of work. He also thanks, former Governor, J. C. Walton, former Senators, L. L. West and James A. Land, former Representatives James R. Tolbert and W. D. McBee, Adjustant General, Charles F. Barrett, Oklahoma Historian, Joseph E. Thoburn and others for the use of their documents and time given for conferences.

In addition to these he wants to further express his appreciation to Mrs. Clarence Wyatt, his wife, for her valuable assistance and encouragement in the collection and arrangement of the material.

C. C. W.

Stillwater, Oklahoma
June 1, 1937

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CHAPTER I
THE KU KLUX KLAN ISSUE

An attempt was made to impeach J. B. A. Robertson, but the vote on the adoption of the report of the Investigating Committee resulted in a tie. The motion, having failed to receive a majority of the votes cast, lost.¹ "Jack" Walton followed Robertson as governor. Martial law was declared in several counties as flogging by masked bands led to Walton's fight against the Klan. Charges of corruption piled up and Walton was impeached a year after his election.²

In 1920 a new organization, known as the Ku Klux Klan, made its appearance in Oklahoma. This organization grew with such rapidity that within two years it was reputed to have a membership of many thousand members in Oklahoma and neighboring states. It then began to take an active part in political affairs.

Professedly standing for civic and social righteousness and holding a deep reverence for law, it was charged with having arrogated unto itself the right to compel with respect and obey the laws and certain canons of social conduct. It was accused of sending warnings to evil doers and administering clandestine whippings and other forms of physical vio-

¹ House Journal Regular Session of the Eighth Legislature, State of Oklahoma, p. 1357.

² Senate Journal, Transcript of Proceedings, Tenth Session, Oklahoma Legislature, pp. 458-59.

lence. Inasmuch as such whipping parties were always masked and robed, whether the Ku Klux Klan was always responsible for such visitations or not, it always received the blame for such unlawful manifestations. That the spirit thus displayed was, in part at least, the out-growth of the hysteria which had been inculcated under the forms of law by some of the councils during the World War, is not improbable.³

In Oklahoma its membership proudly boasted of virtually all the law-enforcing bodies such as police officers, sheriffs forces, county attorneys and ninety-five per cent of the judiciary control of the jury panels. Soon after Walton became governor it was reliably reported that the President of the United States and his cabinet were members of the Klan, and that its membership was getting into the army and navy.⁴

For two years Oklahoma had lived under a thick mist behind which the Invisible Empire gave its orders to sheriffs, prosecuting attorneys, jurors, and judges. It also ordered citizens flogged, threatened others, and instituted a business boycott against what they called the "alien world". The more timid leaders urged that the Klan be left alone, while tens of thousands of citizens silently and sullenly submitted to a gradual encroachment upon their precious liberties. Such a condition could not endure in Oklahoma where

³ Joseph B. Thoburn and Muriel H. Wright, Oklahoma, A History of the State and Its People, Vol. II, Ch. L, pp. 693-94.

⁴ J. C. Walton, Corporation Commissioner (former governor), Personal Interview, Oklahoma City, April 10, 1937

men value initiative, enterprise, and freedom.⁵

In Governor Walton's investigation of these activities he found that civil authorities were dominated and controlled by an organization known as the Ku Klux Klan, which had its principal headquarters at the Imperial Palace in Atlanta, Georgia. He further found that its members were taking men, women, and children, both white and colored, out and beating them after which some were tarred and feathered. He discovered that good citizens had been whipped without a charge or a trial. These punishments were administered with a whip that was kept in the possession of the cyclops, an officer of the Ku Klux Klan. Three hundred instances were found in Tulsa County.⁶

Because of the lawless condition and state of insurrection, and because the civil authorities were not functioning as he thought they should, Governor Walton declared martial law in Okmulgee County and directed the Adjutant General to occupy the same. The Governor based his authority to declare martial law upon the constitution of the state, and advice from the Attorney-General's office that he had such power.⁷

Adjutant General B. H. Markham in command of 250 men was sent to Okmulgee and Henryetta. Courts of Inquiry and

⁵ Aldrich Blake, "Oklahoma's Klan-Fighting Governor", The Nation, New York, New York, October 3, 1923

⁶ Transcript of Proceedings-Extraordinary Session, Senate Ninth Legislature, State of Oklahoma, pp. 159-160.

⁷ Ibid. pp. 171-172.

Grand Juries had proved useless, so guards were sent to convince the mob that the Governor meant business. A Military Court was established by General Markham, where a court stenographer took down testimony of all witnesses called, the same as in other courts. Evidence was turned over to the civil courts, where charges were filed against alleged guilty floggers.

To Governor Walton and the Military Court is due credit for bringing about the first conviction in the entire United States of Klan members for crimes committed while on night parties. Officials of Georgia, Kansas, Louisiana, and Texas had made attempts to bring about Klan prosecutions, but without success.

Citizens of Okmulgee requested martial law and later visited the capitol to thank the Governor in person for sending the guards.⁸

When conditions had been relieved in Okmulgee County the following order was issued:-

Headquarters
Oklahoma National Guard
Office of the Adjutant General
Oklahoma City

General Order:
No. 34

July 12, 1923

1. Confirming telegraphic instructions from Governor J. C. Walton, Commander-in-Chief, the operation of Martial law in the Henryetta District Okmulgee County, Oklahoma, heretofore defined, will be ended at 6:00 P.M. July 12, 1923. The officer in charge of troops will notify the civil authorities and turn over to proper civil officers all directions

⁸ Walton, loc. cit.

of public affairs at that hour.

By order of the Governor:

Baird H. Markham,

The Adjutant General⁹

The Governor in reality made two gestures in the direction of Okmulgee County, for after the adjutant general had announced the withdrawal of troops, Colonel E. L. Head of Muskogee with 50 troops was sent to Henryetta to prevent Rev. Cornelius Bowles from delivering an advertised sermon on the military occupation.¹⁰

At this time and for a few months following many complaints were received by Governor Walton as to the punishment of people by what was purported to be the Klan. These charges and rumors of whippings and crimes multiplied rapidly and the Governor, not being able to receive proper cooperation and support by law enforcing bodies, was forced to declare martial law in several communities of the state. Under this declaration many confessions of crimes committed and convictions were obtained. This was the immediate signal to the special interests that the Klan was the weapon to use in bringing about the impeachment of Governor Walton, and immediately a movement was started demanding the same. The members of the legislature, over ninety-five per cent Klansmen,

⁹ J. C. Walton, Governor, General Order No. 34, Oklahoma City, July 12, 1923.

¹⁰ W. F. Bickford, News From the State Capitol, Kiowa County Democrat, Snyder, Oklahoma, July 12, 1923.

were approached by these interests and others, and long before going to trial had agreed to Walton's impeachment.¹¹

The next place to feel the strong arm of martial law was the city of Tulsa as indicated in the following order:-

Headquarters
Oklahoma National Guard
Office of the Adjutant General
Oklahoma City, Oklahoma

General Orders:
No. 40.

August 13, 1923

1. Brigadier General Baird H. Markham is hereby placed on active duty and ordered to mobilize for immediate active duty such numbers of officers and men comprized in such organizations as he may deem necessary to carry out the provisions of the Executive Proclamation this date made declaring Martial Law in the City of Tulsa.

2. The duty to be performed, the travel enjoined, and the expense entailed is necessary on the Military service of the State.

(signed) J. C. Walton

Governor and
Commander-in-Chief.

Official:
Baird H. Markham 12
The Adjutant General

By September 1, 1923 martial law had been extended to include the whole of Tulsa County. In his declaration of martial law which follows, the Governor set forth the reasons for same.

¹¹ Walton, loc.cit.

¹² J. C. Walton, Governor, General Order No. 40, Oklahoma City, August 13, 1923

Proclamation Declaring Absolute Martial Law in Tulsa County, Oklahoma, and suspending Writ of Habeas Corpus Therein.

By virtue of the authority conferred upon me by the Constitution and Laws of Oklahoma as Chief Executive of the State and Commander-in-Chief of the Military forces, on the 14th day of August, 1923, Martial Law was declared in the City of Tulsa, Oklahoma.

On the 17th day of August 1923, Martial Law was extended to take in all that part of Tulsa County, Oklahoma, south of the Frisco Railroad running from east to west, including all of the area of the present town of Red Fork in Tulsa County, Oklahoma.

The Military investigation has disclosed that a general state of lawlessness has existed in said Martial Law area and other parts of Tulsa County and vicinity for a period of more than a year prior to this time, and that scores of people, including women, have been whipped, assaulted and beaten.

The civil authorities during said period have been in secret sympathy with those responsible for administering the whippings and have permitted such lawless acts to proceed without any attempt to restrain, investigate or bring the guilty parties to justice; that by said dereliction and secret sympathy upon the part of the civil officers and courts in Tulsa County with said lawless elements, such lawless elements have usurped powers in said district, including the judicial power, contrary to the ideals of all good American citizens.

Such power can only rightfully be exercised by those authorized under the constitution of the state of Oklahoma and by reason of such usurpation, insurrection and rebellion exists in said area.

Since the 14th day of August, 1923, the civil authorities in Tulsa County have failed and refused to make any effort to abate this lawlessness by bringing the offenders to justice or assisting therein and have failed and refused to co-operate with military authorities.

In addition, certain elements of citizenship in Tulsa County have counseled and encouraged a form of opposition to the investigation by the military authorities and have by such means hindered the military authorities in conducting such investigation.

Now, Therefore, I, J. C. Walton, by virtue of the power vested in me as Chief Executive of the State of Oklahoma and Commander-in-Chief of its military forces, do hereby order the martial law area to be extended to include all of Tulsa County is hereby suspended, and absolute Martial Law throughout said County is hereby ordered and proclaimed. No Courts or other agencies of the civil government of this State shall function in said County without the consent of the commanding officer of the military forces and all arms and amunition in said area shall forthwith be turned over to the commanding officer unless the party or parties having such in his or their possession has a permit from the commanding officer to retain same.

The above proclamation to take effect after the hour of twelve (12) o'clock noon, Saturday, September 1st, 1923.

(signed) J. C. Walton

Governor and Commander-in-Chief¹³

To further verify Governor Walton's accusations that officers of the law were not only lax but actually participated in Ku Klux Klan activities, the following article is cited:-

The confession made yesterday by Constable William A. Finley of Broken Arrow concerning a whipping in which he participated constitutes prima facie evidence that a most serious state of affairs has been existing in this county. It now has been demonstrated, at least insofar as Finley's confessions is concerned, the laws at Broken Arrow actually took part in breaking those laws.

Finley's confession already has removed him from office and brought him within the penitentiary shadows for a two year term. Criminal charges have been lodged against the other alleged participants, including the town marshall, who also faces ouster proceedings by the state.¹⁴

The effectiveness of the Military Court used in the martial law zones and the extent to which it uncovered Klan outrages is fully shown in the following:-

¹³ Transcript of Proceedings-First Extraordinary Session Ninth Legislature, State of Oklahoma, Op. cit. pp. 1643-1645.

¹⁴ Editorial, Tulsa Tribune, August 29, 1923. (Tulsa, Oklahoma)

Again General Markham and his associates have demonstrated that they can uncover the trail of the whippers and bring men before the bar of justice to answer criminal charges.

The disclosures which have followed. General Markham's inquiry already have been sufficient to shake the community to its very foundations. What further revelations may be in store for us only the state officials know. But one thing may be safely assumed--the loose ends of the situation will have been gathered up before the investigation closes and that should mean that Tulsa County's house will be in order for some time to come.¹⁵

There was general opposition from the newspapers of Tulsa, Oklahoma City, and Muskogee over the martial law rule. Tulsa's criticism throughout the nation is expressed in the following:

Editorial writers of the entire nation have not spared Tulsa since the deeds of lawlessness of the midnight and masked mobs brought the militia to town.¹⁶

Martial law reached its climax September 15, 1923, when it was spread over the entire state as the following order indicates.¹⁷

Headquarters
Oklahoma National Guard
Office of Adjutant General
Oklahoma City, Oklahoma

General Order:
No. 41

September 15, 1923

1. Colonel William S. Keys, 160th Field Artillery, Oklahoma National Guard, is hereby placed on active duty and ordered to mobilize for immediate active duty such numbers of officers and men comprized in such organizations as he may deem necessary to carry out in Oklahoma County. The

¹⁵ Ibid.

¹⁶ Editorial, Tulsa World, Tulsa, Oklahoma, September 1, 1923

¹⁷ Transcript of Proceedings, First Extraordinary Session Senate Ninth Legislature, State of Oklahoma, p. 177.

provisions of the Executive Proclamation this date made declaring Martial Law in the State of Oklahoma, and will be in command of all troops mobilized for duty in the county.

By Order of the Governor and Commander-in-Chief.

(signed) Earl Patterson,
Lt. Col. Q. M. C.
For the Adjutant General

Approved:
J. C. Walton¹⁸

Aldrich Blake, executive counselor, said that Governor Walton was determined that the story of Tulsa should be told. Blake also said conditions in Tulsa were scandalous, that persons attended whipping parties by invitation, and that as many as one hundred fifty people were present at some of the outrages.¹⁹

Not once during the long reign of government usurpation by the lawless bands, did an organized agency of Tulsa raise its voice in condemnation of the practice, nor did the law enforcement agencies make an attempt to bring to justice the perpetrators of any of the many defiances against constitutional government.²⁰

There is not a citizen of either the invisible empire or the visible republic who will question the statement that eventually the Ku Klux Klan will run its course and be dis-

¹⁸ J. C. Walton, Governor, General Order No. 41, Oklahoma City, Oklahoma, September 15, 1923.

¹⁹ Editorial, The Daily Oklahoman, Oklahoma City, Oklahoma, September 1, 1923

²⁰ Editorial, Tulsa World, Tulsa, Oklahoma, September 2, 1923.

banded. It has brought neither happiness nor tranquillity to a single man in its ranks nor to a single community that has harbored it.

It has transformed splendid, peaceable, constructive citizens into restless, uneasy men with the flicker of the fugitive in their eyes. It has not been an aid, but a deterrent to orderly and effective law enforcement.²¹

Governor Walton invoked martial law in Oklahoma County ostensibly to investigate the Ku Klux Klan, but really to protect himself from investigation is the common cry of his opposition.²²

Martial Law practically came to an end October 1, 1923, as a special election was to be held the following day which would decide the main issue at hand.²³

Some are of the opinion Walton, as governor, declared martial law and opposed the Klansmen in other ways in order to gain publicity, but Walton stated that he was unable to obtain proper cooperation and support, from law enforcing bodies, and was forced to declare a state of martial law, to protect the people to whom he had pledged himself.²⁴

Governor Walton is not the first governor to give this reason for declaring martial law in a state. Governor Calvin

²¹ Editorial, Tulsa World, Tulsa, Oklahoma, September 5, 1923

²² Editorial, Frederick Leader, Frederick, Oklahoma, October 1, 1923

²³ Editorial, The Daily Oklahoman, Oklahoma City, Oklahoma, October 2, 1923.

²⁴ J. C. Walton, personal interview, Oklahoma City, Oklahoma. April 10, 1937

Coolidge of Massachusetts and Governor Altgeld of Illinois had previously made the same statement about a condition existing in each of their states which was practically identical to that existing in Oklahoma in 1923.²⁵

Joseph Simmons, emperor of the Ku Klux Klan, offered J. C. Walton a life membership in the Klan, but Walton refused, saying that he would rather be right and work in a ditch than to be the highest official of the invisible empire and dwell in the palace of the King. Walton stated that the offer was made as a "polite form of bribery" which they had hoped would compensate and prevent future arrests.²⁶

Governor Walton asked the Legislature to pass a law with teeth in it preventing any masked persons or organizations from appearing in public, which it later did.²⁷

In Tennessee where the Klan was disbanded by General Forrest three years after its birth in the sixties, the good men who were members of the organization voluntarily withdrew. A lawless element remained in the organization, however, which made it necessary for the state to pass a drastic law destroying the Ku Klux Klan.²⁸

Organized operation of political secret societies has

²⁵ Editorial, Kiowa County Democrat, Snyder, Oklahoma, October 4, 1923.

²⁶ Editorial, Muskogee Times--Democrat, Muskogee, Oklahoma, November 1, 1923.

²⁷ J. C. Walton, personal interview, Oklahoma City, Oklahoma, April 10, 1937

²⁸ House Journal, First Extraordinary Session Ninth Legislature of Oklahoma, p. 40

never been justified in a nation with existing free institutions. All previous efforts to maintain political secrecy had failed just as the Ku Klux Klan was destined to fail, despite for a time, the seeming success for its organizers. Not only is it an unwise way to attempt political end but is destructive and may prove to be very dangerous as well.²⁹

Difference of opinion prevailed as to the necessity and wisdom of declaring martial law as the following will show:

Troops never were necessary because of klan or mob violence was the testimony given by Adjutant General B. H. Markham.³⁰

²⁹ Thoburn and Wright, loc. cit.

³⁰ Editorial, Muskogee Times-Democrat, Muskogee, Oklahoma, November 29, 1923.

CHAPTER II
SPECIAL SESSION

During the regular session of the ninth legislature of Oklahoma there was discussion of a special session to be called later in the year, as is the case in most all Legislatures according to J. C. Walton, who was Governor at that time. When the matter was discussed with Mr. Walton, he stated that a special session would not be necessary.³¹

James R. Tolbert, chief prosecuting attorney of the House Managers during the impeachment trial of J. C. Walton, said that charges were filed against Walton and that a committee was appointed before adjournment, March 31, 1923, of the regular session of the ninth legislature. This group known as the "Recess Investigation Committee" consisted of seventeen men, with Representative Tolbert as chairman, whose duty it was to investigate Walton and prosecute him and all others who were guilty of misconduct in office. Mr. Tolbert further stated that W. D. McBee, Speaker of the House of Representatives, during the regular session of the ninth legislature, "sounded out" the legislators before adjournment with the understanding that a thorough investigation was to be made before convening in a special session which was expected to be called later in the year.³²

³¹ J. C. Walton, Corporation Commissioner State of Oklahoma, former governor, Personal Interview, Oklahoma City, Oklahoma, May 1, 1937.

³² James R. Tolbert, attorney, chief prosecuting attorney of the House Managers during the trial of Governor J. C. Walton, Personal Interview, Hobart, Oklahoma, May 5, 1937.

Opposition to Walton became evident as the various bills he sponsored were acted upon. Mr. Walton stated in an interview in 1937 that he succeeded in getting about eighty per cent of his laws enacted, but the editor of the Kiowa County Democrat summed up the situation as he saw it in 1923 as follows:

A review of laws enacted during this session shows conclusively that the ninth is not a Walton legislature, although the majority of the Members owe it to him that they were occupying seats therein, having unquestionably slipped in under his banner. That cuts no ice, however, for many of them are simply playing politics for their own interests.

They talk about whipping the personal spot lights into line. It cannot be done without reacting back up on the people and that is not the policy of the governor.³³

Walton made many new appointments, some of which brought a storm of protest from members of the legislature. The editor of the Kiowa County Democrat stated that if Walton thought he was the only governor who had trouble in making appointments that Charles N. Haskell, Lee Cruse, Bob Williams, and J. B. A. Robertson were still living and could tell him what some of the smaller things were that brought the most trouble.³⁴

In July, 1923, twenty-one state senators, at the invitation of Governor Walton, gathered in Oklahoma City for a conference. According to Doctor James A. Land, of Hobart, Oklahoma, who was a senator at that time, they freely dis-

³³ Editorial, Kiowa County Democrat, Snyder, Oklahoma, March 15, 1923

³⁴ Editorial, Kiowa County Democrat, Snyder, Oklahoma, May 3, 1923.

cussed Walton's policies, thinking he was sincere. The next day however, an article appeared in the press in which Walton assailed them as having been sent by special interests. This action on the part of the Governor, along with the similar ones helped to create opposition to the Walton regime.³⁵

On August 13, 1923, Governor Walton issued a proclamation calling a special election to be held on October 2, 1923. At this Special Election five referendum measures were to be submitted to the people of Oklahoma as proposed by House Concurrent Resolution, Senate Joint Resolution, House Joint Resolution, and by act of the ninth regular session of the Oklahoma Legislature. The five state questions to be voted upon, by number were: number 121, compulsory compensation of employees; number 123, for soldiers' bonus; number 124, for better schools; and number 125, to rehabilitate the bank guaranty fund.³⁶

J. C. Walton recently said the elements that have always been opposed to anything that would better the conditions of the farm and labor classes began to lay the grounds to bring about his impeachment in the early part of his administration. Knowing too, that they could not go before the people and win, they hoped to maneuver a legislature into doing their will and

³⁵ Doctor James A. Land, Senator during Walton Administration, Personal Interview, Hobart, Oklahoma, April 20, 1937.

³⁶ Transcript of Proceedings, Senate, State of Oklahoma, First Extraordinary Session of Ninth Legislature.

³⁷ J. C. Walton, Corporation Commissioner, State of Oklahoma, former governor, Personal Interview, Oklahoma City, Oklahoma, April 10, 1937

bidding. He further stated that members of the legislature certainly were pledged to his impeachment before the special session was called.³⁷ As evidence, Mr. Walton cited a letter dated August 30, 1923, which was written by Jesse L. Pullen, Representative from Murray County which follows:

1952 Twelfth St.,
Boulder, Colo.,
August 30, 1923.

My Dear Fellow Legislator:

I am thoroughly convinced that Jack Walton should be impeached, and I am thoroughly convinced that we can do it. I have good authority for these statements and I have resolved to try it out. Will you join me?

I call your attention to Section 7 of Articles VI of the Oklahoma Constitution and compare it with Section 4 of Article IV of the Constitution of New York, and then read 143 New York Supplement 325 and see if you are of the same opinion.

This letter is being sent to those members of the House who were with us in the regular session and whom I know to have been converted since. If I get sufficient number to assure me that we can have a quorum, then I am going to issue a call for a later date, but soon.

I shall appreciate it very much if you will give us a prompt reply and state definitely whether you are for or against impeachment. For the best interests of Oklahoma, I am,

Yours very truly, 38
Jess L. Pullen.

After the proclamation of August 13, 1923, had been issued calling for a Special Election on five referendum measures, an initiative petition was circulated. This petition was circulated by Campbell Russell, who Walton claimed was employed by oil men, bankers, and others who would be

³⁸ Transcript of Proceedings, Senate, State of Oklahoma, First Extraordinary Session, Ninth Legislature, pp. 210-217

required to pay increased taxes as a result of the measures. This petition known as Initiative Petition 79, State Question 119, provided that on a majority petition of the elected Members of the Legislature it could convene on a day set by the petition. It was filed and placed on the ballot along with the other measures. Walton maintained that it overshadowed the other measures and that it was submitted for the purpose of defeating same.³⁹

On September 20, 1923, a proclamation signed by a majority of the House Members was issued by W. D. McBee, Speaker of the House, calling together the Members of the House of Representatives on September 26, 1923, in Oklahoma City for the purpose of investigating conditions in the State. The purpose of the special session as given in the proclamation read in part as follows:

For a long time past the people of our state have been patiently suffering and enduring, from charges and counter charges of certain conditions in the state, and it is now our belief that the time has come when it is necessary to investigate such conditions and charges in order that the people of our state may know the truth, which alone can make them free. The administration of the present Governor of the State of Oklahoma, if charges that are openly made against him are true, is one of repeated injuries, usurpations and blunders, evidencing the direct object of establishing an absolute tyranny and despotism over this commonwealth. To prove or disprove this, let a full investigation be made and submitted to the people of the State of Oklahoma, by the House of Representatives as the proper body authorized by the constitution to make such investigation, and to present to the Senate any accusations which the impartial evidence may justify.⁴⁰

³⁹ Ibid., p. 187.

⁴⁰ House Journal, First Extraordinary Session, Ninth Legislature, State of Oklahoma, pp. 2-3.

The proclamation gave a long list of the causes for calling the special session. It stated that Governor Walton would not permit execution of the law which provides capital punishment, granted too many pardons and paroles and had appointed persons who were convicted violators of the laws as peace officers. This, the proclamation stated, encouraged the assembling of criminals and the commission of crime. It further proclaimed that the governor had excited class antagonism, called out the National Guard, placed the State under Martial law without cause and set aside the writ of habeas corpus. Also, that he had dissolved a grand jury, placed machine guns around the court house of Oklahoma County and threatened the arrest of Representatives if they attempted to assemble. The proclamation was signed by sixty-five Members of the House of Representatives.⁴¹

On September 26, 1923, the date set by the proclamation, sixty-eight Representatives assembled on the fourth floor of the capitol building, but upon finding themselves barred from the Hall of Representatives, by armed guards of the State Militia, they decided to meet in the rotunda. They were called to order by Charles S. Bryce, Speaker pro tempore. Colonel W. S. Key interrupted the assembly and read military order issued by Governor J. C. Walton, commanding him, as officer in charge, to disperse the assembled legislators.⁴²

⁴¹ Ibid., pp. 3-6

⁴² Ibid., pp. 9-10

September 25, 1923.

General Executive Order: No. 1

To: B. H. Markham, the Adjutant General.

Whereas, a certain pretended call was issued by one W. D. McBee and others, addressed to certain members of the House of Representatives of this State which in substance calls upon certain members to meet at the Capitol Building at Oklahoma City, at 12 o'clock, noon, on Wednesday, September 26, 1923, which said proposed meeting would be an unlawful assembly dominated and controlled by the so-called Invisible Empire, commonly known as the Ku Klux Klan, and

Whereas, said pretended call is without authority of law and issue for the purpose of aiding the cause of the so-called Invisible Empire or the Ku Klux Klan, and

Whereas, the State of Oklahoma is now under Martial law for the purpose of protecting the people of the said state from the rule of the said so-called Invisible empire and to obtain evidence for it's extermination, and

Whereas, by proclamation of the Governor of this State, the said Invisible Empire or Ku Klux Klan was declared to be an enemy of the sovereign State of Oklahoma, and the evidence adducted before the Military Courts shows that it has taken over the political government in many cities and counties, and as an organization has murdered, whipped, beaten, flogged, and outraged many citizens of this state; and by said proclamation, all persons were forbidden to aid or abet in any manner the carrying out of the purposes of said Invisible Empire, commonly known as the Ku Klux Klan, and

Whereas, the proposed meeting of the said certain Members of the House of Representatives unlawfully so as aforesaid, is in defiance and violation of the status of the State of Oklahoma, now under Military law, and also contrary to the Constitution and laws of Oklahoma and is an attempt to break the peace of the State.

Now, Therefore, I, J. C. Walton, Governor of the State of Oklahoma, and Commander-in-Chief of the Military Forces of said State, hereby command, order, and direct you as Adjutant General of said State to disperse said unlawful assembly and prevent absolutely the proposed meeting at 12 o'clock, noon, September 26th, 1923, at the capitol, at Oklahoma City, or at any other time or place in the State of Oklahoma after the date of this order and you will use all the Military Forces of the State, if necessary, for such purposes, to carry

out this order you will use absolutely whatever and all force of arms necessary thereunto.

The Citizen soldiers of this State between the ages of 21 and 45 years are commanded and ordered to hold themselves in readiness with such arms as they may possess or can obtain to come to the assistance of the sovereign state of Oklahoma when directed so to do by the Governor of this State as the Commander-in-Chief of the Military Forces or by the Adjutant General.

You, as Adjutant General will issue all supplemental orders and directions for the carrying out of this order and to protect the lives and property of the Citizens of Oklahoma who are not aiding and abetting said pretended assembly or otherwise giving aid and comfort to the said Invisible Empire or Ku Klux Klan.

J. C. Walton,
Governor of the State of
Oklahoma and Commander-in-
Chief of the Military Forces
Of the State of Oklahoma

After the military order was read by Colonel Key, the Representatives retired to the Skirvin Hotel in Oklahoma City and continued their meeting with twenty-nine members present. The House of Representatives continued to meet and adjourn from day to day at the Skirvin Hotel in Oklahoma City until the tenth day of October, 1923.⁴⁴

Former Representative James R. Tolbert said that during the time the Representatives were meeting in the Skirvin Hotel a group of twelve armed men wearing officers badges and marching in pairs entered their suite of rooms. Acting as spokesman for the group of Representatives and with a stenographer who wrote the conversation that ensued, Mr.

⁴⁴ House Journal, First Extraordinary Session, Ninth Legislature, State of Oklahoma. p. 65.

Tolbert interviewed the men. He relates that he was unable to get much information from them except that they were officers sent by Governor Walton. When they refused his offer to submit to arrest he advised them to knock before entering private rooms. These and similar acts were means used to intimidate the Representatives, Mr. Tolbert believed.⁴⁵

On September 29, 1923, Governor Walton issued a proclamation postponing until a date to be fixed later the Special Election he had called for October 2, 1923. He gave as his reasons; court proceedings and litigation involving the right and authority of the Governor to call such an election and a lack of proper publication, as required by law, in which the voters must be informed how to vote for or against at least five days before an election.⁴⁶

The court litigation referred to by Governor Walton was a mandamus action instituted against W. C. McAlister, then secretary of the state election board, according to George F. Short, former Attorney General. The mandamus action required Mr. McAlister to submit state question No. 119, which gave the Legislature power to convene itself in extraordinary session, to the electorate at the special election to be held October 2, 1923. Mr. Short further stated that at the same

⁴⁵ James R. Tolbert, Attorney, Chief prosecuting attorney of the House Managers during the trial of Governor J. C. Walton, Personal Interview, Hobart, Oklahoma, May 5, 1937.

⁴⁶ Transcript of Proceedings, Senate, State of Oklahoma, First Extraordinary Session, Ninth Legislature, pp. 1586-1588.

time there was instituted an action in restraint enjoining Mr. McAlister from submitting the same. Two District Courts in Oklahoma County sought jurisdiction of Mr. McAlister and control of his official acts. Mr. Short represented Mr. McAlister and successfully resisted both actions. He also gave an opinion that the Governor was without authority to revoke the call for the special election.⁴⁷

As preparation for the election went forward, Governor Walton issued another proclamation October 1, 1923 calling a special election for December 6, 1923. The Governor proposed to submit Initiative Petition No. 79, giving the Legislature power to convene itself, along with the other five measures at that time. In addition, Governor Walton sent telegrams throughout the state to chief of police, sheriffs and election board members asking them to prevent the election October 2, 1923.⁴⁸

In response to numerous inquiries from county attorneys, sheriffs, and election board members, Attorney General George F. Short answered some two or three hundred telegrams, on October 1, 1923, in which he gave no opinion as to whether or not the Constitutional Amendment, Petition No. 79, had or had not been properly submitted, but that the election

⁴⁷ George F. Short, Attorney General during the Walton Administration, Personal Letter, Oklahoma City, Oklahoma, May 7, 1937

⁴⁸ Transcript of Proceedings, Senate, State of Oklahoma, First Extraordinary Session, Ninth Legislature, pp. 1591-1595.

could not be interfered with.⁴⁹

Newspapers throughout the state were very bitter in their attacks upon Walton. The following articles from The Daily Oklahoman and Frederick Leader are typical.

Governor Walton has reached the end of his rope.

At last the people will have an opportunity to overthrow one-man rule and restore a democratic form of government in Oklahoma.

An election will be held tomorrow. Every citizen can vote on state question 119, initiative petition 79. If carried, the legislature will have authority to convene itself on a majority call as an impeaching body. This is the most important question ever placed before Oklahoma voters.

Governor Walton's proclamation in calling off the election is null and void, without a vestige of authority and attorney general has so ruled.

No guardsmen and no gunmen have any authority to interfere with this election.

Section 7, article 3, of the constitution of Oklahoma reads as follows:

ELECTIONS—limitations on Civil and Military Privilege from arrest. The elections shall be free and equal. No power, civil or military, shall ever interfere to prevent the free exercise of the right of suffrage, and electors shall, in all cases, except treason, felony and breach of peace, be privileged from arrest during their attendance on elections and while going to and from the same.⁵⁰

The sanctity of the ballot is fundamental in the United States. It is the very cornerstone.

When Walton attempted to suspend that right he added the last act of frenzy needed to seal his political doom.⁵¹

The special election was held on October 2, 1923 and Petition No. 79, permitting the legislature to convene it-

⁴⁹ Short, loc. cit.

⁵⁰ Editorial, The Daily Oklahoman, Oklahoma City, Oklahoma, October 1, 1923.

⁵¹ Editorial, Frederick Leader, Frederick, Oklahoma, October 2, 1923.

self, carries by a big majority. On October 3, 1923 a suit was instituted by the State and others, to enjoin the members of the state election board from canvassing and certifying the results of the vote on the Amendment in Petition No. 79. A temporary injunction was granted by the trial court. This was appealed to the Supreme Court, which reversed the decision.⁵²

As a result of the majority given Petition No. 79, giving the Legislature power to convene itself for impeachment purposes, and failure of the courts to prevent canvassing and certifying results of same, a call was issued for the members of the House of Representatives and Senate to convene. This call was issued October 5, 1923 by W. B. McBee, Speaker of the House of Representatives. The date set to convene was October 17, 1923, at Oklahoma City.⁵³

By this time Governor Walton saw that he would soon be impeached. So he made a trade with the Legislature whereby he would call a special session of the Legislature if they would pass a rigid law preventing any masked persons or organizations from appearing in public. They accepted this and on the following day, October 6, 1923 Governor Walton issued a proclamation convening the members of the Ninth Legisla-

⁵² Oklahoma Reports, Vol. XC, p. 200.

⁵³ House Journal, First Extraordinary Session, Ninth Legislature, State of Oklahoma. p. 64

lature into extraordinary session October 11, 1923.⁵⁴

On the day set by Walton's proclamation the House of Representatives and Senate assembled in their respective chambers. At eleven o'clock a joint session was held. The Governor did not appear in person, but gave his message to a committee appointed by the Speaker of the House of Representatives. The Governor's message, which emphasized the need of Anti-Klan legislation, was read to the joint assembly. Ex-Senator T. P. Gore addressed the joint assembly. In his address Gore said that the Ninth Assembly was making history and that the eyes of the world were concentrated upon it. He also said that he had viewed with great anxiety the proceedings.⁵⁵

On October 17, 1923, House Resolution No. 1, by Disney and Tolbert, was adopted. It provided for the appointment of a committee on impeachment charges and read as follows:

Be it resolved by the House of Representatives of the State of Oklahoma:

That, Whereas, charges of willful neglect of duty, corruption in office, incompetency, and offences involving moral turpitude have been made against various officials of this State, which should be investigated in order that the truth shall be ascertained, and those guilty of such offenses be removed from office, and properly punished if guilty thereof,

Now Therefore, be it resolved by the House of Representatives of the State of Oklahoma, that the Speaker be empowered to appoint a committee of the House, with power to issue process, compel the atten-

⁵⁴ Ibid. p. 37

⁵⁵ Ibid. pp. 22-29

dance of witnesses, punish for contempt, take testimony, and with power by the Chairman or any member to swear witness to testify truthfully, and to swear witness not to divulge the proceedings of the committee, and such other powers as may be necessarily incidental to that function, said committee to be known as committee on impeachment and investigation of executive, legislative, and judicial officers, and which committee shall be required to make a report of its findings at as early date as possible.

Adopted by the House of Representatives October 17, 1923.⁵⁶

This committee, known as Committee on Investigation of Legislative, Executive and Judicial officers, consisted of twenty-four men with W. E. Disney as chairman and J. R. Tolbert as Vice-Chairman. On October 22, 1923 this committee filed in the House its written report. They advised that they had discovered evidence which, in their opinion, would justify the House in voting articles of impeachment against J. C. Walton, Governor of Oklahoma. They presented these articles of impeachment containing twenty-two counts, with testimony which had been taken before the Investigating Committee. The House voted to present the twenty-two articles of impeachment against J. C. Walton, to the Senate.⁵⁷

October 23, 1923 Isaac W. Gray, Chief Clerk of the House, notified the Senate that Articles of Impeachment had been exhibited by the House of Representatives against J. C. Walton, Governor of the State of Oklahoma, and the articles had, that day, duly been adopted by the House of Representatives, and that Representatives of said House named as a Board of Man-

⁵⁶ Session Laws, First Extraordinary Session, Ninth Legislature, State of Oklahoma. p. 17.

⁵⁷ Transcript of Proceedings, Senate, State of Oklahoma, First Extraordinary Session, Ninth Legislature. P. XI.

agers were ready to lay said Article of Impeachment before the Senate.

The Secretary of the Senate, W. C. McAlister, notified the House that the Senate was ready to receive the managers. A committee of six, consisting of the President Pro Tempore of the Senate, Senators Gulager, Hudson, Monk, Glasser, and Leedy, was appointed to consider and suggest rules and procedure for Guidance of the Senate while sitting as a Court of Impeachment. Mr. Disney, on behalf of the Board of Managers, read two Articles of Impeachment and advised the Senate that the House had twenty other Articles of Impeachment against Walton and desired to present them as they were voted upon by the House. The Senate agreed to accept same.⁵⁸ Senate Resolution No. 2 was then adopted. It provided that, in as much as the Articles of Impeachment had been filed against J. C. Walton, Governor, he was automatically suspended from office until such disability should be removed and that the office with its duties should devolve upon the Lieutenant-Governor. Authority for this Resolution was based upon Article 8, of the Constitution of the State of Oklahoma, and Article 2, of Chapter II, of the Compiled Oklahoma Statutes, Annotated, of 1921.⁵⁹ Article 8, Section 3, of the Constitution of Oklahoma, also provides that when sitting as a Court of Impeachment, the Senate shall be pre-

⁵⁸ Senate Journal, First Extraordinary Session Ninth Legislature, State of Oklahoma. pp. 42-47

⁵⁹ Session Laws, First Extraordinary Session, Ninth Legislature, State of Oklahoma. p. 15.

sided over by the Chief Justice of the Supreme Court. In accordance with this provision the Secretary of the Senate notified Chief Justice John T. Johnson, October 24, 1923, that the House of Representatives had presented to the Senate Articles of Impeachment against J. C. Walton, Governor and that the hour of 3:30 P. M. of October 24, 1923 was fixed by the Senate as the hour for organization of the Senate into a Court of Impeachment.⁶⁰

⁶⁰ Senate Journal, First Extraordinary Session, Ninth Legislature, State of Oklahoma. p. 52.

CHAPTER III
IMPEACHMENT COURT PROCEEDINGS.

At the hour set, 3:30 P. M. October 24, 1923, Chief Justice John T. Johnson appeared in the Senate Chamber and announced that he was ready to organize as a court of impeachment. The Secretary called the roll which revealed forty-one Senators present and one absent. The Chief Justice then administered the following oath of the Senators:

I solemnly swear (or affirm, as the case may be) that in all things appertaining to the trial of the impeachment of J. C. Walton, Governor of the State of Oklahoma, I shall impartially try the party impeached and shall do impartial justice according to the Constitution and laws of the State. So help me God.

W. C. McAlister, Secretary of the Senate, was appointed Clerk of the Court of Impeachment and Dick Louthan, Sergeant-at-Arms of the Senate, was appointed Marshal.⁶¹

The House Managers and Senate based their authority for their proceedings upon the following sections of Article II, Chapter 2, Compiled Laws of Oklahoma, 1921:

State Officers--Impeachment

Sec. 148. Impeachment--Crimes, Subject Of. The Governor and other elective State officers, including the Justices of the Supreme Court, shall be liable and subject to impeachment for wilful neglect of duty, corruption in office, habitual drunkenness, incompetency, or any offense involving moral turpitude committed while in office.

Sec. 149. Presentation--Court of Impeachment. When sitting as a Court of Impeachment, the Senate shall be presided over by the Chief Justice, or if he

⁶¹ Transcript of Proceedings, Senate, State of Oklahoma, First Extraordinary Session, Ninth Legislature. pp. 1-4

is absent or disqualified, then one of the Associate Justices of the Supreme Court, to be selected by it, except in cases where all the members of said court are absent or disqualified, or in cases of impeachment of any Justice of the Supreme Court, then the Senate shall elect one of its own members as a presiding officer for such purpose. The House of Representatives shall present all impeachments.

Sec. 150. Oath--Concurrence of Senators. When the Senate is sitting as a Court of Impeachment the Senators shall be on oath of affirmation, impartially to try the party impeached, and no person shall be convicted without the concurrence of two-thirds of the Senators present.

Sec. 151. Judgment--Criminal Liability. Judgment of impeachment shall not extend beyond removal from office, but this shall not prevent punishment of any such officer on charges growing out of the same matter by the courts of the State.

Sec. 152. Impeachment Defined. An impeachment is the prosecution, by the House of Representatives, before the Senate, of the Governor or other elective State officer, under the Constitution, for wilful neglect of duty, corruption in office, drunkenness, incompetency, or any offense involving moral turpitude committed while in office.

Sec. 153. Articles of Impeachment. The Articles of Impeachment are the written accusation of the officer, drawn up and approved by the House of Representatives.

Sec. 154. Designation of Offense and of Culprit. The Articles of Impeachment shall state with reasonable certainty, the offense in office for which the officer is impeached, and if there be more than one, they shall be stated separately and distinctly.

Sec. 155. Prosecution of Impeachment--Board of Managers. When the Articles of Impeachment have been approved by the House of Representatives, and an impeachment ordered, a board of managers shall be appointed by the House of Representatives, of its own members, to prosecute it, whose chairman, within five days, shall lay the same before the Senate.

Sec. 156. Court of Impeachment--Organization. When Articles of Impeachment shall be presented to the Senate, the Senate shall within ten days thereafter organize as a Court of Impeachment, and may for the purpose of conducting the business of such Court,

appoint a Clerk, who may be the Secretary of the Senate. The Clerk shall issue all process and keep a record of the proceedings of such Court. The said marshal who shall be its executive officers. It may employ such stenographic, clerical and other help as may be required.

Sec. 157. Hearing and Summons. The Senate, when sitting as a Court of Impeachment, shall appoint a day for hearing the impeachment, and the accused shall be required by a summons by the Clerk to appear on that day. The summons shall be served by delivering a copy of the same and of the Articles of Impeachment to the accused, in person if to be found, or by leaving the copies at his residence with some member of his family over sixteen years of age.

Sec. 158. Witnesses--Evidence--Process. The Clerk of such Court, at the request of the chairman of the Board of Managers, or of the accused, shall issue subpoena for witnesses, and for the production of books or papers, and in case of disobedience of any such process, the Court may order its Clerk to issue process for the arrest of such witness or for the seizure of books or papers. All process shall be served or executed by the marshal or his assistant, or by any sheriff or deputy in the several counties of the State.

Sec. 159. Orders and Judgments--Power to Enforce. The Senate sitting as a Court of Impeachment shall have power to compel the attendance of witnesses, to enforce obedience to its orders, mandates, writs, precepts and judgments to preserve order, and to punish in a summary way contempts of and disobedience to its authority, orders, mandates, writs, process, precepts and judgments, and to make all orders, rules and regulations which it may deem essential or necessary for the orderly transaction of its business.

Sec. 160. Fees for Witnesses and Executions of Process. Witnesses shall have the same compensation for travel and attendance, and the same exemptions in going, remaining and returning, as witnesses in the district court, and officers executing the process and orders of the Senate when sitting as a Court of Impeachment shall have the same fees as are allowed sheriffs for like services in the district court.

Sec. 161. Oath. Before the Senate shall proceed to consider the Articles of Impeachment, it shall organize itself into a Court of Impeachment, as provided herein, and every Senator present shall take

an oath or affirmation.⁶²

On this same date, October 24, 1923, Mr. Walton filed a suit on the Federal District Court of Oklahoma County wherein he sought to enjoin the Senate from proceeding with the trial. According to J. D. Lydick, attorney who appeared for the State, the application for temporary injunction was heard before Judge Cotteral, sitting at Lawton, and the writ denied.⁶³

On October 25, 1923 the Rules and Proceedings of Oklahoma State Senate when sitting as a Court of Impeachment were adopted without being read. On the 26th of October, 1923, twenty-two Articles of Impeachment against J. C. Walton, Governor of Oklahoma, were presented by the Secretary of the Senate, the same having been adopted by the House of Representatives on the 24th, 25th, and 26th days of October, 1923, by the following votes:

| Article | Aye | Nay | Absent |
|---------|-----|-----|--------|
| I | 79 | 13 | 12 |
| II | 80 | 17 | 7 |
| III | 75 | 23 | 6 |
| IV | 81 | 16 | 7 |
| V | 70 | 26 | 8 |
| VI | 85 | 10 | 9 |
| session | | | |
| VII | 78 | 17 | 9 |
| VIII | 76 | 15 | 13 |
| IX | 77 | 14 | 13 |
| X | 77 | 16 | 11 |
| XI | 80 | 11 | 13 |
| XII | 80 | 12 | 12 |

⁶² Compiled Laws of Oklahoma, 1921, Chapter II, Article II, pp. 346-349

⁶³ J. D. Lydick, Attorney for the State during the Walton Administration, Personal Letter, Oklahoma City, Oklahoma, May 7, 1937

| Article | Aye | Nay | Absent |
|---------|-----|-----|--------|
| XIII | 83 | 10 | 11 |
| XIV | 51 | 42 | 10 |
| XV | 79 | 9 | 16 |
| XVI | 82 | 7 | 15 |
| XVII | 73 | 12 | 19 |
| XVIII | 77 | 12 | 15 |
| XIX | 72 | 11 | 21 |
| XX | 76 | 9 | 19 |
| XXI | 81 | 6 | 17 |
| XXII | 77 | 7 | 18 |

Attest:

ISAAC W. GRAY,
Chief Clerk of the House of Representatives.⁶⁴

On this same date a summons, demanding the appearance of J. C. Walton before the Senate November 1, 1923 to answer or plead to the Articles of Impeachment, was issued by the court. On the 28th day of October 1923 this summons, accompanied by a certified copy of the Articles of Impeachment, was served upon Governor Walton by C. D. Louthan, Marshall of the Court of Impeachment.⁶⁵

On October 29, 1923 an article appeared in the Muskogee Times--Democrat charging that two senators had agreed to accept a bribe of Ten Thousand Dollars to vote against the impeachment of J. C. Walton. As a result of this article a committee, appointed to investigate the charges, later reported that the story was based upon rumor.⁶⁶ Many similar articles and rumors throughout the state showed the intense feeling in the impeachment proceedings. J. C. Walton and his council,

⁶⁴ Transcript of Proceedings, Senate, State of Oklahoma, First Extraordinary Session, Ninth Legislature, p. 56.

⁶⁵ Ibid pp. XXVI-XXVII.

⁶⁶ Senate Journal, First Extraordinary Session, Ninth Legislature, State of Oklahoma, p. 108, 127.

F. E. Riddle, B. H. Martin, Tom W. Neal, Claude M. Nolin, Warren K. Snyder and I. C. Sprague, appeared in Court November 1, 1923 and asked for more time to prepare answers to Articles of Impeachment and to challenge the right of certain senators to sit as members of the court. The time was denied and the right to challenge overruled. Wesley E. Disney, Jess L. Pullen, F. H. Wren, Leslie E. Salter, W. J. Otjen, D. A. Stovall and Jas. R. Tolbert, Board of House Managers, announced that they were ready to proceed.⁶⁷ Motion to quash Articles of Impeachment was overruled. A demurrer, asking the Court to set aside fourteen of the twenty-two Articles of Impeachment was filed, but the following day two were withdrawn and the other twelve overruled.⁶⁸

November 7, 1923 Governor J. C. Walton with his council appeared in court, pleaded not guilty to each of the twenty-two impeachment charges filed against him and began his plea and answers.

Article I. Appointment of Charles H. Baskin to the office of Judge of the Second Judicial District of Oklahoma during the term of office as a member of the House of Representatives to which he had been previously elected.*

The Board of Managers designated April 2, 1923 as the date of appointment. Governor Walton replied that at the

⁶⁷ Transcript of Proceedings, Senate, State of Oklahoma, First Extraordinary Session, Ninth Legislature. pp. 60-70

⁶⁸ Ibid., pp. 97-99

* See appendix

close of the regular session of the Ninth Legislature March 31, 1923, Charles H. Baskin resigned as Member of the Legislature and that, as Governor, he had a Constitutional right to make appointment to fill such vacancies.⁶⁹

Article II. Diversion and appropriation of funds from the state treasury to private use in the guise of placing his chauffeur, T. P. Edwards, on the payroll of the Department of Health as an officer therein.*

In Article II the Board of Managers charged that J. C. Walton had entered into a conspiracy with E. A. Davenport, who had previously been appointed Commissioner of Health by Walton, whereby T. P. Edwards was to be placed upon the payroll of the Health Department at a salary of two hundred dollars per month. The evidence showed that Edwards did receive two hundred dollars per month for the months of February, March, April, May, June, July, August, and September, 1923.⁷⁰ Mr. Walton denied that Edwards had acted as chauffeur. He stated that Edwards had been appointed, as an aide to the Governor, by the Adjutant-General to work in the Health Department and that he had acted in that capacity. Walton also maintained that Davenport told him that he had the Attorney-General's opinion, that the appointment was regular

⁶⁹ Transcript of Proceedings, Senate, State of Oklahoma, First Extraordinary Session, Ninth Legislature. pp. 126-127

* See appendix.

⁷⁰ House Journal, First Extraordinary Session, Ninth Legislature, State of Oklahoma. p. 112-113

and legal.⁷¹

Article III. Prohibiting and preventing the assembling and convening of a grand jury in Oklahoma County.*

To this charge Walton admitted giving an order to place machine guns on public property to use in case of an emergency. He also admitted that Colonel W. S. Keys had called upon Judge George W. Clark and advised him the City was under martial law and that he did not desire to have any interference from a grand jury, but that he would cooperate with the Civil Courts to which the Judge agreed.

Governor Walton gave as his reasons for these acts the circulation of two petitions by Campbell Russell. One petition called for a grand jury investigation which the Governor maintained would hinder the application of martial law in Oklahoma County and the investigation by the Military Courts, of the activities of the Ku Klux Klan and lawlessness in the entire state. The other petition Walton argued was for the purpose of causing hatred and ill-will against the Governor.

Mr. Walton stated that Judge Clark not only agreed to Colonel Key's proposition, but added that his long experience as judge had shown that no good came from such investigations. Walton used as a precedent a case during the Haskell administration in which Judge Clark, himself, had discharged a grand jury.⁷²

⁷¹ Transcript of Proceedings, Senate, State of Oklahoma, First Extraordinary Session, Ninth Legislature. pp. 133-136

* See appendix.

⁷² Transcript of Proceedings, op. cit., pp. 139-141.

In Article IV the House Managers stipulated that Governor Walton had used his official influence and power to acquire private credit and property. In May 1923, Walton purchased from Walter D. Caldwell a mansion in Oklahoma City for forty-eight thousand dollars. Eighteen thousand was paid in cash and the balance in six notes of five thousand dollars each. These notes were sold to E. W. Marland who held extensive oil leases in Oklahoma. The House Managers maintained that, inasmuch as Walton was ex-officio chairman and a member of the Board of Equalization of the State of Oklahoma, he and Marland were guilty of wilful corruption.⁷³

Governor Walton denied any agreement or financial obligation was made as a result of the transaction and declared he had a right as a citizen of Oklahoma to make a bona fide purchase. This answer was verified by Doctor James A. Land, who served as a Member of the Impeachment Court, in a recent interview. Doctor Land said that he thought the purchase of the mansion was regular and the same sort of deal any other citizen would make.⁷⁴

In Article V, the House Managers attempted to prove that Governor Walton had used his veto power to acquire money for private use. They maintained he had entered into a conspiracy with Val Garner of Tonkawa wherein he had obtained six thousand

⁷³ House Journal, First Extraordinary Session, Ninth Legislature, State of Oklahoma. pp. 116-117

⁷⁴ Doctor James A. Land, Senator during Walton Administration, Personal Interview, Hobart, Oklahoma, April 20, 1937.

dollars for his approval of an appropriation for the University Preparatory School at Tonkawa, Oklahoma. The evidence showed that the money was paid, but not directly to the governor. Walton denied that he had entered into the conspiracy and said it was a charge made by the House of Representatives without proof to support same and was made to blacken his character.⁷⁵

To Article VI, Suspension and denial of the privilege of the writ of habeas corpus, Walton denied that he refused the writ of habeas corpus, but that it had become his duty, as Governor, to use the military arm of the Government to enforce the law in Tulsa County. That in every instance where the writ was used out in Tulsa County, either in the District Court or the Supreme Court, the military authorities responded thereto.⁷⁶

In Article VII, The Board of Managers charged that Governor Walton was guilty of wilful neglect of duty, in preventing the assembling of the members and the convening of the House of Representatives of Oklahoma on September 26, 1923. To this charge Governor Walton maintained it was his Constitutional right to prevent such assembly and based his authority upon Article VI, Section 8 of the Compiled Oklahoma Statutes, 1921, which makes the Governor commander-in-chief of the militia and the use of same to prevent unlawful assembly.

⁷⁵ Transcript of Proceedings, Senate, State of Oklahoma, First Extraordinary Session, Ninth Legislature. p. 157

⁷⁶ Ibid., pp. 159-162.

He also gave as authority Article VI, Section 7 of the Oklahoma Constitution which empowers the Governor only to call special sessions of the Legislature.⁷⁷

Articles VIII, Declaration of martial law in Okmulgee County, Oklahoma; IX, Declaration of martial law in the City of Tulsa, Oklahoma; X, Declaration of martial law in Tulsa County, Oklahoma; and XI, Declaration of martial law within and throughout the State of Oklahoma all contained the charge that there was no cause, reason or ground for declaring martial law.*

To these charges Governor Walton gave the same answer. His defense was based upon Article VI, Sections 2, 6, and 8, of the Constitution, of the State of Oklahoma.

Article VI.

Sec. 2. The Supreme Executive power shall be vested in a Chief Magistrate, who shall be styled "The Governor of the State of Oklahoma."

Sec. 6. The Governor shall be Commander-in-Chief of the militia of the State, except when in service of the United States, and may call out the same to execute the laws, protect the public health, suppress insurrection, and repel invasion.

Sec. 8. The Governor shall cause the laws of the State to be faithfully executed, and shall conduct in person or in such a manner as may be prescribed by law, all intercourse and business of the State with other states and with the United States, and he shall be a conservator of the peace throughout the state.⁷⁸

⁷⁷ Ibid., p. 163.

* See appendix.

⁷⁸ Constitution of the State of Oklahoma, Oklahoma Statutes Annotated, Permanent Edition, Article VI, Sections 2, 6, and 8. pp. 253-255

In Article XII, the Board of House Managers accused Governor Walton of violating the Constitution of the State of Oklahoma in attempting to prevent the special election on the second day of October, 1923 on five referendum measures and one initiative petition. They charged he sent armed men to various offices of county election boards and polling places with orders to seize and hold ballots, ballot boxes and election supplies.⁷⁹

Governor Walton denied that he attempted to hinder or delay the election after it once began and in a recent interview with the writer, Mr. Walton said that the charges of using gunmen and other rough methods were not true because if he had wanted to use force he could have made a martial law declaration preventing the election which he did not do. Mr. Walton also said that he ordered the election stopped because Petition No. 79, which had been added after his proclamation was issued, was, in his opinion, unconstitutional.⁸⁰ This opinion has since been upheld by the Supreme Court of *Simpson vs Hill*. Following is a complete explanation and decision of same:

On the 13th day of August, 1923, Hon. J. C. Walton issued a proclamation calling a special election for October 2, 1923, for a vote on certain constitutional amendments proposed by the Legislature in January of 1923. After this proclamation was issued, initiative petitions were filed which provided that on a majority petition of the elected members of the Legislature it could convene on a day set by the petition. It was placed on a ballot at said special election, and re-

⁷⁹ House Journal, First Extraordinary Session, Ninth Legislature, State of Oklahoma. pp. 125-130

⁸⁰ J. C. Walton, Personal Interview, Oklahoma City, Oklahoma, April 10, 1937

ceived a majority vote. Since there was no order of the Legislature, or the Governor, directing the submission of petition No. 79 to the people of the state of Oklahoma on this or any other date, it has been declared unconstitutional by the Supreme Court decision of:-

Simpson vs Hill

An affirmative vote by the people of the state, at a special election, gives no force and effect to an initiated measure, unless the same is ordered submitted at such special election by the Legislature or the Governor of the state. (Section 3, Article V, Oklahoma Constitution.)

The Governor shall have power to convoke the Legislature, or the Senate only, on extraordinary occasions. (Section 7, Article VI, Oklahoma Constitution.)

This section vests within the chief executive the discretion of calling the Legislature into extraordinary session, and under said inhibition contained in Article IV, the Legislature is prohibited from exercising this authority, and its attempt to do so is without sanction in the Constitution of the State.

In the states starting with the original 13, and increasing to 48, no case is cited where any Legislature, after adjourning sine die, has ever on the ipse dixit command of certain of its members, undertaken to convene in extraordinary session, except in Oklahoma.

If the members of the Legislature come to the Capitol, they come as individuals. They can incur no obligation; they can perform no official functions, until the chief executive of the state calls the said body into extraordinary session.⁸¹

In Article XIII, appointment and employment of large numbers of needles employees, the plaintiffs filed the same complaint as in Article III except it included many employees in several departments. In the Federal Truck Department, for ex-

⁸¹ Oklahoma Reports, Vol. CXXVIII, pp. 268-275

ample, twenty-one employees were carried upon the payroll at a monthly salary of more than Three Thousand Five Hundred Dollars, when the payroll should not have exceeded Five Hundred Dollars per month.*

Walton's defense was the same as in Article III.

Governor Walton was charged in Article XIV of refusal to permit the execution of the law imposing the death penalty and in Article XIX abuse of pardon and parole powers. For defense Walton cited his rights found in Article VI, Section 10, of Oklahoma Constitution which gives the Governor power to grant such.⁸²

To the other articles including Article XXII, Incompetency, Walton's defense was his Constitutional rights and the fact that his record compared very favorably in those matters with other Governors of Oklahoma. The one exception to the above defense was found in Article XVIII, in which he was accused of spending some thirty thousand dollars in his campaign for Governor while filing a statement he had used only one thousand five hundred twenty-five. To this charge, Walton replied that he was not Governor at that time, therefore, had not committed an impeachable offense and that the Court did not have jurisdiction of same.⁸³

In way of conclusion, Governor Walton said that all the charges filed against him were the results of his investiga-

* See appendix.

⁸² Transcript of Proceedings, Senate, State of Oklahoma, First Extraordinary Session, Ninth Legislature. p. 192.

⁸³ Ibid, p. 206.

tions and enforcement of the laws in which he had uncovered the hideous hooded face of the Ku Klux Klan and that the Klan was seeking in every way possible to have him impeached.⁸⁴

On ~~October~~[?] 17, 1923, after ten days of testimony had been given, Governor Walton made the following address to the Court:

Mr. Chief Justice, and members of this Court: I have been sitting here fighting for my honor, for my rights and for my home for ten days. I don't wish here to criticize any of these honorable members, some of them no doubt want me to have a fair trial, but I have reached the conclusion that I cannot have a fair trial in this Court. Knowing that, I am withdrawing from this room. I don't care to stand this humiliation any longer for myself, my family, or my honorable attorneys. You may proceed as you see best.

Whereupon, the Court moved to proceed with the trial before Walton and his counsel retired from the room.⁸⁵ Shortly after this, the Court was thrown into an uproar when President Pro Tempore Anglin attempted to attack Attorney Sprague of the Walton defense.⁸⁶

On November 19, 1923, the members of the Court of Impeachment voted upon sixteen of the Articles of Impeachment in the following order:

| Article | Aye | Nay | Excused | Absent |
|---------|-----|-----|---------|--------|
| 19 | 4 | 0 | | 1 |
| 2 | 35 | 6 | | 1 |
| 13 | 38 | 3 | | 1 |
| 3 | 39 | 1 | | 1 |
| 4 | 23 | 18 | | 1 |
| 6 | 40 | 1 | | 1 |

⁸⁴ Ibid., pp. 226-227

⁸⁵ Ibid., p. 1523.

⁸⁶ United Press, Oklahoma City, Frederick Leader, Frederick, Oklahoma, November 17, 1923

| Article | Aye | Nay | Excused | Absent |
|---------|-----|-----|---------|-----------------|
| 5 | 26 | 14 | 1 | 1 |
| 15 | 37 | 4 | | 1 |
| 21 | 40 | 1 | | 1 |
| 12 | 37 | 3 | | 1 |
| 14 | 11 | 30 | | 1 |
| 17 | 24 | 17 | | 1 |
| 18 | 28 | 13 | | 1 |
| 20 | 41 | 0 | | 1 |
| 1 | 12 | 29 | | 1 |
| 22 | 36 | 4 | | 1 ⁸⁷ |

Governor Walton was convicted on eleven of the Articles of Impeachment, acquitted of five and had six dismissed by the Board of Managers of the House of Representatives. On November 19, 1923, Governor Walton, by a vote forty to nothing, was removed from the office of Governor of Oklahoma to which he had been elected and had served little more than nine months of his four year term.⁸⁸

After the Senate had convicted Mr. Walton, he brought the case up for further trial before Judge Cotteral for an injunction against the enforcement of the judgment of Impeachment. J. D. Lydick appeared for the State and the Court denied the permanent writ. Mr. Walton appealed to the Supreme Court of the United States and that court affirmed the judgment of the lower court, which means there was no Federal question involved, and that the question of impeachment of State officers is a State question.⁸⁹

⁸⁷ Transcript of Proceedings, Senate, State of Oklahoma, First Extraordinary Session, Ninth Legislature. pp. 1842-1930

⁸⁸ Ibid., p. 1889.

⁸⁹ J. D. Lydick, Attorney for the State during the Walton Administration, Personal Letter, Oklahoma City, Oklahoma, May 7, 1937.

The Chief cause of Governor Walton's Impeachment and the fairness or lack of fairness of the Impeachment trial are expressed in the following quotations:

Incompetency brought about the impeachment of Jack Walton. The Legislators were justified in calling a special session due to Walton's conduct. A fair trial of impeachment was conducted.⁹⁰

I don't believe there was a Senator who thought he was going to vote for impeachment when the Senate convened. The Ku Klux Klan had nothing to do with the impeachment of Jack Walton. If he had not walked out of the Court the vote would not have been unanimous. He walked out because he felt that he could go to a higher court and get relief.⁹¹

The Ku Klux Klan was an exaggeration in the mind of Walton. I did not learn until towards the close of the session who were the Klansmen. A Klansman sat on either side of me and they were fine fellows. Walton walked out of Court because he was afraid to submit to cross-examination. This had no effect on the trial except to show everybody he was guilty.⁹²

Walton was the worst advised governor we have ever had and his impeachment was brought about by bad advise by supposedly good friends.⁹³

J. C. Walton, Governor of Oklahoma, was ousted from office Tuesday, November 19. The Senate had 22 counts against him which were recently filed by the House. Without any direct evidence the Senate voted to impeach Governor Walton. He at once filed his appeal to a higher court where he would be given the

⁹⁰ Doctor James A. Land, Senator during the Walton Administration, personal interview, Hobart, Oklahoma, April 20, 1937

⁹¹ L. L. West, Senator during the Walton Administration, personal interview, Hydro, Oklahoma, April 24, 1937.

⁹² James R. Tolbert, Attorney, Chief prosecuting attorney of the House Managers during the trial of Governor J. C. Walton, personal interview, Hobart, Oklahoma, May 5, 1937.

⁹³ Charles F. Barrett, Adjutant-General, personal interview, Oklahoma City, Oklahoma, April 10, 1937.

right to put his witnesses on the stand and to prove that the Ku Klux Klan had conspired with others to oust him several months ago. His evidence against the Klan was ruled out by a vote of the Senate.⁹⁴

There has always been a marked degree of irresponsibility in the Legislature. Every Legislature has had a few members whose presence at the State Capitol in such capacity has been nothing short of a serious reflection on the intelligence of the constituencies of their home districts.⁹⁵

John Calloway Walton was born in Indiana March 6, 1881. While an infant he was moved with his parents to Nebraska, where he spent most of his youth. Later years the family moved to Fort Smith, Arkansas at which place the father owned a hotel. In 1904, Walton, a young man then, came to Oklahoma, securing his first position as a contractor and civil engineer in the eastern part of the state.

John Calloway, or "Jack" Walton as he was later known throughout the nation, received his public school training in Kansas City. For his higher education he attended school at the Christian Brothers College in St. Louis. His chief interest was in the broad field of engineering. Walton's position in this work varied from employment as a timekeeper on a railway construction gang to that of brakeman on the railroad, later as fireman and still later as steam engineer.

Enthusiasm for engineering and his position as head of

⁹⁴ Editorial, Kiowa County Democrat, Snyder, Oklahoma, November 22, 1925.

⁹⁵ Joseph B. Thoburn, Oklahoma Historian, personal interview, Oklahoma City, Oklahoma, April 3, 1937.

the railway terminals in Mexico City lead Walton to the Louis Engineering Institute, Mexico City, Mexico, at which place he took civil and electrical engineering, seriously. Here Walton became quite skilled in his department, later teaching electric machine designing for a period of two years. Diaz, then President of Mexico, recognized Walton for his ability in his choice profession by insisting upon Walton as the engineer of the President's train when he, the President, left the National Capitol.

Upon the merits of his work in the field of engineering Walton was the first president of the American Association of Engineers and an associate member of the American Institute of Electrical Engineers.

After completing his engineering course in Mexico City, Walton became a salesman, later locating in Oklahoma City. Then the firm for which Walton was employed secured a contract in Kansas City and he moved to that city temporarily.

Upon his return to Oklahoma City the firm Mackintosh and Walton Engineering Company was organized. That particular firm operated, in all parts of the world, in general consulting engineering work. They installed electrical water and sewer plants in about forty cities in Oklahoma.

In years of 1915 and 1916, the people of Oklahoma City voted a large sum of money with which to construct a water supply. The city's form of government was what was known as the commission form of government which consisted of four commissioners and a mayor, all elected at large.

Walton became a candidate for commissioner of public works, in April of 1917. He was elected. The department of public works had under its supervision all engineering and construction works including the water improvements. Prior to announcing his candidacy for office Walton had been taken into Oklahoma City stage hand's and theatrical workers during a strike. He had been a democratic political leader and was known among the labor classes as well as among members of his profession. Other than these small contacts J. C. Walton was scarcely known to the political world, at the time of his first election in the Oklahoma City primary. Walton's rise politically was spectacular from the start. He was considered a candidate of little strength at the beginning but led the ticket in both the primary and city election for commissioner of public works.

His position as commissioner paid him \$3,600 yearly. Walton's views were thought to be extravagant at first and he was opposed by popular city newspapers, however, two years time proved that Walton really knew.

In spite of newspaper opposition and with two of his four years yet to serve as commissioner, Walton ran for the office of mayor of Oklahoma City on the democratic ticket and was elected by a majority of nearly one thousand votes. During his administration, as mayor, several labor strikes occurred, dominately the packing house strike. Walton's most adverse criticism as a result of the strikes came from special interest. The contentious group failed, however, in their attempt to remove him from office.

In 1921 and 1922 the farming and laboring elements of the state organized what was known as the Farmer-Labor Reconstruction League. The league was organized at Shawnee, Oklahoma in September 1921 and held a convention in that same city in February 1922. At this convention J. C. Walton was nominated for governor on a platform outlining issues vital to the league.

The platform demanded free text-books, increased financial aid for schools, better pay for teachers and those connected with institutions, sweeping banking reforms, a state owned cement plant, state owned ware houses and aid for crippled children.

Every metropolitan daily newspaper in the state opposed Walton in his campaign for governor but he adhered strictly to his pledge demanded by the Farmer-Labor League.

Walton was elected as fifth governor of Oklahoma by an overwhelming majority. He received 280,206 votes to his Republican opponent John Fields' 230,469 votes. In the minority was O. E. Enfield, the Socialist candidate with 3,941 votes.

The inauguration of J. C. Walton, to the seat of Governor of Oklahoma, was the most spectacular and picturesque demonstration ever witnessed. A monster parade was followed by the biggest barbecue dinner ever given in America. Walton's inauguration address was first given at the capitol of the state and later repeated at the fairgrounds, sight of the barbecue, to thousands of visitors from every part of Oklahoma and neighboring states.

J. C. Walton and his family, consisting of his wife and two small children, both girls, moved into the state governor's

mansion.

Walton secured in the primary election of the summer of 1924 the Democratic nomination for the office of United States senator but was defeated by W. B. Pine, Republican nominee, in the general election.

In the election of November 8, 1932, J. C. Walton was chosen, by majority of the votes cast, to a six year term as state's corporation commissioner. It is in this official capacity that the former governor now serves his state.

After studying the administrations of various governors and talking with a great many people, who are versed in the theory as well as the practical application of government, it is evident that a change is needed in our present system. No doubt many of the irregularities are due to a young and inexperienced group of Legislators and for this reason many advocate higher qualifications of candidates for the Legislature. Most students of government agree that the bicameral is the more preferable plan, but that the number in each body should be decreased and annual salaries paid proportionate to the positions.

The theory of procedure in Impeachment trials is far different from the manner in which such trials are actually conducted. L. D. Lydick, Attorney for the State during the Walton Administration, in "Tyranny of Impeachment Procedure", quoted Blackstone as having said, "there is no liberty if the power or judging be not separated from legislative and executive

powers".⁹⁶ History reveals that many of our great jurists agree with this opinion.

Even the theory of impeachment procedure in the United States, as provided by law, violates these fundamental principles of American Government. An observation of the actual procedure taken in almost all Impeachment Trials and the results attained in many of them, show that tyranny and despotism have been created. The terms for which officials are impeached are too indefinite to be easily defined. Therefore, due process of law is denied because the Senate, sitting as a Court of Impeachment, in interpreting these vague and indefinite provisions in effect make the law, interpret it and enforce it. In doing this, the Senate exercises legislative, judicial and executive functions of Government.

In the practical operation of impeachment proceedings, it is well known that in few instances is a state official impeached in good faith. The assignment of the reason for impeachment is usually the excuse rather than the reason because most impeachment proceedings are begun by members of the Legislature who have been unable to obtain such favors and patronage as they felt they were entitled to obtain.

In our present system of impeachment procedure the investigation is held behind closed doors and no regard is had for the rules of evidence recognized by the judiciary of the

⁹⁶ J. D. Lydick, "Tyranny of Impeachment Procedure", New York University Law Quarterly Review, New York, New York, December, 1930. p. 257.

Nation. The committee selected to make the investigation does what the majority intends for them to do. That is, draw Articles of Impeachment which are quickly adopted with little debate. The proceedings involve personal and political feeling with little regard for facts, evidence or justice. There are always a few Senators who desire to hear the evidence and vote conscientiously, but they are so few as to have no effect upon the proceedings.⁹⁷

The method by which high officials are removed from office should be changed. Specific laws should be enacted that define definitely just what acts of an official constitute grounds for impeachment. They should be so clear that an official could always know when he was violating the law and thus subjecting himself to removal from office. The power of impeachment should be taken from the Legislative Department of Government and placed under the Judicial where it rightfully belongs. It should be placed where those trying the case are in no position to receive favors as a result of their decisions. It should also be placed in a court where the judicial officials know there is the right to appeal thus eliminating injustice by placing the evidence where it can be reviewed and the errors corrected if appealed.

J. C. Walton was the fifth Governor of Oklahoma and the first to be removed from office by impeachment proceedings. As mayor of Oklahoma City, Walton incurred the enmity of the leading newspapers which never ceased to oppose him.

⁹⁷ Ibid., p. 265.

Jack Walton has always had a great following of labor and farm peoples. Even the Senators who impeached him concede that he has done a great deal of good for the common people. He was elected Governor of Oklahoma upon a Farmer-Labor platform which offered great opportunities.

During Walton's first session of the Legislature, he was successful in getting many laws passed, but opposition began to develop. A Recess Investigation Committee was appointed to make investigations and tentative plans were made for a special session of the Legislature.

Walton maintained throughout that the Ku Klux Klan was responsible for his opposition. His fight on the Klan attracted Nation wide attention and caused Anti-Klan legislation which practically destroyed the organization.

The declaration and operation of martial law in various counties caused bitter opposition and hastened impeachment proceedings. Upon the martial law issue the people were about equally divided. The climax of martial law enforcement was the dispersing of the special assembly of the Legislature in Oklahoma City, September 26, 1923. In connection with this assembly was the circulation of Initiative Petition No. 79 which gave the Legislature power to assemble on its own petition. When this petition was placed upon the ballot along with five referendum measures for a special election October 2, 1923, Walton attempted to prevent the election, but the election officials proceeded, and Initiative Petition No. 79 received a majority vote. On October 5, 1923, W. D. McBee,

Speaker of the House called a special session of the Legislature for October 17th based upon the results of the election. The following day Governor Walton issued a call for the Legislature to convene October 11th and it met upon his call.

The special session had hardly begun when impeachment proceedings began. Another investigation committee was appointed. The members of the committee compiled twenty-two Articles of Impeachment all of which were adopted by the House of Representatives, October 24, 25, and 26, 1923.

On November 19, 1923, the Senate, sitting as a Court of Impeachment, convicted Governor Walton on eleven of the Articles of Impeachment, acquitted him of five and by a vote of forty to nothing removed him from office.

Although the Senate impeached J. C. Walton for incompetency, in 1924, the people of Oklahoma nominated him as United States Senator, and in 1932, elected him as Corporation Commissioner, a position he holds at this writing.

Some doubt that Walton would have been impeached if he had not called the special session. He could have enjoined the Legislature from meeting and forced the issue to the Supreme Court. This Court has since declared unconstitutional Initiative Petition No. 79 which empowered the Legislature to convene upon its own petition.

Since Walton's impeachment the Free Text-Book law has been repealed, the Home for Narcotics at Darlington has been abolished and other Farmer-Labor issues sidetracked. Mr. Walton is today of the opinion that the sacrifices made by him

in bringing about the unmasking of the Klan and his fight for the common people have been fully compensated and that he has been vindicated by the nomination and election by the people of Oklahoma to major State and National offices since. He has always had from 86,000 to 125,000 loyal friends and supporters.

One of the outstanding things brought out in Walton's impeachment Trial was the unfairness and injustice of Oklahoma's impeachment procedure.

Best authorities on impeachment agree that officials of Oklahoma who have been subjected to impeachment have not only been denied "due process of law" but have also been denied "equal protection of the law" as is guaranteed by the Federal Constitution. It is also agreed that the political upheaval caused by the impeachment proceedings injured the State and its people far more than had the officials been permitted to serve the remainder of their terms.

It is further agreed that impeachment procedure and the judgment of Impeachment Courts are controlled, not by law, but are determined by the arbitrary will of a prejudiced Senate.

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APPENDIX

ARTICLES OF IMPEACHMENT EXHIBITED BY THE
HOUSE OF REPRESENTATIVES OF THE
STATE OF OKLAHOMA

The House of Representatives of the Ninth Legislature of the State of Oklahoma in their name and in the name and by the authority of the State of Oklahoma and its people do hereby present and exhibit Articles of Impeachment, and give the honorable Senate to know and to be informed.

Article I

On the 2nd day of April 1923, the said J. C. Walton, being then and there the elected, qualified and acting Governor of the State of Oklahoma, did purposely, wilfully, wrongfully and corruptly appoint to the office of District Judge of the second judicial district of the State of Oklahoma, one Charles H. Baskin, who then and there was a member of the House of Representatives for the term of the Ninth Legislature of the State of Oklahoma, having been duly elected as a Representative from the County of Nowata, State of Oklahoma, on the 2nd day of January, took his seat and assumed his duties in the said House of Representatives for said term of office. The said J. C. Walton, Governor aforesaid, became, was and is guilty of wilful neglect of duty, incompetency, corruption in office, and of an offense involving moral turpitude committed by him while in his said office.

Article II

That in January, 1923, the said J. C. Walton did enter into a corrupt agreement, understanding and conspiracy with one A. E. Davenport, who was then and there the duly qualified and acting Commissioner of Health, the same being a State office, heving theretofore been appointed to such office by J. C. Walton, whereby, it was agreed by and between said J. C. Walton and A. E. Davenport, being a State officer, that certain monies should be diverted from the statutory object and purpose for which they were appropriated by law.

That one T. P. Edwards was then and there in the personal service of said J. C. Walton as chauffeur, and the said J. C. Walton and A. E. Davenport agreed that said A. E. Davenport should place the said T. P. Edwards upon the payroll of the said State Health Department at a salary of Two Hundred (\$200.00) Dollars per month, the said Edwards thereby be paif for his services to the said J. C. Walton, whereby the said J. C. Walton should receive the benefit of the said services, and that the same should be paid out of the State Treasury, and at State expense. Said T. P. Edwards was placed upon the salary roll of the said Health Department at a salary of Two Hundred

(\$200.00) Dollars per month for the months of February, March, April, May, June, July, August and September, 1923, to the total amount of Sixteen Hundred Dollars (\$1,600.00).

Whereby the said J. C. Walton was guilty of wilful neglect of duty, incompetency, corruption in office and of an offense involving moral turpitude committed by him while in his said office.

Article III

That on or about the 6th day of September, 1923, George W. Clark, a Judge of the Thirteenth Judicial District of the State of Oklahoma, sitting in and for the County of Oklahoma, at Oklahoma City, did, pursuant to a petition of more than one hundred resident citizens and taxpayers of the said Oklahoma County, call a grand jury to assemble in Oklahoma City and thereafter, the names of twenty-four resident citizens and electors of said Oklahoma County were duly drawn and summoned to appear at the Courthouse in Oklahoma City in said County, on the said 17th day of September, 1923, and that on the 15th day of September, 1923, the said J. C. Walton, Governor of Oklahoma and Commander-in-Chief of the Military Forces of the said State, assuming to act under the authority and provisions of the Constitution and the Laws of said State, unmindful of the high duties of his office and of his oath of office, in violation of the Constitution and Laws of said State purposely, wilfully, unlawfully and corruptly did order and command the said military forces of the said State, and particularly Brigadier-General Alva J. Niles and Colonel William S. Keys, to prevent the assembling, impanelling and convening of the said electors so drawn and summoned as such grand jury, by the means and use of the said military forces of the said State under the command of the officers thereof; that, pursuant to said orders and command of the said J. C. Walton, as such officer aforesaid, the commanding officer of the said armed forces, then occupying and controlling the area of Oklahoma City, did assume and take tactical and strategic positions at and near the said Courthouse in said city, by placing of machine guns and machine gun units, commanding, controlling and covering the said Court House area, for the purpose and with the intention to make effective and to carry out the orders aforesaid; that, on the 16th day of September, 1923, Colonel William S. Keys, being then and there Commanding Officer of the Oklahoma County area pursuant to the said orders of the Chief Executive and Commander-in-Chief as aforesaid, did deliver to the said District Judge, George W. Clark, an order in writing, commanding the said District Judge not to impanel and convene said grand jury; that by reason of the said orders and commands of said Chief Executive and Commander-in-Chief of said military forces of said State, and the commands and orders of the commanding officers under his control and direction, having the command of the military forces of said State occupying the area of Oklahoma City, the said George W. Clark, as such District Judge of the

said Court sitting in and for said County, was prevented and prohibited from discharging the duties of his office in relation to the impanelling and convening of said grand jury as aforesaid, and the said grand jurors, by reason of the said orders, were prevented and prohibited from assembling at said Courthouse in said County, as by the authority of the said summons theretofore served upon each of them they were required to do, and were prevented from being impanelled and convened as a grand jury in accordance with the said petition, order of said District Court, and the summons therefore issued and served upon each of them; that the said acts and conduct of the said J. C. Walton, acting in the capacity aforesaid, were in violation of the constitutional rights of the people and citizens of said County, and constituted an infringement upon a violation of the Constitution and Laws of the State of Oklahoma; and that he, the said J. C. Walton, Governor and Commander-in-Chief aforesaid, then and there and thereby, in the manner and form hereinbefore specified, became, was and is guilty of wilful neglect of duty, incompetency, corruption in office, and of an offense involving moral turpitude committed by him while in said office.

Article IV

That early in the month of May, 1923, one Walter D. Caldwell entered into negotiations with J. C. Walton, Governor of the State of Oklahoma, for the sale to the said J. C. Walton of certain real estate situated in Oklahoma City, Oklahoma, to-wit:

That prior to the consummation of the said transaction, said notes were offered to various persons having business with the State of Oklahoma, and with the said office of Governor, and the said J. C. Walton entered into an agreement and arrangement with one E. W. Marland, and his agents, attorneys and employes, whereby the said J. C. Walton should consummate the said deal for his personal benefit, and that he, the said E. W. Marland, through his agents and attorneys, and by himself, agreed that in the event the said J. C. Walton should purchase the said real estate, that the said E. W. Marland would buy the said notes and the said real estate mortgage securing the same from the said vendor, Walter D. Caldwell.

That the said transaction by and between the said J. C. Walton and the said W. W. Marland, was wilfully corrupt, in this, to-wit: That the said J. C. Walton as Governor of the State of Oklahoma, was at the time and is ex-officio chairman and a member of the Board of Equalization of the State of Oklahoma, and that the said E. W. Marland has taxable wealth to the extent of several millions of dollars, both for himself and for corporations in which he is interested, which comes under the jurisdiction of the State Board of Equalization; and that the said J. C. Walton, as Governor of the State of Oklahoma, and

ex-officio chairman and member of the School Land Commission of the State of Oklahoma, and the said E. W. Marland, both for himself and on behalf of corporations in which he is interested, owns what is known as the Marland School Land Leases on Sections 16 and 36 in every township in what is known as Old Oklahoma, said leases being extremely valuable for oil and gas purposes, and worth several millions of dollars; that said E. W. Marland has further interests affected by the State of Oklahoma, and indirectly by the said J. C. Walton as Governor of the State of Oklahoma, and in that he is liable for a great amount of income tax to the extent of several thousands of dollars, and that in all three instances herein related, the judgement, discretion and interests of the State of Oklahoma, and of the office of Governor of the State of Oklahoma, is involved, and that in the first two instances herein related, the vote of the Governor of the State of Oklahoma, and of J. C. Walton as the incumbent therein, is required and rightful in all matters involving the State Board of Equalization and in all matters involving the State School Land Commission, and more particularly the taxable wealth of E. W. Marland and corporations in which he is interested and the matter of the validity of and the continuance of oil and gas leases upon the land owned by the State of Oklahoma under the said State School Land Commission; and that the said transaction and the purchase of the said notes by the said E. W. Marland, put the said J. C. Walton under great financial obligation to the said E. W. Marland, in such manner and form as to interfere with the free and voluntary exercise of his judgement and vote as the ex-officio chairman and member of the said State Board of Equalization, and ex-officio chairman and member of the said State School Land Commission; and the House of Representatives does charge and present that the said J. C. Walton, unmindful of the high duties of his office and of his oath of office, in violation of the Constitution and Laws of said State, was thereby guilty of wilful neglect of duty, incompetency, corruption in office, and of an offense involving moral turpitude committed by him while in his said office.

Article V

That the Ninth Legislature of the State of Oklahoma made an appropriation for various purposes for the fiscal years ending June 30, 1924, and June 30, 1925, for the University Preparatory School at Tonkawa, Oklahoma, and thereafter the said J. C. Walton, acting as the Governor of the State of Oklahoma, made it to be known that he intended to veto a part or all of the said appropriation for said school for said years; that, upon such information becoming public, various citizens of Tonkawa, interested in the maintenance, support and improvement of said school, became apprehensive that the said Chief Executive would veto all, or at least part of the appropriation so made by said Legislature for said school; that thereupon, the said J. C. Walton, unmindful of the high duties of his office and of his oath of office, in violation of the constitution and Laws of the State of Okls-

homa, knowing of the necessity of said appropriation of said school to the citizens of Tonkawa, purposely, wilfully, wrongfully and corruptly did enter into a conspiracy with one Val Gardner and other persons to this body unknown, to require and compel such citizens of the City of Tonkawa to raise and pay over to the said J. C. Walton and his co-conspirators a large sum of money, to-wit, the sum of Six Thousand Dollars (\$6,000.00), consisting of six one thousand dollars bills, for the securing of the approval of said appropriations for said school by the said J. C. Walton as Governor of the State of Oklahoma; that in pursuance of said unlawful conspiracy, said J. C. Walton, Val Gardner, and other persons to this body unknown, did solicit, procure, accept and obtain from the said citizens of the City of Tonkawa a bribe of Six Thousand Dollars (\$6,000.00) in cash for the approval of the said appropriation by the said J. C. Walton as such Chief Executive aforesaid; and that the said J. C. Walton, Governor aforesaid, then and there and thereby became, was, and is guilty of wilful neglect of duty, incompetency, corruption in office, and of an offense involving moral turpitude committed by him while in his said office.

Article VI

That on or about the 1st day of September, 1923, the said J. C. Walton, as the Governor of the State of Oklahoma and as Commander-in-Chief of the Military Forces of said State, assuming to act under the authority and provisions of the Constitution and Laws of the State of Oklahoma, having declared and proclaimed a state of insurrection to exist in the County of Tulsa, State of Oklahoma, and having thereupon proclaimed martial law throughout the area of said County, and having ordered and directed the Adjutant-General of the State of Oklahoma to occupy the said territory with the armed military forces of the State to enforce the orders contained therein, and having sent armed special officers, so-called, into said County to watch, spy upon, and otherwise intimidate the citizens and people thereof, and knowing that neither a state of insurrection nor rebellion existed in said County, or any part thereof, unmindful of the high duties of his office and of his oath of office, in violation of the Constitution and the Laws of said State, purposely, wilfully, wrongfully and corruptly suspended the privilege of the writ of habeas corpus in said County, and did order and direct the armed forces to deny to the citizens and people thereof the right and privilege of the writ of habeas corpus; that the said declaration of the existence of a state of insurrection or rebellion in said County was in fact untrue, of which he, the said J. C. Walton, then and there well knew, and there existed no authority in the hands of the said J. C. Walton, as such officer, to declare the existence of a state of insurrection or rebellion in said County, or any part thereof, and no cause, reason or ground existed upon which to base or predicate a proclamation of martial law in said County; that, in pursuance of the said declaration of the existence of a state of insurrection and the proclamation of

martial law throughout the said County, the suspension of the privilege of the writ of habeas corpus, the displacing and supplanting of the civil authorities of said County by the military authorities and the orders to the armed military authorities to deny to the people and citizens of said County the privilege of the writ of habeas corpus the said J. C. Walton, in the official capacity aforesaid, caused the people and citizens of said County to be greatly annoyed, distressed, intimidated and discredited, and caused great harm, injury and damage to the business and the industries of said County; that said acts and conduct on the part of the said J. C. Walton, as such officer, was in violation of the constitutional rights of the people and citizens of said County and constituted an infringement upon and a violation of the Constitution and Laws of the State of Oklahoma; and that he, the said J. C. Walton, Governor aforesaid, then and there and thereby, in the manner and form hereinbefore specified, became, was and is guilty of wilful neglect of duty, incompetency, corruption in office, and of an offense involving moral turpitude committed by him while in his said office.

Article VII

That, on or about the 20th day of September, 1923, a majority or the members of the House of Representatives of the Ninth Legislature of the State of Oklahoma, duly signed a call for the convening of said House as and for an inquisitorial body to make investigations of charges and countercharges of misfeasance and malfeasance in office of State officials constituting impeachable offenses, as provided in Article VIII of the Constitution of the State of Oklahoma; that, upon the issuance of said call by a majority of the members of said House of Representatives being made public, the said J. C. Walton, acting as the Governor of the State of Oklahoma, and as the Commander-in-Chief of the military forces thereof, did publicly state and declare that if the members of said House should attempt to assemble and convene themselves as aforesaid they would have to "rede through blood up to the bridle bits" and march "through a slaughter house to an open grave, " and otherwise made known that use of the military forces of the State and a resort to physical violence would be had and taken in order to prevent the assembling and convening of the said members, as aforesaid; that, pursuant to said statements and declarations of threats and intimidations of said J. C. Walton, acting as such officer aforesaid, did purposely, wilfully, wrongfully and corruptly issue a call to all able-bodied men, residents of the State of Oklahoma, between the ages of twenty-one and forty-five years, commanding and requiring them to equip themselves with such arms, weapons, and accoutrements as might be available, and to hold themselves in readiness for instant and immediate mobilization and use, and ordered and commanded the military forces occupying the area of Oklahoma City to prevent, at all hazards, the assembling and convening of the said House of Representatives, and the members thereof; that, by reason of the

orders of the said J. C. Walton, acting as such officer aforesaid, the commanding officer of the armed military forces occupying the area of Oklahoma City, did illegally and unlawfully occupy the Senate Chamber and the House Chamber in the Capitol Building in said State with armed guards, and otherwise placed armed guards at the doors of said chambers and at strategical positions surrounding said Capitol Building; that, pursuant to said call of the majority of the members of the House of Representatives as aforesaid, a majority, to-wit, sixty seven (67) of the members of the said House of Representatives of Ninth Legislature, on the 26th day of September, 1923, at the hour of twelve (12) noon, proceeded to the Capitol Building in Oklahoma City and to the corridor immediately in front of the House Chamber, for the purpose and with the intention of legally and lawfully entering and occupying said Chamber and assembling and convening as such body; that, thereupon, finding said Chamber occupied and the doors thereof guarded by armed forces, the members of said House then proceeded to convene in the said corridor adjacent to said Chamber by a call to order by the Speaker Pro Tempore and a roll call of the said members of said House of Representatives as aforesaid, was had and done in a quiet, peaceable, dignified and orderly manner, without arms of any nature or description whatsoever, and with no intent on in any wise to violate or breach or cause to be violated or breached the laws or the peace and dignity of the State of Oklahoma; that, thereupon, at said time and place, he, the said J. C. Walton, acting in the official capacity aforesaid, unmindful of the high duties of his office and of his oath of office, in violation of the Constitution and Laws of said State, did then and there purposely, wilfully and corruptly, by intimidation, threats of force and of physical violence against the members of said House, did cause to be dispersed the said members thereof, and then and there and thereby did prevent the assembling and convening of said members of the said members of the said House of Representatives aforesaid; that said acts and conduct on the part of the said J. C. Walton, acting in the official capacity aforesaid, were in violation of the constitutional rights of the people and citizens of said State, and particularly the members of said House of Representatives, and constituted an infringement upon and a violation of the Constitution and Laws of the State of Oklahoma; and that he, the said J. C. Walton, as such officer aforesaid, in the manner and form hereinbefore specified, became, was and is guilty of wilful neglect of duty, incompetency, corruption in office, and of an offense involving moral turpitude committed by him while in his said office.

Article VIII

That, on or about theday of, 1923, the said J. C. Walton; as the Governor of the State of Oklahoma and as Commander-in-Chief of the Military Forces of said State, assuming to act under the authority and provisions of the Constitution and Laws of the State of Oklahoma, unmindful of the high

duties of his office and of his oath of office, in violation of the Constitution and Laws of said State, purposely, wilfully, wrongfully, and corruptly did proclaim and declare a state of insurrection and rebellion to exist in the County of Okmulgee, in said State of Oklahoma, and thereupon did proclaim martial law throughout said County, and ordered and directed the Adjutant-General of the State of Oklahoma to occupy the territory of said County with the armed military forces of said State; that the said declaration of the existence of a state of insurrection and rebellion within the said County of Okmulgee, or any part thereof, was in fact, untrue, and no rightful authority existed in the hands of said J. C. Walton to declare the existence of either a state of insurrection or rebellion in said County or any part thereof, and no cause, reason or ground existed upon which to base or predicate a proclamation of martial law in said County; that in pursuance of the said declaration of the existence of a state law throughout said County, the said J. C. Walton, in the official capacity aforesaid, caused to be occupied the territory of said County by the armed military forces of said State, to the great annoyance and discrediting of the citizens and people of said County; that said acts and conduct on the part of the said J. C. Walton, as such officer, were in violation of the constitutional rights of the people and citizens of said County and constituted an infringement upon and a violation of the Constitution and Laws of the State of Oklahoma; and there and thereby, in the manner and form hereinbefore specified, became, was and is guilty of wilful neglect of duty, incompetency, corruption in office, and he was in his said office.

Article IX and X

Declaration of Martial law in the City of Tulsa, Tulsa County, Oklahoma, when no cause, reason or grounds existed therefore.

Article XI

Declaration of Martial law within and throughout the State of Oklahoma when no cause, reason or grounds existed therefor.

Article XII

That, on the 13th day of August, 1923, the Governor of the State of Oklahoma, by proper and legal proclamation fixed the date of a special election to take place on the 2nd day of October, 1923, in all voting precincts throughout the State of Oklahoma, upon certain referendum questions referred by the Ninth Legislature of the State of Oklahoma to the legal voters of said State, for their adoption or rejection; and that, thereafter, the said J. C. Walton, acting in the official capacity,

as the Chief Executive of the State of Oklahoma, and assuming to act under the Constitution and Laws of said State, unmindful of the high duties of his office and of his oath of office, in violation of the Constitution and Laws of the State, purposely, wilfully, unlawfully and corruptly did attempt to prevent and did prevent the holding of said election throughout said State, and did attempt and did prevent qualified electors of the said State from freely giving their votes at said election; and did attempt to impede, hinder and delay, and did impede, hinder and delay the lawful proceedings of the election officials of the various election boards throughout the State of Oklahoma at the time, in the manner, and in the following particulars, to-wit:

That, on the 1st day of October, 1923, the said J. C. Walton, acting in the official capacity aforesaid, did cause to be filed in the office of the Secretary of State of the State of Oklahoma a purported proclamation postponing the election, bearing the date of the 29th day of September, 1923, by which he, the said J. C. Walton, did then and there and thereby attempt to revoke, recall and rescind the said former proclamation bearing date of the 13th day of August, 1923, and the date of the said election as therein fixed, and attempted to postpone indefinitely the date of the said election; and that thereafter, on the 3rd day of October, 1923, the said J. C. Walton, acting in the official capacity aforesaid, did cause to be filed in the office of the Secretary of State of the State of Oklahoma, a purported proclamation for a special election bearing the date of the 1st day of October, 1923, therein reciting the said proclamation last above mentioned, and did thereby attempt to call and fix the 6th day of December, 1923, as the date for special election upon Initiative Petition No. 79, for approval or disapproval of the electors of said State, and therein attempted to prohibit the submission of any other amendment, question, bill or proposition.

That, in pursuance of said proclamations bearing date of the 29th day of September, 1923, and the 1st day of October, 1923, the said J. C. Walton, acting in the official capacity aforesaid, did attempt to prevent the holding of the said election by acts of intimidation and threats of violence against the duly constituted election officials of the State and the various counties and precincts thereof, in that he telegraphed and caused to be telegraphed the various secretaries of the counties election boards of the various counties of said State ordering commanding and directing the, and each of the, not to hold, and to prevent the holding of said election, and by telegraphing and causing to be telegraphed orders, commands and directions to the various county attorneys and sheriffs of the various counties of the said State, ordering, requiring, commanding of the said election in any to the precincts of their respective counties, and further commanding them to use whatever steps or force might be necessary to enforce said orders and

prevent said election, and that he, in furtherance of the carrying into effect of the said proclamations last aforesaid, did send armed men to various and sundry offices of county election boards, and to various and sundry polling places in said state, with orders and instructions to seize and hold ballots, ballot boxes, and election supplies, and to prevent the holding of said election.

Article XIII

Appointment and employment of a large number of persons and the placing of same on the payroll of different departments of the state government, and the payment of said persons out of the treasury of said state, when no statutory authority existed therefor. Such persons rendering little or no service under said appointments.

Article XIV

Refusal to permit the execution of the law imposing the death penalty for crimes committed within the state.

Article XV

Unlawful issuance of Deficiency Certificates Number 43, in the Bureau of Venereal Diseases of the Department of Health, in the sum of ten thousand dollars (\$10,000.00).

Article XVI

Abridgement of the freedom of the press and censorship of the Tulsa Tribune and the Henryetta Free Lance.

Article XVII

Appointment of special officers, so called, and attempting to authorize such persons to carry arms, make investigation of offenses against the laws and to enforce the laws of the state.

Article XVIII

That on the first day of August, 1922 there was had and held throughout the State of Oklahoma a primary election, at which the respective political parties of said state nominated candidates for the office of Governor and other state and county officials of the state of Oklahoma. The said J. C. Walton was, during the primary campaign immediately preceding the said primary election and covering a period of several months, a candidate for the nomination of the Democratic party for the office of Governor for the state of Oklahoma. During said several months immediately next

preceding said primary election and for a few days thereafter, the said J. C. Walton, as the candidate aforesaid, by and on behalf of himself and by and through his duly authorized campaign managers, directors, agents and committeemen, made collection of campaign funds from the citizens of the State of Oklahoma for the defraying of the expenses for his private campaign as such candidate for nomination of said party for said office of Governor. Upon collection of said campaign funds had and made by himself and his authorized managers, directors, agents and committeemen, disbursements of said funds were made by himself and by and through the said campaign managers, directors, agents and committeemen, in payment of the expenses of the primary campaign; that the said J. C. Walton, for and on behalf of himself, by and through his campaign managers, directors, agents and committeemen, did collect and disburse many, various and sundry sums, aggregating more than thirty thousand dollars (\$30,000.00), in payment of the expenses of said primary campaign. On or about the seventh day of August, 1922, the said J. C. Walton, in pursuance of the Statutes of the State of Oklahoma, did file in the office of the State Election Board of the State of Oklahoma a purported statement, verified by his oath, of disbursements covering the said primary campaign expenses, showing an expenditure of the sum of one thousand five hundred twenty five dollars (\$1,525.00). The committee managing the primary campaign of the said J. C. Walton did not file an itemized statement of report of the collections and disbursements made by it was by law required to do, and he was informed and knew the said campaign committee had not filed in said office of State Election Board the itemized report required by law; and that he well knew that the sworn itemized statement of his expenses was wholly false and fraudulent and that the amount expended by him and his duly authorized managers, directors, agents and committeemen was many thousand dollars more than that permitted or allowed by law, and he, the said J. C. Walton, made and caused to be made the said purported sworn statement for the purpose and with the intention of deceiving the electors of the State of Oklahoma, and with the illegal, unlawful and corrupt intention of evading the laws relating thereto.

Article XIX

Abuse of pardon and parole power by issuance of numerous pardons, paroles, reprieves, commutations and leaves of absence for the purpose of permitting and allowing his friends and political supporters to make lucrative fees.

Article XX

Collection through various offices of the State and, individuals many and large sums of money for his own private use and benefit.

Article XXI

Unlawful issuance of Deficiency Certificate number 10, for the salary fund of the Colored Orphans' Home at Taft, Oklahoma, for four thousand dollars (\$4,000.00).

Article XXII

General charge of incompetency.⁹⁸

⁹⁸ House Journal, op. cit., pp. 105-148.

This Thesis was typed by Thelma Hewes