

THE UNIVERSITY OF OKLAHOMA

GRADUATE COLLEGE

GOVERNOR LEE CRUCE AND HIS "RIGHTEOUS CRUSADE"

A THESIS

APPROVED FOR THE DEPARTMENT OF HISTORY

GOVERNOR LEE CRUCE AND HIS "RIGHTEOUS CRUSADE"

A THESIS

SUBMITTED TO THE GRADUATE FACULTY

in partial fulfillment of the requirements for the

degree of

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by

by

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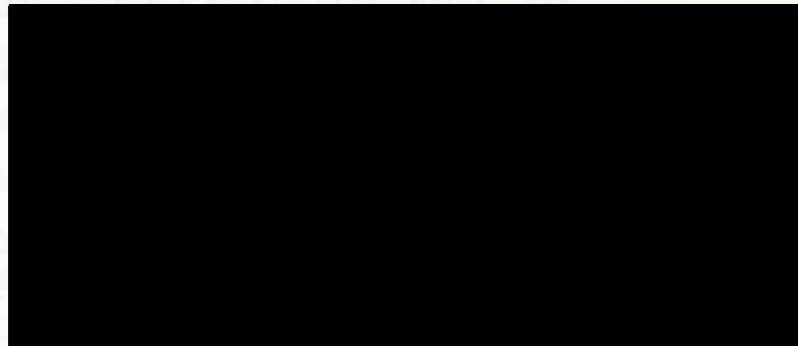
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ACKNOWLEDGMENT

The writer wishes to express appreciation to Dr. Arrell M. Gibson, who directed his master's program and provided helpful suggestions in the writing of this thesis. Appreciation is also extended S. Louise Walsh and Dr. Abraham Hoffman for serving on the thesis committee.

The writer's research was greatly aided by the kind cooperation of Jack Mattensel of the Oklahoma Historical Society, and Robert L. Clark of the Oklahoma Department of Libraries. Lorena Cruce Norris, although convalescing from an extended illness, was most gracious in granting an interview of nearly five hours devoted to the life and times of her father.

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In the process of implementing the state's innovative Constitution, the First Legislature had exhibited an abundance of "give and take," sparked by local self-interest groups. An aroma of unsavory politics could be detected in the state's educational institutions.

INTRODUCTION

Thus, as the Republicans insisted, Oklahomans appeared

To this end, I dedicate my energies and my efforts and beseech all good citizens of Oklahoma to join in this righteous crusade.¹

effects of the nationwide "panic of 1907," which lasted through 1908,

Oklahoma's second governor took his oath of office on January 9, 1911. Only three days later the Tulsa Daily World suggested the basis for many of his future difficulties: "Lee Cruce, we are fearful, is too good a man to be governor of Oklahoma at this time."²

The state of Oklahoma was then only a little more than three years old. During the state's three years' existence, the Democratic Party had finally enjoyed the spoils of political victory after years of Republican domination in both Oklahoma Territory and Indian Territory. However, presiding at the seeding time of a state had not been an easy task for the Democrats. Republican President Theodore Roosevelt had only reluctantly approved the state's Constitution, which had been labeled "a Zoological Garden of Cranks," by future President William Howard Taft.³

¹Conclusion of a Lee Cruce statement in the Daily Oklahoman, June 30, 1913.

²January 12, 1911.

³Daily Oklahoman, October 14, 1909.

⁵Weekly Oklahoman, December 8, 1910.

In the process of implementing the state's innovative Constitution, the First Legislature had exhibited an abundance of "give and take," sparked by local self-interest groups. An aroma of unsavory politics could be detected in the state's educational institutions. Thus, as the Republicans insisted, Oklahomans appeared to be beset by "dishonorable and ultra-partisan conditions" originating within the state's own boundaries.⁴ Added to this situation were the effects of the nationwide "Panic of 1907," which lasted through 1908, and an Oklahoma drouth that by December, 1910 was causing general unemployment and threatening a water shortage in urban communities.⁵

It was the fate of Lee Cruce to become governor of Oklahoma at this time, rather than three years previously, when Charles N. Haskell had defeated him by less than 3,500 votes in the state's initial Democratic primary election. The road to the governorship was smoother in 1910. Aided by a well-organized campaign staff, Cruce won the Democratic nomination by a 14,000 vote victory over the now legendary William H. "Alfalfa Bill" Murray before defeating Republican Joe McNeal by over 20,000 votes.

If former Governor Haskell would on occasion bend the moral code to accomplish his objectives, his exact antithesis could be found in Lee Cruce. The tall, angular former Kentuckian, displaying integrity like a chip on his shoulder, conducted the affairs of his office with a consistent independence, a sincerity of purpose, and a

⁴Tulsa Daily World, July 7, 1911.

⁵Weekly Oklahoman, December 8, 1910.

frank disregard for political consequences unmatched by any other Oklahoma governor.

Always a believer in the separation of governmental powers, he hotly resisted any encroachment upon his executive prerogatives. He expressed a social theory generally ahead of his day by almost single-handedly preventing capital punishment through the exercise of his pardoning power.

It can truly be said that Lee Cruce brought to the governor's office a dedication to the principles of Christianity. Invoking divine guidance by daily prayer, which he supplemented with hard work and rigid devotion to duty, he constructed a progressive administration in the face of determined opposition to most of his policies. His "Righteous Crusade" was notable for its opposition to partisan politics, its insistence on honesty and economy in government, and its attempt to enforce state laws regulating morals.

Lee Cruce was born on July 8, 1863, the fifth child of John and Jane Cruce in a family of six boys, on a farm near Marion, Kentucky. John Cruce's death when Lee was only seven years old drew the youngster unusually close to his mother, and with her encouragement he began a lifelong active membership in the Presbyterian Church. On the occasion of a surprise party honoring his fiftieth birthday, he listed the three persons, all women, who had most profoundly affected his career. First had been his mother, with her strong Christian beliefs, then his deceased wife, whose sympathy and devotion had inspired him, and third, his teen-age daughter, to whom he wished to bequeath a fond memory of her father's career.¹

The state of Lee's health may have also drawn him closer to his mother, for he was a frail lad more inclined to mental rather than physical pursuits. Actually, he must have endured a sense of foreboding most of his life due to the fact that his father, mother,

¹Daily Oklahoman, July 9, 1913, January 8, 1911.

younger brother and two half-sisters had died of tuberculosis.² In his first year in the governor's office, he confided to an insurance man that he himself was not an "insurable risk,"³ probably because of the history of tuberculosis in his family. Thus, attainment of the half-century

GOVERNOR LEE CRUCE AND HIS "RIGHTEOUS CRUSADE"

When the day arrived he celebrated it in what was for him a highly unusual manner--he took a holiday!

CHAPTER I

As a teen KENTUCKY FARM BOY TO ARDMORE BANKER in both mathe-

matics and oratory. While attending nearby Marion Academy, his older

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¹Daily Oklahoman, July 9, 1913, January 8, 1911. ²Cruce Norris, Pasadena, California, August 19, 1971. Mrs. Norris was the only child of Lee Cruce.

younger brother and two half-sisters had died of tuberculosis.² In his first year in the governor's office, he confided to an insurance man that he himself was not an "insurable risk,"³ probably because of the history of tuberculosis in his family. Thus, attainment of the half-century mark was a proud achievement in the life of Governor Cruce. When the day arrived he celebrated it in what was for him a highly unusual manner--he took a holiday!⁴

As a teenager, Lee showed remarkable ability in both mathematics and oratory. While attending nearby Marion Academy, his older brother Will and several classmates customarily collaborated in solving the more intricate algebra problems. One, however, proved exceptionally difficult. The boys were ready to admit defeat, when Will suggested, "I am going home Saturday and I'll take this darn thing to Lee and I'll bet you he will tear it to pieces." The boys scoffed, as they knew Lee had not received formal training in algebra and had seldom been away from the farm. Nevertheless, when Will returned to school the following Monday the problem had been solved.⁵

Young Lee developed into an accomplished speaker and debater

²Cruce to George Morgan, October 12, 1912, Unprocessed Box, October 1, 1912 to January 23, 1913, Governor Lee Cruce Administrative File, Series B, Oklahoma City, Oklahoma Department of Libraries, Division of Archives and Records. Hereafter cited as Cruce File, State Archives.

³Cruce to Charles A. Parsons, October 18, 1911, Box 22, FF-7, ibid.

⁴Daily Oklahoman, July 9, 1913.

⁵Ibid., January 8, 1911; Interview with Lorena Cruce Norris, Pasadena, California, August 19, 1971. Mrs. Norris was the only child of Lee Cruce.

at Marion Academy. Lily Dale schoolhouse, a few miles from the Cruce farm, was renowned as the scene of numerous monumental debates, ranging in subject matter from "Resolved, That fire is more destructive than water;" to the intricate political questions of the day. It was at Lily Dale that Lee, "a tall and slender sapling of fifteen," reinforced by two weeks of diligent study, defeated a professional campaigner for the Greenback Labor party in a four hour debate.⁶

The youth's forensic ability was further demonstrated by his place on the debate team at Vanderbilt University where he spent the school year 1883-84 in pre-law, narrowly missing first place in an important tournament.⁷ He had a knack for extemporaneous speaking that proved useful in his political career. His speeches were usually lengthy and eloquent in the custom of the day.⁸ He told one correspondent in the last year of his term as governor, "Since I have been in public life I have written out only about three speeches."⁹

He returned home from Vanderbilt University in 1884, unable to continue because of an intestinal condition that plagued him most of his life. With an education derived from Lily Dale country school,

⁶Daily Ardmoreite, March 10, 1907; Daily Oklahoman, January 8, 1911.

⁷Daily Oklahoman, January 8, 1911; Cruce to N. D. Overall, May 5, 1913, Unprocessed Box, April to July, 1913, Cruce File, State Archives.

⁸Interview with Lorena Cruce Norris, August 19, 1971.

⁹Cruce to W. R. Martineau, February 24, 1914, Box 6, FF-1, Cruce File, State Archives; Cruce to Dr. Stratton D. Brooks, February 28, 1914, Box 4, FF-10, ibid.

a term at Marion Academy and a year at Vanderbilt, he now proceeded to read law in his brother Will's law office. He was twenty-five years old in 1888 when admitted to the Kentucky bar. Another older brother, A. C. Cruce, had already established a law practice with W. B. Johnson in the frontier town of Ardmore in the Chickasaw Nation. In 1891, Lee decided to join them there as a junior partner.¹⁰

Ardmore, established when the Santa Fe Railway cut its route through Joe Chipman's "Seven Hundred" ranch in 1887, was upon Lee Cruce's arrival a town of dirt streets, frame buildings, and 2,000 people.¹¹ It was destined to be a fertile field for the practice of law, and the firm of Johnson, Cruce & Cruce prospered. Two years after coming to Ardmore, Lee married the charming and talented Chickie LeFlore, of Chickasaw and Choctaw descent, whom he had met at one of the town's frequent "summer socials."¹²

The ensuing ten years were happy ones for the young attorney. Never socially inclined, he enjoyed most the simple pleasure of quiet evenings at home with his wife and their baby daughter, Lorena, born in 1896.¹³ He found time, however, to serve actively in Ardmore's First Presbyterian Church as deacon and teacher of a boy's Sunday

¹⁰"A Business Man for Governor," Sturm's Oklahoma Magazine, IV (March & April, 1907), pp. 15-16.

¹¹Indian Territory T. P. A. Magazine, II (May, 1907), p. 44.

¹²"A Business Man For Governor," Sturm's Oklahoma Magazine, IV (March & April, 1907), pp. 15-16.

¹³Daily Oklahoman, January 8, 1911.

School class.¹⁴

On March 14, 1899, a simple statement in the Daily Ardmoreite announced with approval the future governor's entry into politics--he was a candidate for alderman in the city's first ward. In the midst of the campaign one voter wrote the Daily Ardmoreite suggesting that certain candidates for the city council were participants in a plot to negate a recent election approving free public schools for Ardmore.¹⁵ He must have referred to Lee Cruce, who now publicized two reasons for his opposition to public schools in that election. First, he believed with proper pressure on the Congress, the Federal government would finance free schools in the territory. Second, the actual cost of funding public schools in Ardmore could not yet be determined; consequently, there was a likelihood that an adequate tax rate could be grossly unfair to local property owners, already subjected to "an enormous tax." In truth, Cruce asserted, he was heartily in favor of free schools--his only concern was the manner of financing.¹⁶

His public acknowledgment of voting against free schools was to haunt him in future gubernatorial campaigns. Both Charles N. Haskell and Alfalfa Bill Murray made political capital of his opposition in

¹⁴"A Business Man for Governor," Sturm's Oklahoma Magazine, IV (March & April, 1907), pp. 15-16; Cruce to Bert N. Smith, October 29, 1912, Unprocessed Box, October 1, 1912 to January 23, 1913, Cruce File, State Archives.

¹⁵Daily Ardmoreite, March 17, 1899.

¹⁶Ibid., April 2, 1899.

the Ardmore public school election.¹⁷

In the subsequent city council election held April 4, 1899, the former Kentuckian squeezed through with 179 votes, only three more than his nearest opponent, but enough to win a seat on the council.¹⁸ It may be said for Lee Cruce that, the Ardmore voters having approved the public school issue, he now acceded to the wishes of the majority. Within six weeks after his election, Cruce "had prepared, introduced and helped to pass an ordinance establishing public schools in Ardmore."¹⁹ Minutes of the monthly council meetings soon reflected other ideas of the new alderman indicative of his future attitude in the governor's office--especially in regard to his interest in finance and passage of laws to regulate morals. An ordinance prohibiting gambling passed by the council on June 19, 1899 was generally referred to by the public as the "Cruce Bill."²⁰ An ordinance restricting prostitution,²¹ and a curfew ordinance were also adopted while Cruce was alderman.²²

In 1895 the flourishing law partnership of Johnson, Cruce and Cruce had built what the Daily Ardmoreite called "the handsomest structure in the city,"--a two story building, thirty-two by ninety feet, with a lower front made of plate glass and iron.²³ On June 12,

¹⁷See p. 26 infra.

¹⁸Daily Ardmoreite, April 5, 1899.

¹⁹Daily Oklahoman, April 26, 1907.

²⁰Daily Ardmoreite, June 20, 27, 1899. ²¹Ibid., June 20, 1899.

²²Ibid., October 22, 1899. ²³May 23, 1895.

²⁹mid., October 22, 1899.

1899 even this proud edifice succumbed to the ravages of fire so common to early day Ardmore.²⁴

This experience no doubt prompted the usually frugal Cruce to vote for the purchase of a second fire truck a few months later. At the same meeting, the council voted other civic improvements, and the Daily Ardmoreite wryly commented, "Even Mr. Cruce of the first ward went on record to support the squandering of some funds for the city's good."²⁵ Cost-conscious Alderman Cruce quickly persuaded the Santa Fe Railway to charge only half its usual rate to transport the new fire engine from Chicago to Ardmore.²⁶

In September, 1899, Cruce was called to the side of his wife who had become quite ill while visiting in Colorado. He brought her back to Ardmore as soon as she was able to travel,²⁷ and the first council meeting in October found him again in his role as watchdog of city finances. At that meeting he voted to postpone the purchase of six street lights, pending a statement of the city's current indebtedness.²⁸ At the next meeting, the city's debt having been reported as \$658.20, the council approved a contract for four 2,000 candle power electric lights, at \$10.00 per month rental rate for each.²⁹

²⁴[Cruce] to Henry E. Asp, July 6, 1899, Box 1, Lee Cruce, Cruce, Cruce, & Bleakmore Collection, Norman, University of Oklahoma Library, Western History Collection. Hereafter cited as Cruce Coll., Univ. of Okla. Library.

²⁵December 1, 1899. ²⁶Ibid., December 31, 1899.

²⁷[Cruce] to F. M. Clement, September 12, 1899, Box 1, Cruce Coll., Univ. of Okla. Library.

²⁸Daily Ardmoreite, October 3, 1899.

²⁹Ibid., October 22, 1899.

Dr. A. J. The city election in April, 1900, resulted in charges of illegal voting in two city wards, and Alderman Cruce was appointed a member of the committee delegated to investigate what the Daily Ardmoreite termed "the first contest case in the history of Ardmore and probably of the Indian Territory."³⁰ It was Cruce's function to examine witnesses at public hearings conducted before large crowds in the city hall. When the committee finally announced its findings and Alderman Cruce with the two other aldermen opened the ballot boxes and eliminated the illegal votes, their verdict was accepted and without question.³¹

Two separate Democratic clubs existed in Ardmore--the Bryan and Sewall Democratic Club and the Jeffersonian Democratic Club. Members of both clubs agreed to merge in preparation for the forthcoming presidential campaign of 1900. Lee Cruce approved the merger as a committee member of the Bryan and Sewall Club. With his brother, A. C., he assumed a major role in the joint meeting called for the purpose of accomplishing the merger and uniting the party in its fight against the Republicans.³²

The next order of business for the Democrats was to elect a national committeeman. The Chickasaw Nation, claiming a possible one-half of the Indian Territory's Democrats, said to be made up of "honest white farmers and Indians,"³³ put forth as its candidate,

³⁰Ibid., April 15, 20, 1900.

³¹Ibid., April 22, 1900.

³²Ibid., March 15-16, 1900.

³³Ibid., June 17, 1900.

Dr. A. J. Wolverton, Ardmore banker. Lee Cruce was chairman of the Ardmore delegation that succeeded in designating Ardmore as the site of the territorial convention, which was to choose the Democratic committeeman.³⁴

Confusion reigned from the opening day of the convention, when forces supporting Colonel Thomas Marcum of Muskogee bolted the convention. They accused Wolverton supporters of packing the convention with non-delegates, and were generally critical of their reception by the people of Ardmore. Future governor of Oklahoma, and Federal judge, Robert L. Williams, led the Wolverton supporters and no doubt was the delegate reported to have broken a pitcher of molasses over the head of "The chief bulldozer of the bolters."³⁵ Attempts were made to reconcile the Wolverton and Marcum forces prior to the national convention in Kansas City on July 4, 1900. No agreement could be reached, however, and the situation was ultimately solved at the convention by allowing a half-vote to each delegate.³⁶

Such was the nature of Lee Cruce's early experiences in national politics. The Denison (Texas) Herald appears to have understood the impetus underlying Indian Territory politics:³⁷

³⁴Ibid., June 8, 1900.

³⁵Ibid., June 11-13, 17, 1900.

³⁶Edward Everett Dale & James D. Morrison, Pioneer Judge: The Life of Robert Lee Williams (Cedar Rapids: The Torch Press, 1958), pp. 104-07.

³⁷Quoted in Daily Ardmoreite, August 1, 1900.

The Wolverton and Marcum fight for democratic honors seems to have attracted the attention of the nation to the five civilized tribes for recognition. Just because the Indian Territory man has no vote at home he has become a factor in national politics--for the nation has seen how stubbornly he fights over nothing, and believes he will accomplish wonders when fighting for something.

When statehood eventually came to Oklahoma Territory and Indian Territory, it is not surprising that Indian Territory politicians were able to upset the political prognosticators who prophesied the new state would be controlled by Oklahoma Territory leaders.

Throughout the remainder of his two year term on the city council, Cruce continued to display conservatism and a penchant for economy. Among the many "spending" measures he opposed was one intended to raise the aldermen's salary, then one dollar per meeting.³⁸

It was probably during the latter part of his term as alderman that Cruce resolved to leave the legal profession. W. F. Kerr, managing editor of the Daily Oklahoman, and later Governor Cruce's chief clerk, wrote that Cruce's work as a lawyer aroused his sensitivity and compassion for the "prisoner at the bar," to the extent that his health became affected.³⁹ Doubtless Cruce had been awaiting a satisfactory business opportunity, which presented itself on June 14, 1901.

On that day several "prominent and moneyed citizens of Ardmore" agreed that the growing community of 7,000 could support a third bank.

³⁸Daily Ardmoreite, June 26, 1900.

³⁹Daily Oklahoman, January 8, 1911.

Its proposed \$100,000 capitalization would surpass that of any bank in Indian Territory.⁴⁰ When the Ardmore National Bank opened for business on August 31, 1901, its cashier was Lee Cruce, who owned about one-fourteenth of its stock.⁴¹ The next few years must have been busy ones as the bank's cashier successfully tested his business acumen to the satisfaction of sixty-two stockholders. The banking profession was not new to the Cruce family, however, as several relatives on John Cruce's side had branched off into banking from mercantile pursuits.⁴²

One can well understand the grief of the home-loving Lee Cruce, blessed with a happy marriage of ten years, when his wife succumbed to complications arising from her third miscarriage and died in May, 1903. Newspaper headlines and accounts of Mrs. Cruce's death and funeral testify to the Ardmore community's regard for her. A newspaper column signed by "A Friend" relates how the grief-stricken father broke the news of Chickie Cruce's passing, to his seven-year-old daughter, during a buggy ride in the early morning following her mother's death: "Lorena, while you slept last night the angels came and took your mother away."⁴³ An Oklahoma City

⁴⁰Daily Ardmoreite, June 18, 1901.

⁴¹Ibid., June 26, August 26, 1901; Daily Oklahoman, April 26, 1911.

⁴²Daily Oklahoman, January 8, 1911.

⁴³Daily Ardmoreite, May 7, 10, 1903; Interview with Lorena Cruce Norris, August 19, 1971. Cruce never married again.

⁴⁶Daily Ardmoreite, January 22, 1905.

periodical later commented, "Few Sundays pass during the year in good or inclement weather that do not find Lee Cruce trudging his way to the little cemetery to place flowers upon the grave of the mother of his child."⁴⁴

Following his wife's death, Cruce now immersed himself even further into the banking profession. His industry and ability were rewarded by promotion to the presidency of the Ardmore National Bank in 1905. He had also found time to assist the Democratic party as treasurer of the Territorial Democratic Committee in the 1904 presidential campaign.⁴⁵

In January, 1905, occurred what proved to be a notable event in the life of Lee Cruce. He was elected to the presidency of the Ardmore Commercial Club, equivalent to the present day Chamber of Commerce.⁴⁶ As an official in the local club, the Ardmore banker was in a position later to be elected president of the territorial organization. In the latter capacity, he made statewide friendships and acquaintances that must have greatly assisted his future gubernatorial campaigns.

In 1905, Ardmore claimed a population of 13,000, more than double its size four years before. Its new Commercial Club president demonstrated himself to be an able and enthusiastic booster. His first mission in behalf of the club was to accompany Sidney Suggs,

⁴⁴Daily Ardmoreite, March 17, 1907, quoting The Once a Month.

⁴⁵Dale & Morrison, Pioneer Judge, p. 123.

⁴⁶Daily Ardmoreite, January 22, 1905.

editor of the Ardmoreite, and Ardmore Mayor R. W. Dick to Muskogee to confer with officials of the Union Agency of the Five Civilized Tribes. Probably this was the culmination of prior efforts, but when the Ardmore men returned home, they proudly announced that the "intruder's court," heretofore confined to Tishomingo, would hold its next term in Ardmore. This "court," a department of the Union Agency, had jurisdiction over matters relative to removal of persons illegally occupying land allotted to Indians of the Chickasaw Nation. Ardmore's economy would benefit from the presence of nearly 1,000 visitors daily while the court was in session.⁴⁷

Newspapers of 1905 were filled with statehood views and comments. While A. C. Cruce was making occasional visits to Washington in the interest of statehood,⁴⁸ his younger brother Lee was lending verbal support. As president of the Ardmore Commercial Club he delivered the welcoming address to visiting members of the Kansas City Commercial Club, in which he stated, "We have all the facilities for a state and it [is] a great crime to deny us the privilege of self-autonomy."⁴⁹ Lee Cruce shared the feelings of other Ardmore leaders who disapproved of separate statehood for the Twin Territories. In fact he did not even bother to read the Sequoyah Constitution, adopted by those favoring separate statehood for Indian Territory, until he ran

⁴⁷Ibid., February 15, 1905.

⁴⁸Ibid., March 1, 1905.

⁴⁹Ibid., May 11, 1905.

⁵²Daily Oklahoman, July 12, 1905; Daily Ardmoreite, July 13, 1905.

for governor in 1907.⁵⁰ The Daily Ardmoreite probably also expressed the views of Lee Cruce when it stated that:⁵¹

Double statehood in this section is becoming more unpopular and the Muskogee politicians who have called a constitutional convention of this territory alone will receive no aid from this section.

In July, 1905, about fifty leading businessmen representing Commercial Clubs of both territories met in Oklahoma City and formed the "Federation of Commercial Clubs of Oklahoma." A vigorous Ardmore delegation secured the election of Lee Cruce as the Federation's first president. Significantly, at the same time several thousand people-- the largest number of visitors Oklahoma City had ever entertained except possibly the Roosevelt Rough Rider Convention in 1900, assembled in a joint statehood convention.

Notwithstanding some opposition, the new Federation of Commercial Clubs adopted a resolution for "immediate single statehood." Referring to the importance of statehood for the commercial development of the territories, the Federation's newly elected President Cruce stated:⁵²

The removal of restrictions and railroad rates are minor questions, when compared to statehood. Six months of statehood . . . will bring about more favorable results to commercial interests than can be accomplished in two years without statehood.

Soon after Congress convened in December, 1905, Lee Cruce as president of the Federation of Commercial Clubs was active in raising

⁵⁰Daily Oklahoman, April 19, 1907.

⁵¹July 11, 1905.

⁵²Daily Oklahoman, July 12, 1905; Daily Ardmoreite, July 13, 1905.

the necessary funds to transport 165 statehood boosters to Washington. The Daily Oklahoman emphasized the value of this undertaking: "The number of these boosters and the insistence of their demand undoubtedly left a deep impression upon the members of Congress; for it was during this session that the enabling act was finally passed."⁵³

Besides gaining prominence in local civic affairs, the former Kentucky farm boy had also made a successful transition from lawyer to businessman. Published financial statements of three Ardmore banks in January, 1906 indicated that Cruce's Ardmore National Bank, with deposits of \$307,000 had enjoyed the greatest percentage of growth among local national banks in a two-year period.⁵⁴

Lee Cruce's benevolence as well as his financial condition were reflected in his \$300 contribution, one of the three largest, in a campaign to erase the indebtedness of local Hargrove College.⁵⁵ In his own words, by 1907 he "had no debts and a good balance in the bank."⁵⁶

Moreover, his personal popularity among Ardmoreites had kept pace with his financial progress and statewide prestige. City school children by popular vote selected him as one of the judges in a "city beautiful" contest. He even sacrificed his usual dignity one June evening when he agreed to compete with affable newspaper editor

⁵³April 9, 1907. ⁵⁴Daily Ardmoreite, January 4, 1906.

⁵⁵Ibid., March 5, 1905.

⁵⁶Newspaper clipping, St. Louis Post-Dispatch, March 2, 1913, Lee Cruce Folder, Fred S. Barde File, Oklahoma City, Oklahoma Historical Society Library. Hereafter cited as Barde File, OHS Library.

Sidney Suggs "in a match race on the spotted ponies at the merry-go-round on West Main Street."⁵⁷

The Oklahoma Enabling Act became law on June 16, 1906. Within a month, a number of Ardmore citizens had settled on that community's candidate for governor of the new state of Oklahoma. Six days later the Daily Ardmoreite published verbatim Lee Cruce's "Official Announcement" of his candidacy.⁵⁸

⁵⁷Daily Ardmoreite, June 4, 1905.

⁵⁸Ibid., July 23, 1906, January 17, 1907.

practice of public officials accepting free railroad passes should be designated a penitentiary offense.²

Taxes, "uniformly levied," should be commensurate with the requirements of a new state; there should be a "liberal homestead and exemption law;" primary elections should be held for nominating local

CHAPTER II

OKLAHOMA'S FIRST DEMOCRATIC GUBERNATORIAL PRIMARY

A pertinent topic of the day ranked first on the list of subjects discussed in Lee Cruce's announcement for governor of Oklahoma: The question of alienation of Indian lands. He went on record as favoring the allottee's right to dispose of those lands, except that homestead property should be reserved for the use of full blood Indians. Permitting Indians to sell their lands, he believed, would stimulate the state's development and "make better and more self-reliant citizens of a large body of our people."¹

He strongly favored the development of free public schools and particularly deplored the educational situation in the Indian Territory. He believed that there should be separate schools and separate railroad coaches for Negroes. In this respect he expressed a philosophy popular with the white race of that era: "Between the two races in all social matters, God has created an impassable barrier, and the man who advocates the breaking down of the barrier, is an enemy of both races." He acknowledged that corporations, especially railroads, were necessary to the state's growth but advocated strict control. The

¹Daily Ardmoreite, July 23, 1906, January 17, 1907.

²ibid. ³ibid.

practice of public officials accepting free railroad passes should be designated a penitentiary offense.²

Taxes, "uniformly levied," should be commensurate with the requirements of a new state; there should be a "liberal homestead and exemption law;" primary elections should be held for nominating local and county officials and to express voter preferences for United States senators. Concerned with the possibility of "corporations and lobbyists" tampering with the Legislature, he supported the initiative and referendum, "In order that the will of the people may not be thus circumvented." A concept propounded throughout his announcement and one which he reiterated regularly during his term as governor insisted, "All laws are made to be obeyed, not violated, and if the law is not to be enforced it should be repealed."³

It should be noted that Cruce did not take a stand on prohibition in his official announcement, as he considered it a "moral question" to be decided by a majority of the voters. This attitude may have contributed to his defeat by Charles N. Haskell in the state's first gubernatorial campaign.

The upcoming election of 112 delegates to the Constitutional Convention scheduled for November 20, 1906, afforded the Ardmore banker an opportunity to further his candidacy in all sections of the Twin Territories. He made a number of speeches on behalf of prospective Democratic party delegates and personally met with a favorable reception that reinforced his decision to run for governor. Exhila-

²Ibid. ³Ibid. 21, 1907.

ration arising from campaign forays to the northwest and northeast portions of the territories moved him to declare, "I feel myself obligated to offer myself for the office."⁴

After the electorate chose an overwhelming Democratic majority of delegates to the Constitutional Convention, Cruce vigorously insisted the delegates should adhere to the party's pledge for separate schools, railroad coaches and waiting rooms for the Negro. It developed, however, that Convention leaders feared President Theodore Roosevelt would withhold approval of a Constitution embracing such provisions. Cruce disagreed, no doubt erroneously, with this argument.⁵ In February, 1907, he vehemently declared, "I would rather have the people turn down the constitutional convention for its failure to insert a clause providing for separate coaches . . . than to have the convention turn down the people who . . . expressed their desire to have the clause inserted."⁶

Nevertheless, the Constitutional Convention finally adjourned on July 16, 1907, without enacting the so-called "Jim Crow" laws that Cruce believed the people were demanding.

Convention leaders, eager for one of their own number to receive the Democratic nomination for governor, resented the Ardmore candidate's failure to accept unequivocally the fruits of their labors. Majority floor leader Charles N. Haskell charged Cruce had "embarrassed

⁴Ibid., November 9, 1906.

⁵Daily Oklahoman, January 16, 1907

⁶Ibid., February 21, 1907.

the constitutional convention by frequent criticisms."⁷ Cruce was also accused of describing the constitution as a "Bundle of Broken Pledges," assembled by delegates engaged in "wasting time writing legislation."⁸ Cruce denied these charges. The Constitution was, in his opinion, "The best ever written;" he only regretted its failure to incorporate a "separate coach provision."⁹

The effects of the "Panic of 1907" were being felt in Oklahoma in May, 1907. "Business is absolutely at a stand-still in the Indian Territory and conditions are growing worse," Cruce wrote. He perceived approval of the Constitution and subsequent statehood as "The only salvation for the business interests of these two Territories. . . ."¹⁰

By the middle of March, 1907, a consensus of convention delegates had selected Haskell as "the only man in the convention who can beat Lee Cruce."¹¹ The Muskogee lawyer had shown organizing ability in the Sequoyah Convention and had been recognized as something of a peacemaker in the Constitutional Convention. He announced his candidacy for the governorship on March 26, 1907. Also on that date the Democratic State Committee met in Tulsa and agreed to hold a Democratic primary election on May 23, 1907, later changed

⁷Newspaper clipping, Enid Events, Barde File, OHS Library; Daily Oklahoman, April 26, 1907.

⁸Daily Oklahoman, April 26, 1907. ⁹Ibid., April 19, 1907.

¹⁰To J. H. Haigler, May 20, 1907, Box 27, Cruce Coll., Univ. of Okla. Library.

¹¹Oscar Presley Fowler, The Haskell Regime: The Intimate Life of Charles Nathaniel Haskell (Oklahoma City: Boles Printing Co., 1933), p. 111.

to June 8, 1907.¹²

The day following Haskell's announcement he addressed a letter to Cruce suggesting "thirty joint discussions" in which the three Democratic gubernatorial candidates, including Thomas H. Doyle, would participate.¹³ Cruce replied by outlining his platform as set out in his announcement of July 23, 1906. Inasmuch as a substantial portion of that platform had now been made a part of the Constitution, he asserted there could be topics for joint discussion only if Haskell took issue with the Constitution itself, or the other matters included in the Cruce announcement. He asked Haskell to notify him of any specific subjects with which he disagreed and they would be defended "either in joint discussion or otherwise." He pointed out that "Ordinarily there is nothing to debate between Democrats believing the same principles," and discussion might lead to party dissension and eventual defeat.¹⁴

After receiving Cruce's reply, Haskell wrote him again, restating his request for a "joint discussion." He contended the Cruce platform was merely "a clear echo of the Sequoyah Convention" conclusions, which he, (Haskell), had helped write.¹⁵ To this, Cruce enumerated several important differences between his platform and

¹²Ibid., p. 113; New-State Tribune, March 28, 1907, April 25, 1907.

¹³New-State Tribune, April 4, 1907; Cruce to Hon. C. N. Haskell, April 1, 1907, Box 27, Cruce Coll., Univ. of Okla. Library.

¹⁴Cruce to Hon. C. N. Haskell, April 1, 1907, Box 27, Cruce Coll., Univ. of Okla. Library.

¹⁵New-State Tribune, April 18, 1907.

that of the Sequoyah convention: The Sequoyah Convention did not mention removal of land restriction, nor did it support initiative and referendum and a primary election law. In addition, while the Convention would allow an appointed railroad commission to utilize free railroad passes, Cruce would jail any elected official who accepted a free pass. Again the Ardmore candidate insisted Haskell had raised no issue suitable for public discussion.¹⁶

Very likely at this time both candidates believed Cruce to be in the lead for the Democratic nomination. Therefore, it was definitely to Cruce's interests to preserve party harmony as he looked forward to the general election. On the other hand, gubernatorial candidate Thomas H. Doyle joined Haskell in attacking the Ardmore man's candidacy. Their "joint discussions," replete with innuendoes and direct charges against Cruce, assumed the characteristics of an "Alfonso-Gaston affair."¹⁷

Doyle accused Cruce of being a "creature of the corporations," especially of the Standard Oil Company.¹⁸ He declared Haskell was a "good man" and approved of his voting record at the Constitutional Convention on everything except the Prohibition question.¹⁹ Doyle on one occasion censured Cruce for attempting to "commercialize"

¹⁶Cruce to Hon. C. N. Haskell, April 9, 1907, Box 27, Cruce Coll., Univ. of Okla. Library.

¹⁷Daily Oklahoman, April 10, June 7, 1907.

¹⁸Haskell's New-State Tribune liked to refer to one campaign issue as being "Cruce and the Corporations or Haskell and the Constitution." May 9, 1907.

¹⁹Daily Oklahoman, April 7, 1907.

personally from last year's excursion to Washington by statehood enthusiasts--a charge which the Daily Oklahoman labeled "rank nonsense."²⁰

Some two weeks before Haskell announced his candidacy for governor, he had published in his personally owned newspaper, the New-State Tribune, several questions and charges addressed to Cruce. In line with his policy of maintaining party harmony, Cruce had forthwith visited Haskell to explain his position on the issues. He left the conference naively assuming he had converted the wily Haskell to his way of thinking.²¹

After Haskell entered the governor's race, he exploited the charges against Cruce to the fullest. Finally the latter felt obligated to reply in a letter published in the Daily Oklahoman on April 26, 1907. To an allegation that the Ardmore National Bank had charged usurious interest, Cruce explained that of 7,763 loans processed since the bank was organized, not a single complaint of usury had ever been made. He furnished statements confirming that ninety-nine percent of the bank's borrowers were supporting his candidacy. He denied being opposed to public schools for Ardmore and submitted evidence of his authorship of Ardmore's free school ordinance. He recommended the Constitution as essentially a restatement of the Democratic platform, except that the Constitution failed to include

²⁰Ibid., April 9, 1907.

²¹Ibid., April 28, 1907; New-State Tribune, April 4, May 2, 1907.

"Jim Crow" laws and provide for unrestricted sale of Indian lands.²²

He merely answered "No" to a question as to whether at least seven "paid agents" were traveling the state in his behalf. He also denied having been a "gold democrat in 1896," and asserted he was a supporter of W. J. Bryan, whom he considered to be "the greatest American since Abraham Lincoln's time. . . ." ²³ Asked if attorneys for corporations, trusts and monopolies were supporting him, he answered that this was true of two old friends, S. T. Bledsoe of Ardmore and W. I. Gilbert of Duncan, both railroad attorneys. He noted, however, that Thomas Owen, a Muskogee railroad attorney, was supporting Haskell.²⁴

With his opponent now on the defensive, Haskell toured the Twin Territories, expanding on the accusations against Cruce but never neglecting more subtle attempts to gain voter sympathy. The following is probably a true account, wherein Haskell adapted to his audience and distorted the abilities and inclinations of his capable wife. Speaking at a country picnic, he apologized:²⁵

Friends, I am very much disappointed today because my wife is not here with me. She intended to come, but at the last moment her work piled up on her and when I left she was out in the back yard making soap. You women know how important that is.

²²Daily Oklahoman, April 26, 1907.

²³Ibid., April 19, 1907.

²⁴Ibid., April 26, 1907. See also New-State Tribune, April 18, 1907.

²⁵Daily Oklahoman, April 27, 1907.

²⁵Harlow's Weekly, June 13, 1930.

Meanwhile, Lee Cruce's campaign speeches adhered basically to his original platform, along with refutation of his opponents' allegations, and supplemental affirmations such as, "As God is my helper, I will so far as in me lies, redeem every pledge I make to the people of Oklahoma." Referring to his desire for a great public school system, he said, "When education ceases, free government will not long survive. The more you educate the children of this country, the greater the percentage of them who grow up to appreciate and advocate the great principles of democracy."²⁶

He ridiculed a Haskell proposal that the choice of a Democratic nominee be made by three arbitrators--the "most undemocratic idea that has been evolved from the mind of man. . . ." His own "board of arbitrators" would be "the entire membership of the democratic party in these two territories."²⁷ His speech at Sapulpa from the veranda of a hotel, there was no hall large enough to accommodate the crowd of 1,500, reflects the oratorical heights he sometimes reached, perhaps after the style of his idol, William Jennings Bryan:²⁸

If I am elected your governor I'll tell you how I will deal with the convict question. I will take these first offenders from behind the prison bars, discard those odious stripes that brand them as felons as far as you can see them, take them out on the public highways where the sunshine of God will kiss their cheeks and the pure air of heaven fan their brow; where they can hear the sweet voices of the birds and inhale the fragrance of the flowers; where all the tender forces of nature, with beckoning hands and whispering voices, will call them back to a life of honesty and usefulness.

²⁶Daily Oklahoman, April 27, 1907.

²⁷Ibid., May 3, 1907.

²⁸Ibid., May 11, 1907.

Curiously, while in the forefront of the fight for "Jim Crow" legislation, Lee Cruce himself bore the brunt of some racial prejudice in the campaign. Both opponents ridiculed him as being an intermarried Indian citizen.²⁹ Cruce may have quickly turned this sarcasm into a measure of victory for himself, according to accounts of speeches at Sallisaw and Chickasha:³⁰

Mr. Cruce approached the discussion of this question with due deference, and as he described his courtship and marriage to the woman whom he loved, and told of their happy married life, and of the little girl that God gave them to bless their home, and upon whom they centered and lavished their affections, and then how the death angel came and cut down the flower of his life, the companion of his bosom, and left him with the little child to mourn her death and live alone, the audience was melted to tears.

A source of rancor to Cruce for years to come was the avarice of the newspapers during the 1907 campaign. Cruce admitted spending \$40,000 in that campaign, which was \$25,000 more than his budgeted amount. Much of the excess amount he attributed to the greed of state newspapers.³¹

At that time it was often difficult to distinguish straight news reporting from a form of advertising or paid editorial comment. For example, Cruce paid \$150 for a three-page biography and character sketch, which had all the appearances of human interest reporting, in the "slick" Sturm's Oklahoma Magazine's March-April, 1907 issue.³²

²⁹New-State Tribune, April 18, 1907.

³⁰Daily Oklahoman, April 17, 19, 1907.

³¹Newspaper clipping, St. Louis Post-Dispatch, March 2, 1913, Barde File, OHS Library.

³²Invoice in Box 27, Cruce Coll., Univ. of Okla. Library.

As the campaign got underway, newspapers friendly to Cruce, such as the Daily Oklahoman and the Daily Ardmoreite, publicized his candidacy without charge. Other publications began seeking a share of the Cruce advertising budget, apparently assuming the Ardmore banker had accumulated a sizeable campaign chest. Cruce refused, asserting, "Such a campaign would impoverish me." "Then," he related, "the letters became threatening, saying that if I believed the newspapers were without influence it might be well for me to observe results when the returns were counted."³³

The Daily Oklahoman, accused by the Oklahoma Post of publishing "arguments" for Cruce at fifteen cents per line, vigorously denied the practice. Simultaneously, the Oklahoman charged certain other newspapers were guilty of "the illegitimate and disreputable practice of selling their editorial bitterness." The Oklahoman further explained that Lee Cruce, wary of establishing a precedent that would virtually eliminate the poor individual from future statewide campaigns, had refused to duplicate Haskell's policy of spending thousands of dollars to announce his candidacy.³⁴

Although Cruce maintained his opposition to paid announcements, his advisers became alarmed as the campaign progressed. Finally they secured his approval for the purchase of newspaper space, in reliance upon future contributions. The contributions were not forthcoming, however, and eventually the defeated candidate Cruce, feeling

³³Newspaper clipping, St. Louis Post-Dispatch, March 2, 1913, Barde File, OHS Library.

³⁴Daily Oklahoman, May 7, 1907.

morally obligated, paid "more than 200 newspapers" from his personal funds, creating a situation "disastrous to his private fortune." Payments to fifteen newspapers were later determined to be duplications, but he was unable to recover the money paid.³⁵

Cruce and his campaign manager, John B. Doolin, tried some months after the primary election to determine which were the legitimate newspaper advertising charges. At one point Doolin wrote Cruce, "I agree with you that these newspaper men are the hungriest lot of people that I ever had anything to do with, in fact I feel as though they are a few degrees less than blackmailers."³⁶

The prohibition issue that has claimed a place in Oklahoma politics longer than any other controversial topic, first appeared in the Constitutional Convention. Majority floor leader Haskell led a successful fight for a statewide prohibition amendment to be submitted to a vote of the people simultaneously with the vote on the Constitution itself. The future Governor Haskell's biographer declares that Haskell's victory in behalf of prohibition forces immediately made him the gubernatorial favorite of "ninety-three per cent of the Oklahoma preachers."³⁷ Haskell's position on prohibition does appear to have received more publicity than did Cruce's.

Actually, Cruce was aware of the keen rivalry between the

³⁵Newspaper clipping, St. Louis Post-Dispatch, March 2, 1913, Barde File, OHS Library.

³⁶November 27, 1907, Box 27, Cruce Coll., Univ. of Okla. Library., 1907), pp. 40-44.

³⁷Fowler, Haskell Regime, pp. 92-93.

opposing forces and it became his strategy to avoid involvement with the prohibition question. He admitted that he personally favored prohibition and would see that the law was enforced, if it was approved by the people. He made it clear, however, that "I am making a democratic campaign and am not making the prohibition question the paramount issue. If I win the nomination I am going to stand upon the democratic platform, I am not running as a prohibition[ist] but as a democrat." For the benefit of the very active and powerful Anti-Saloon League, he continued:³⁸

I am a temperance man and practice what I preach. I have never taken a drink of anything inside of a saloon since I have been in the two territories in the past sixteen years. I never did take anything in a saloon in my life stronger than a lemonade.

On the question of licensing saloons I will say that I would be glad indeed if there was not a saloon on the face of the earth.

Nevertheless, the League decided to support Haskell, as he was a candidate "completely committed to State-wide prohibition as submitted to the people. . . ." On the other hand, "The tremendous popularity of Mr. Cruce, his sterling integrity and unblemished moral character made him a difficult candidate to oppose."³⁹

The primary election was held on June 8, 1907. Cruce's final campaign speech to a crowd of 5,000 Ardmoreites prophesied victory by 20,000 to 40,000 votes. The Daily Oklahoman picked him

³⁸To J. A. Matthews, May 20, 1907, Box 27, Cruce Coll., Univ. of Okla. Library.

³⁹"Prohibition Movement in Oklahoma," Sturm's Oklahoma Magazine, (December, 1907), pp. 40-44.

⁴⁵June 19, 1907, ibid.

as an "easy winner."⁴⁰ Election returns came in slowly, showing Cruce in the lead. On June 12th, with forty-nine counties reporting, the Daily Oklahoman still thought Cruce would win. By June 14, 1907, however, the trend indicated Haskell would win by a close margin. The final vote was 51,676 for Haskell; Cruce, 48,206, and Doyle, 8,820.⁴¹

Lee conceded defeat on June 15, 1907, acknowledging disappointment but affirming that "The success of his party in the new state means more than the gratification of any personal ambition" He took the opportunity to praise the honesty of his campaign manager, John B. Doolin.⁴²

In the analysis that followed, the Daily Oklahoman attributed the Cruce defeat to overconfidence, causing a light vote in Oklahoma County and other Cruce strongholds. But the voters in the eastern part of the state--the heart of Haskell's strength, "went to the polls en masse."⁴³ Cruce's analysis blamed "the leaders in the Anti-Saloon League who arrayed the preachers of the state against me by circulating a false report on the eve of the election claiming that I was an enemy of prohibition."⁴⁴ He expanded his analysis somewhat bitterly in a letter to Dr. C. Q. Ray of Mangum:⁴⁵

⁴⁰June 8, 1907.

⁴¹James Ralph Scales, "Political History of Oklahoma, 1907-1949" (unpublished Ph.D. dissertation, Dept. of History, University of Oklahoma, 1949), p. 51.

⁴²Daily Oklahoman, June 16, 1907. ⁴³Ibid., June 14, 1907.

⁴⁴To Rev. F. P. Flaniken, June 19, 1907, Box 27, Cruce Coll., Univ. of Okla.

⁴⁵June 19, 1907, ibid.

If Mr. Haskell ever in any public utterance defined his views upon the prohibition question, I have never seen an account of it. . . . During all this campaign I squared my conduct by my former life and not one penny did I spend for intoxicants of any kind for any persons in what is to be the State of Oklahoma. I have been a temperance man all my life and it does seem strange that I should be made the victim in this campaign of the prohibition forces of the new state.

Another constituent, William B. Gill of Hugo, whose correspondence continually referred to Haskell as "H---ell," expostulated, "The country has turned down a Gentleman and elected a dirty scoundrel." Despite Gill's obvious partiality, he advanced several logical reasons for the Haskell victory: Haskell's newspaper, "the Big Tribune," had been invaluable in securing farmer support; Haskell had successfully alienated Cruce through "the reputation of some of his friends;" he had "tied" the Constitutional Convention delegates "hand and foot." Gill also speculated that Cruce lost votes by not coming out "good and strong on the Prohibition question."⁴⁶

Haskell now prepared for his forthcoming victory over the Republican candidate, former Rough Rider Frank Frantz, who had been appointed Oklahoma Territory governor by President Theodore Roosevelt. Republicans vainly hoped for a Democratic cleavage; however, Lee Cruce, a Democratic party man from the beginning to the end of his political career, campaigned on behalf of his party. One of his stops was at Shawnee where he addressed an appreciative throng of 3,000 people. Earlier, a local Republican newspaper after eulogizing the defeated

⁴⁶To John B. Doolin, June 14, 1907, ibid.; To Lee Cruce, July 24, 1907, ibid.

Cruce, had expressed amazement that he could possibly support Haskell. Cruce explained he was campaigning for the entire Democratic ticket--not merely one portion of it. Wryly, he wondered why a Republican newspaper was so solicitous of his welfare.⁴⁷

⁴⁷Daily Oklahoman, September 12, 1907.

UNIVERSITY OF OKLAHOMA BOARD OF REGENTS

After his defeat in the first Oklahoma gubernatorial primary, Lee Cruce returned to his position as president of the Ardmore National Bank. He resumed his activity in the Commercial Club, and in March, 1908, one hundred former residents of Kentucky attested to his continued popularity by electing him permanent president of their newly formed Kentucky Club.¹

The Democratic State Convention met at Muskogee in February, 1908. "Wild cheers" greeted Governor's Haskell's nomination of Ardmore banker Cruce to be one of Oklahoma's delegates to the national convention scheduled for Denver in July.² A history professor from Edmond attended the Muskogee convention and wrote, "I did not talk with a single delegate who was not for Cruce."³ Clearly Lee Cruce was still a figure to be reckoned with in Oklahoma politics. Although he was overshadowed at the national convention by more glamorous Oklahoma personages--Senators Gore and Owen, Governor Haskell

¹Daily Ardmoreite, March 4, 1908.

²Ibid., February 24, 1908; Daily Oklahoman, February 23, 1908.

³L. J. Abbott to Cruce, March 4, 1908, Box 27, Crum Coll. Univ. of Okla. Library.

and Alfalfa Bill Murray, probably none of them more enthusiastically supported nominee William Jennings Bryan in the weeks to come.⁴

Six weeks after winning the governorship, Haskell wrote Lee Cruce:⁵

CHAPTER III

UNIVERSITY OF OKLAHOMA BOARD OF REGENTS

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and Alfalfa Bill Murray, probably none of them more enthusiastically supported nominee William Jennings Bryan in the weeks to come.⁴

Six weeks after winning the governorship, Haskell wrote Lee Cruce:⁵

One of the branches of government in which we feel a deep interest is its educational institutions and in this connection I hope we may be able to draw upon you for assistance. The State University is a matter of great pride and solicitude and when it comes time for me to name a Board of Regents, I want to be permitted to select you as one of that Board, and write you now to obtain your consent.

When Governor Haskell announced his University Board of Regents in January, 1908, heading the list was the name of Lee Cruce as

president.⁶ State Senator Ham. P. Bee reported that more than fifteen seconding speeches were made when the names of the Board were submitted to the Senate, and nearly everyone in the Senate cheered when the vote of approval was announced.⁷

By the end of January, 1908, rumors abounded that David Ross Boyd, a Republican who had been the University's president since its beginning was scheduled to be replaced. First reports had as his successor, Dr. Ernest T. Bynum, a Haskell supporter and recently Vice Chancellor of Epworth University.⁸ R. E. L. Morgan, a young pastor of

⁴Daily Oklahoman, July 4-14, 1908, July 7, 1910; Interview with Lorena Cruce Norris, August 19, 1971.

⁵October 22, 1907, Box 27, Cruce Coll., Univ. of Okla. Library.

⁶Norman Transcript, January 2, 1908.

⁷To Cruce, January 9, 1908, Box 27, Cruce Coll., Univ. of Okla. Library.

⁸Norman Transcript, January 23, May 14, 1908.

the Methodist Episcopal Church near Norman, entered the controversy in April, 1908. He wrote a letter to Reverend N. L. Linebaugh, a Board of Regents member, who was also a Methodist minister. The letter was later found in Linebaugh's Norman hotel room and received wide publicity.⁹

It listed nine university professors, "who dance, play cards and who are immoral in their lives." Some were even "cigarette fiends." He described Ray Gittinger as one who "would rather see all the buildings at the University burn rather than to see Bynum elected President." Suggesting that Linebaugh should "get as many strong Southern Methodists in the faculty as possible," Morgan concluded with a postscript, "I have been informed that DeBarr is skeptical."¹⁰

Governor Haskell met with the Board of Regents in June, 1908 to select the faculty for the forthcoming school year. President Boyd and eleven faculty members were dismissed, including five of those listed in the Morgan letter.¹¹ Two of the five, Vernon L. Parrington and Ray Gittinger, were later to attain national recognition as historians and scholars.

After the displacements drew the attention of national educational circles, the Board of Regents was criticized by Henry Smith

⁹Ibid., May 21, 1908.

¹⁰Ibid. Bynum regularly engaged in politics and was later campaign manager and an appointee of Governor Jack Walton. For assistance in judging Gittinger's appraisal of Bynum, see Ernest T. Bynum, Personal Recollections of Ex-Governor Walton (Oklahoma City: [Author], 1924).

¹¹Norman Transcript, June 25, 1908. Ray Gittinger regained the university faculty later, as indicated by the building named in his honor.

Pritchett, President of the Carnegie Institute for the Advancement of Teaching. Pritchett personally visited Oklahoma in 1908 and incorporated a complete account of his findings in the Foundation's annual report. It was his impression that Governor Haskell led in the replacement of President Boyd, but had not undertaken "to over-awe the board," and the ultimate decision belonged to the Board. He believed that the Board of Regents had been influenced "by the prejudices of the political regime which they shared. . . ." A major Haskell error, according to Pritchett, was his failure to retain at least one experienced member of the former Board of Regents. The present inexperienced Board was "wholly unfitted to pass on the academic qualifications of university professors."¹²

Pritchett found the Board itself to be composed of well-intentioned, respectable individuals. Lee Cruce, he said, was "a man universally respected in Oklahoma as an intelligent and upright citizen. . . ." Pritchett concluded that to a great extent the Board had been affected more by "personal" rather than "party" politics. By relying too completely on accusations and small town gossip, "They decided that the university was morally in a bad way and they were called on to 'clean it up.'" It was Pritchett's opinion that the university had been dealt "a blow from which it will take years to recover."¹³

¹²The Carnegie Foundation for the Advancement of Teaching: Third Annual Report of the President and Treasurer (New York: [n.p.], 1908), pp. 83-91.

¹³Ibid.

There is good reason to believe, judging from Cruce's later actions in his own Board of Education controversy, that he did not approve of the general activities of the Board of Regents as recounted by Henry Smith Pritchett. Cruce's account of the affair states that he "strenuously opposed" most of the changes, his contention being that "political or personal reasons" should not dictate removal of otherwise satisfactory faculty members.¹⁴

Speaking at Enid in the 1910 gubernatorial campaign, he declared that his opposition to politics at the University of Oklahoma had transformed several of his friends into enemies.¹⁵ Dr. A. Grant Evans, President Boyd's successor, later referred to Cruce's insistence while on the Board of Regents, that "local politics should have nothing to do with the administration of the University."¹⁶

¹⁴To Dr. David Starr Jordan, July 24, 1911, Box 17, FF-6 Cruce File, State Archives.

¹⁵Daily Oklahoman, July 7, 1910.

¹⁶To Cruce, June 27, 1911, Box 7, FF-79b, Cruce File, State Archives.

¹Daily Oklahoman, October 7, 1909.

²Ibid., October 8, 1909.

³Daily Oklahoman, October 18, 1909.

for the governorship.³

Cruce was an admirer of President Taft, but he was not moved by the President's reference to the Oklahoma Constitution as "a Zoological Garden of Cranks," only a few weeks before.⁴ The Cruce

CHAPTER IV

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especially admired **CAMPAIGN FOR GOVERNOR, 1909-1910** individual rights

"against the encroachment of organized wealth."⁵ He favored

It was perhaps inevitable that Cruce, who had been narrowly defeated in the race for governor, and had gone on to work diligently for the Democratic party in the general election, should again be a candidate in 1910. Oklahoma's predominantly Democratic Constitutional Convention, noting Republican victories in the last two presidential elections, had decided state elections should be held in "off years" from national contests. Consequently, Governor Haskell's term was less than thirty-eight months long, expiring on January 9, 1911.

Democratic Day at the State Fair in Oklahoma City on October 6, 1909, found the party in complete harmony, optimistic of continuing its hold on the state in the 1910 election campaign.¹ Cruce attended the state gathering and returned to Ardmore apparently well pleased with the political pulse-taking of those present. The next day, responding to a reporter's question he stated he would be a candidate for governor.² In November, 1909, he again made a formal announcement

¹Daily Oklahoman, October 7, 1909. February 21, 1910, Charles

L. Daugherty Collection, Norman, University of Oklahoma Library, Western

²Ibid., October 8, 1909. after cited as Daugherty Coll.,

Univ. of Okla. Library.

⁶Daily Oklahoman, November 18, 1909.

for the governorship.³ Cruce was an admirer of President Taft, but he was not moved by the President's reference to the Oklahoma Constitution as "a Zoological Garden of Cranks," only a few weeks before.⁴ The Cruce platform still supported the Constitution as being satisfactory. He especially admired the manner in which it protected individual rights "against the encroachment of organized wealth. . . ."⁵ He favored removal of government control of Indians as soon as possible, all unallotted lands should be sold, and Indians who were United States citizens should be taxed on the same basis as other citizens. He stressed the need for economy in government, the importance of agriculture to the state, and the advisability of progressive legislation against usury.⁶

In the field of education, he recommended a minimum school term of five months and consolidation of rural schools where practicable. He explicitly declared in favor of complete separation of the three branches of government in order to avoid concentration of power in a few individuals. Oklahoma's innovative bank deposit and guaranty law received his approval, although he advocated amend-

³Ibid., November 18, 1909.

⁴Ibid., October 14, 1909. Interview with Lorena Cruce Norris, August 19, 1971.

⁵Cruce to Charles L. Daugherty, February 21, 1910, Charles L. Daugherty Collection, Norman, University of Oklahoma Library, Western History Collection. Hereafter cited as Daugherty Coll., Univ. of Okla. Library.

⁶Daily Oklahoman, November 18, 1909.

ments to deter federal intervention in administering the law. He concluded his platform announcement with a plank identical with one included in his July, 1906 platform--strict enforcement of the laws: "If the enforcement of any law is obnoxious or hurtful to the people, they have their remedy in its repeal."⁷

It is significant that the Cruce platform, as in 1906, contained no direct reference to prohibition, although his appeal for law enforcement must have been primarily aimed at the difficulties Oklahoma was already encountering with prohibition.

As the campaign progressed, Cruce's platform became labelled as one of "sunshine and prosperity," after a Holdenville speech in which his eloquence ran away with itself:⁸

I would rather be the man who helps scatter sunshine into the homes of the poor and help bring prosperity on fleet wings to Oklahoma and help place the banner of Oklahoma alongside the banners of other great states than have all the gold there is beneath the sun.

Cruce's formidable opponent was William H. "Alfalfa Bill" Murray, president of the Constitutional Convention and first speaker of the state House of Representatives. Competing against Cruce and Murray for about four months in early 1910 was J. B. A. Robertson. For a while, then, Cruce was opposed by two future governors of Oklahoma. It appears that Haskell had encouraged Robertson to enter the race as his compromise candidate between the two well-known names

⁷Ibid.

⁸Broadside, July 10, 1910, Daugherty Coll., Univ. of Okla. Library.

of Cruce and Murray.⁹

By the middle of June, 1910, Robertson announced he was withdrawing from the race, having already reached the \$3,000 limit for campaign expenditures.¹⁰ Murray's account of the Robertson withdrawal tells of an incident involving a Cruce partisan who had threatened to produce certain court records clearly detrimental to Robertson in the event he remained in the race. On the other hand, if Robertson withdrew, A. C. Cruce would pay the \$3,000 in expenses already incurred.¹¹ Whatever the reasons for Robertson's withdrawal, it was soon apparent both he and Governor Haskell were supporting Lee Cruce.

In addition to receiving the support of Robertson and Haskell, the Cruce organization secured as campaign manager one of the state's most astute politicians, John R. Williams. The Daily Oklahoman later attributed Cruce's win over Murray to the Williams' campaign philosophy:¹²

Say nothing. Let the other fellow do all the talking. Whenever he says he's going to do anything or announces where his strength lies, just cut right in and go for the strong point until you beat it down. Don't give your opponent a chance to attack you in the same way.

Alfalfa Bill Murray opened his gubernatorial campaign with a

⁹Harlow's Weekly, March 12, 1938.

¹⁰Weekly Oklahoman, June 23, 1910.

¹¹William H. Marray, Memoirs of Governor Murray and True History of Oklahoma (3 vols.; Boston: Meador Publishing Co., 1945), Vol. III, pp. 228-29.

¹²October 2, 1910.

speech before 5,000 people at Altus in February, 1910. In the course of a parade through town, Murray observed the Confederate flag being proudly borne by a contingent of Confederate veterans; however, a Union flag was nowhere in evidence. Murray stopped the parade long enough for a United States flag to be located. He later blamed Cruce supporters Judge Stilwell Russell and A. S. J. Shaw for circulating a distorted version of the incident accusing Murray of refusing to continue the parade "until the Confederate flag was taken down." Murray always believed he lost votes of many Southern sympathizers because of the distorted account.¹³

While Murray, classifying himself as a farmer, relied heavily on his appeal to agricultural interests, he accused Cruce of being the farmer's antithesis--a banker supported by "big business."¹⁴ At the same time Cruce forces found a weakness in the Murray platform--his attitude on the Jim Crow law and the Grandfather Clause. It is undeniable that Murray agreed with the prevailing white concept of Negro inferiority but he had hesitated to inject the Negro question into the campaign. Cruce had not touched on the matter in his November announcement, but he soon began to emphasize the desirability of a "white man's government" for Oklahoma.¹⁵ Murray explained he had opposed placing Jim Crow laws in the Constitution in deference to President Theodore Roosevelt's dislike of such measures. It seemed

¹³Murray, Memoirs, Vol. II, pp. 151-52.

¹⁴Daily Oklahoman, July 6, 1910.

¹⁵Ibid., May 31, 1910.

Murray wished to avoid committing himself on the Grandfather Clause, which was scheduled for a decision by the voters at the upcoming August 2, 1910 election.¹⁶

The Cruce position on Jim Crow legislation had remained unchanged from that expressed so vehemently in the 1907 campaign.¹⁷ He was equally emphatic in upholding the purpose of the Grandfather Clause, as he warned against:¹⁸

the placing of the right of franchise in the hands of the ignorant negro votes of the state, thereby making Oklahoma a dumping place for the ignorant negroes who have no political preferment in other states and who accordingly flock here, or will, if proper legislation is not enacted.

In the middle of the campaign Alfalfa Bill Murray came out squarely in favor of the Grandfather Clause. By this time it was probably too late, for the Cruce supporters had already exploited Murray's hesitation to the limit. The Ardmore man's early support of Negro disfranchisement proved to be politically judicious, as he was in accord with the voters who approved the amendment at the August 2, 1910 election.¹⁹

As in the 1907 election, Cruce had not included a reference to prohibition in his first platform announcement, because

¹⁶Keith L. Bryant, Jr., Alfalfa Bill Murray (Norman: Univ. of Okla. Press, 1968), pp. 94-95.

¹⁷Daily Oklahoman, February 21, 1907.

¹⁸Ibid., May 31, 1910.

¹⁹Bryant, Alfalfa Bill Murray, p. 95; Basil R. Wilson (comp.), Directory and Manual of the State of Oklahoma (Oklahoma City: State Election Board, 1967), p. 230.

he did not consider it a "political issue."²⁰ The 1910 campaign was not long underway, however, before he realized that prohibition continued to be of vital interest to Oklahoma voters. His speeches and statements then began regularly to profess his endorsement of the prohibition amendment and his intent to enforce it to the utmost should he become governor.²¹ Nevertheless, duplicating its 1907 reluctance to support the Cruce candidacy, the influential Anti-Saloon League selected Murray as its most dependable advocate.²² Perhaps the League had discerned Cruce was "not a fanatic on the subject of prohibition," a characteristic he admitted in his inaugural address.²³

An unusual and entertaining feature of the 1910 campaign was the series of debates participated in by the four Democratic candidates: Cruce, Murray, Leslie P. Ross of Lawton and Brant Kirk of Durant.²⁴ The controversial Murray, proud of his oratorical prowess, issued the challenge to debate--perhaps hopeful of enlivening his faltering bid for the nomination.²⁵ That Cruce accepted the challenge

²⁰Daily Oklahoman, July 8, 1910; Shawnee Daily Herald, July 10, 1910.

²¹Weekly Oklahoman, June 9, 1910.

²²Shawnee Daily Herald, August 6, 1910; Bryant, Alfalfa Bill Murray, p. 97.

²³Journal of the Proceedings of the House of Representatives of the Third Legislature--Regular Session, State of Oklahoma (Oklahoma City: Warden Printing Co., 1911), p. 102.

²⁴The debates are reported in the Daily Oklahoman, July 6-10, 1910, and Shawnee Daily Herald, July 6-10, 1910. See also Bryant, Alfalfa Bill Murray, pp. 95-96.

²⁵Bryant, Alfalfa Bill Murray, pp. 95-96.

²⁸Daily Oklahoman, July 6, 1910.

may have been because he too had gained confidence after delivering hundreds of speeches during the past four years. Possibly also, his analysis of the 1907 Haskell victory revealed he should have been present to protect himself in the Haskell-Doyle "discussions."

Candidates Ross and Kirk readily consented and five debates were scheduled to begin on July 5, 1910, at Anadarko and to be followed on successive days at Enid, Oklahoma City, Ada and Durant. In the course of the debates, Murray's strategy was to place Cruce in the "rich national banker" category and denominate him a "French gentleman."²⁶ Cruce countered with a Horatio Alger approach, while Brant Kirk accused them both of courting the farmer vote by "rubbing their hands with corncocks."²⁷

Murray tried to make political advantage out of Cruce's criticism of the Oklahoma Constitution, insisting that since Cruce did not participate in writing it, "He had no right to be governor." Cruce reiterated his praise of the document as "The best in the world."²⁸ When Murray declared that banker Cruce originally had opposed the popular Bank Guaranty Law, Cruce related how, as a delegate to the Denver Democratic Convention, he had voted to make the guaranty law a part of the Democratic platform. Subsequently, he campaigned for Bryan, while "Murray was at home on his farm offering no support to the

²⁶The allusion to Cruce's ancestry was erroneous. He was Dutch, Irish, English and Scotch, but not French. Daily Oklahoman, January 9, 1911.

²⁷Daily Oklahoman, July 6, 1910; Shawnee Daily Herald, July 6, 1910.

²⁸Daily Oklahoman, July 6, 1910.

standard bearer of his party nor to the bank guaranty law."²⁹

Looking ahead to the general election and possible Republican criticism, Cruce decided to come out strongly for Haskell and the Democratic administration. Likewise, he went on record as refusing "to say in these discussions one single thing that will lose my party one single vote. . . ." ³⁰

Also in the debates Cruce questioned Murray's good faith in endorsing a tax on Indian lands. In fact, Cruce averred, he himself had lost Indian supporters because of his stand on taxation, and now those same Indians were in the Murray camp.³¹ At Anadarko, Cruce spoke of the state's loss in revenue because one-third of its territory was Indian land and therefore tax exempt. By the time Cruce debated at Oklahoma City three days later, he had decided the tax loss was an astronomical twenty million dollars on Choctaw and Chickasaw land alone.³² A dispute arose between Cruce and Murray as to whether they, as intermarried Indian citizens, had paid taxes on their lands. Cruce produced receipts showing payment of \$1,000 tax on his holdings of 500 acres, while it was shown Murray had paid only \$300 on his 1,400 acres.³³

Indian racial prejudice was present in these debates as in Cruce's 1907 campaign. Kirk good-naturedly referred to Murray and

²⁹Ibid., July 7, 1910.

³⁰Ibid., July 6, 1910.

³¹Ibid., July 7, 1910.

³²Ibid., July 9, 1910.

³³Ibid., July 6, 1910. See Murray, Memoirs, Vol. 1, p. 273, for a slight reference to this incident.

³⁶Daily Oklahoman, July 6, 8, 1910; Shawnee Daily Herald, July 9, 10, 1910.

Cruce marrying "beautiful Indian maidens," with "Indian land."³⁴

At Anadarko a voice from the audience asked Cruce if he was a "squaw man." Cruce replied he was "an intermarried citizen," but when the question was repeated Cruce conceded he had married an Indian, if that was the meaning of "squaw man." Murray related his own personal ancestry and denied being a "squaw man." Ross sarcastically remarked he had not been fortunate enough to marry an Indian--his wife was "a plain white woman."³⁵

The troublesome prohibition issue was raised by Brant Kirk, who asked for resubmission of the question to the voters. He accused both Cruce and Murray of "being astraddle of the fence on prohibition. . . ." Three years ago, he said, "You couldn't pull 'em into the fight with a log chain; you couldn't blow 'em into the fight with dynamite." Cruce confirmed his disapproval of prohibition as a political issue--it would drive people from the Democratic party. He asserted his belief that prohibition could be properly enforced only if the people demanded enforcement.³⁶

At one point Murray accused banker Cruce of charging excessive interest in his capacity as president of the Ardmore National Bank. This prompted Cruce to vow in the Enid debate, "If the records of the Ardmore National Bank showed that more than the 10% legal contract rate had ever been charged . . ." he would withdraw from the race.

³⁴Daily Oklahoman, July 10, 1910; Shawnee Daily Herald, July 10, 1910.

³⁵Shawnee Daily Herald, July 10, 1910.

³⁶Daily Oklahoman, July 6, 8, 1910; Shawnee Daily Herald, July 9, 10, 1910.

The next day, at Oklahoma City, Murray retaliated with a claim of having paid twenty-five percent interest on a note at Cruce's bank. The following day at Ada, when Cruce's turn to speak arrived he proved Murray had been guilty of faulty arithmetic in calculating the twenty-five percent interest--actually the rate was only seven percent.³⁷

The debates afforded Murray a forum for discussion of his beloved "Torrens system," a purportedly simplified method of transferring land titles backed by the state's guaranty. Cruce drew a bleak picture of the consequences of such a law. He argued there were 30,000 Indian land suits in litigation in Eastern Oklahoma, a situation inviting potential bankruptcy for the state if the Torrens system became state law.³⁸

In the course of the debates Murray and Cruce both declared against women's suffrage. Cruce readily admitted that "there is not a feather's weight of argument against it, . . . but that he opposed women voting solely on the ground of sentiment, because he thought a woman's place was in the home and in the society of nobler and higher ideals than that which men are chosen to follow."³⁹

A dramatic moment occurred in the Ada debate, where candidates Cruce and Murray clashed while jealously defending their status as "true Democrats." Cruce had earlier attributed Socialistic tendencies to Murray and the latter, thrusting about for a means of retaliation,

³⁷Daily Oklahoman, July 9, 1910. ³⁸Ibid., July 6, 1910.

³⁹Ibid., July 6, 7, 1910; Shawnee Daily Herald, July 8, 1910.

charged one of the Cruce brothers had run for office on the Independent ticket. Cruce arose and interrupted to accuse Murray of a "deliberate misstatement." He offered to withdraw from the race, "If there is one word of truth in what you say . . ." Murray agreed to retract his accusation if Cruce would admit he, (Murray), was a Democrat. The incident ended when Cruce agreed Murray actually was a Democrat.⁴⁰

By the time the series of debates was over, Cruce had proven his ability to cope with the rough frontier tactics of Alfalfa Bill Murray. Keith L. Bryant, Jr. concludes Murray "may have actually lost ground" by debating.⁴¹ Robert S. Scales, Oklahoma political historian, thinks Murray "came off second-best."⁴² Surprisingly, the debates failed to attract the attention one might have expected in the early years of the 1900's when all types of entertainment were scarce. The first one, held at Anadarko on July 5, 1910, drew a sweltering crowd of only 200.⁴³ Between 500 and 700 turned out at Oklahoma City.⁴⁴ Oklahoma's July heat undoubtedly contributed to the sparse

⁴⁰Daily Oklahoman, July 9, 1910.

⁴¹Alfalfa Bill Murray, p. 96.

⁴²"Political History of Oklahoma," p. 125.

⁴³Daily Oklahoman, July 6, 1910.

⁴⁴Ibid., July 8, 1910; Shawnee Daily Herald, July 8, 1910.

⁴⁶Daily Oklahoman, July 7, 1910.

attendance.⁴⁵

If Murray erred in suggesting the debates, he must have compounded the error in another incident arising out of the debate episode. In the interest of party harmony, Fred P. Branson, Democratic state chairman and chairman of the State Election Board, had written all candidates urging them not to participate in the debates. Murray seized the opportunity to complain loudly in a well-publicized letter that election officials were conspiring to elect Cruce. Governor Haskell then entered the controversy, requesting Murray to furnish evidence of such a conspiracy. Haskell hinted Murray had been influenced by "gossip, wholly groundless and utterly untruthful."⁴⁶ Murray seems to have been unable to provide the information Haskell requested.

⁴⁵The temperature and two other incidents afford insight into the candidates themselves as well as the political etiquette of the day. Apparently the candidates customarily wore their coats while speaking--only the irrepressible Bill Murray let the heat dictate removal of his coat. When candidate Brant Kirk was invited to doff his coat due to the heat in the Ada tabernacle, he jokingly declined,--"I might be taken for Bill Murray." Daily Oklahoman, July 9, 1910.

Cruce's attitude, also in contrast to Murray's, was explained to a Marietta audience of 1,000 later that month, where he is reported to have said, "From boyhood [I have] been taught it was improper to appear before ladies without a coat." Unidentified newspaper clipping, July 29, [1910], Barde File, OHS Library.

His concern for the ladies was further manifested at the initial debate in Anadarko. When his turn came to speak, he obviously referred to the other candidates and probably Murray in particular, when he said, "Not one word [will] fall from my lips that [will] make the women's cheeks blush with shame." Daily Oklahoman, July 6, 1910.

One is not surprised at Murray's opinion, later expressed in his Memoirs, that Cruce "adopted a holier than thou attitude during the campaign." Vol. III, p. 219.

⁴⁶Daily Oklahoman, July 7, 1910.

If we can believe a later account of this affair, it devolved from a shrewd plan engineered by Cruce campaign manager John R. Williams. During the First Legislature, Murray had discharged Branson's wife from a position on the legislative staff. Williams, capitalizing on Murray's fiery disposition, caused an untrue rumor to reach him. It was confided to Murray that Branson, to avenge his wife's discharge, contemplated Murray's defeat by means of an underhanded arrangement with election officials. Murray's reaction conformed to Williams' expectations, and it was not confined to letter-writing.⁴⁷ In the lobby of Oklahoma City's Lee-Huckins Hotel, Murray encountered Luther Harrison, head of the Democratic party's press bureau, and loudly exclaimed that if Harrison was "a member of Fred Branson's gang, . . . I want to say to you d--m fellers right now, that you're not goin' to steal this election from me."⁴⁸ Williams carefully saw to it that Murray's outrage and condemnation of election officials received the wide publicity calculated to garner votes for the Cruce candidacy.⁴⁹ Murray ever afterward claimed he had not lost the election--he had been "counted out" by election officials.⁵⁰ One account relates

⁴⁷Tulsa Tribune, January 19, 1930.

⁴⁸Weekly Oklahoman, July 7, 1910; Daily Oklahoman, July 4, 1910.

⁴⁹Tulsa Tribune, January 19, 1930.

⁵⁰Murray, Memoirs, Vol. II, pp. 152-53; Irvin Hurst, The 46th Star: A History of Oklahoma's Constitutional Convention and Early Statehood (Oklahoma City: Semco Color Press, 1957), p. 153. Murray relented enough to campaign in Cruce's behalf in the final two weeks before the general election. Bryant, Alfalpa Bill Murray, p. 98.

⁵⁵Wilson, Directory & Manual, p. 127.

how "Haskell intimates . . . would give a knowing wink . . ." when the Murray allegations were mentioned.⁵¹ Students of the election agree that despite possibility of some election irregularities, including shortage of ballots in Murray strongholds, those circumstances could not wholly account for the decisive 14,000 vote Cruce majority.⁵²

As the primary campaign came to an end, a public statement by Cruce expressed approval of the way his campaign had been conducted and praised the Democratic party's "honest and economical administration" for the past three years. Stressing his allegiance to the party, he again looked ahead to the general election by stating the "supreme issue" to be "Shall the democratic party remain in control of the affairs of this state?"⁵³

On election eve Cruce returned to his hometown to address a crowd estimated at 5,000. The Baptist preacher who pronounced the invocation at that rally fervently implored divine intervention to assure a Cruce victory.⁵⁴ The preacher could testify to the efficacy of prayer, when results of the August 2, 1910 election were announced. Cruce became the Democratic nominee with 54,262 votes, followed by Murray with 40,166, Leslie P. Ross, 26,792, and Brant Kirk, 2,514.⁵⁵ The following Sunday found Cruce in his accustomed place in Ardmore's First Presbyterian Church, where he passed the offering plate and

⁵¹Hurst, The 46th Star, p. 153.

⁵²Bryant, Alfalfa Bill Murray, p. 98; Scales, "Political History of Oklahoma," pp. 125-26.

⁵³Daily Oklahoman, July 29, 1910. ⁵⁴Ibid., August 2, 1910.

⁵⁵Wilson, Directory & Manual, p. 127.

listened to a sermon by his friend and pastor, Reverend C. C. Weith.⁵⁶

Facing the Democratic nominee in the general election was another banker, Joseph W. McNeal. Like Cruce, the fifty-eight-year-old McNeal had left law practice to engage in banking. Though an active Republican, he had not previously been a candidate for office. In the primary election Republicans had argued over prohibition and the Grandfather Clause; their dissension was reflected in the combined votes of McNeal's three primary opponents, which exceeded his own by 23,000 votes. Murray states in his Memoirs that former Territorial Governor Thompson B. Ferguson, the Republican runner-up, accused election officials of "counting him out," in the same manner as other election officials allegedly had disposed of Murray.⁵⁷

In Cruce's strenuous primary campaign he had made almost 300 speeches--sometimes as many as four a day. After a three-week vacation in Colorado, however, he returned to Oklahoma refreshed and ready for "The Battle of the Bankers" in the general election campaign.⁵⁸

Democratic strategists selected the town of Fairfax in northern Oklahoma as the spot for launching the second Democratic bid for the governorship. In a tabernacle brought from Kansas City, the Ardmore man delivered a two-hour address to an estimated 5,000 people, presumably placed in a receptive mood by a menu of barbecued beef and the

⁵⁶Unidentified newspaper clipping, August 7, [1910] Barde File, OHS Library.

⁵⁷Vol. II, pp. 152-53.

⁵⁸Daily Oklahoman, September 7, 1910.

music of five bands. That some concern remained as to the honesty of the recent primary elections was indicated by Cruce's claim that Republicans were lumping honest election officials in the same category with their opposites. Honesty in government was a necessity, he contended, and recommended placing dishonest election officials in the penitentiary.⁵⁹

In view of Cruce's later stubborn insistence on the governor's prerogatives, it is significant that he opened and closed his general election fight with emphatic assertions that he alone intended to be governor. Speaking at Oklahoma City a few days before the election, he brought out at least four specific points intended to describe his contemplated conduct of the governor's office: he would not dictate, he would not be dictated to, he would not build a political machine, but he would be governor for all the people.⁶⁰ One may note these were not exaggerated campaign declarations. As governor he never wavered from the first three objectives, while he sincerely attempted to fulfill the last.

Republican ambivalence toward Jim Crow legislation and the Grandfather Clause furnished an issue which Democrats saw fit to emphasize. Lee Cruce was denominated the "White Men's Hope" in a

Daily Oklahoman headline for a Sentinel speech where he had exclaimed:⁶¹

Do you realize, fellow citizens, you who believe with me that Oklahoma is to remain a white man's country, that the separate school, separate coach and separate waiting room law would not be safe with McNeal as governor? . . . I pledge you

⁵⁹Ibid., September 18, 1910. ⁶⁰Ibid., November 5, 1910.

⁶¹Ibid., October 29, 1910.

now that I will ever protect and enforce the laws that assure white supremacy to the white race.

Throughout the campaign Cruce regularly accused McNeal of being a tool of railroads and corporations. He designated McNeal as the principal signer of appeal bonds for those railroad companies who wished to forestall State Corporation Commission efforts in behalf of lower freight and passenger rates.⁶² In reply to an alleged McNeal accusation that Cruce, too, had been a railroad bondsman, the Democratic nominee resorted to a favorite strategem: He would withdraw from the race if the allegation was proved to be true.⁶³

Cruce pointed to the state's Constitution as a remarkable achievement of the Democratic party and one which the Republican McNeal did not appreciate.⁶⁴ In the mining regions of the state he was careful to enumerate what the Democrats had done for the laboring men: The eight-hour law, the fellow-servant law and child labor legislation.⁶⁵ He also found opportunities to deliver accolades to the farmers; e.g., "The farmers of this republic are its defenders in times of storm and stress, and make possible its unparalleled development in times of peace."⁶⁶ At the same time he reminded them that the Democrats were responsible for improvements in the state's agricultural

⁶²Ibid., October 2, 29, 1910.

⁶³Ibid., October 29, 1910.

⁶⁴Weekly Oklahoman, November 3, 1910.

⁶⁵Ibid.

⁶⁶Daily Oklahoman, September 18, 1910.

education system.⁶⁷

Wide publicity had been given Senator Thomas P. Gore's charge that he had been offered a bribe of \$50,000 by a group seeking lucrative legal fees to be gained from Congressional approval of the sale of Indian lands worth thirty million dollars.⁶⁸ A Republican attempt was made to connect the Cruce brothers with a similar scheme whereby they would receive two million dollars in attorney fees for representing Indian claimants to the land. Election of Lee Cruce as governor was said to be an important part of their plan.⁶⁹ Republicans appeared to have gained nothing from this charge.

They also researched Carter County mortgage records and discovered Lee Cruce had borrowed \$40,000, and two of his brothers much smaller amounts, presumably to finance his campaign. Republicans wondered why he would borrow that sum in an effort to obtain an office paying only \$4,500 annually.⁷⁰ It is most likely, however, that a large portion of Cruce's \$40,000 was used to pay debts of his 1907 campaign.

Despite Republican efforts to impute dishonesty to the Cruce campaign, it was reasonably apparent to most observers that there

⁶⁷Weekly Oklahoman, October 27, 1910. p. 130.

⁶⁸Ibid., August 11, 1910.

⁶⁹Unidentified newspaper clippings, "May Investigate Cruce Brothers," and "No Answer from Cruce," ca. August 13, 25, 1910, Barde File, OHS Library.

⁷⁰Oklahoma City Times, November 3, 1910; Unidentified newspaper clipping, "Cruce and Brothers Obtain Heavy Loans," ca. November 4, 1910, Barde File, OHS Library.

were no issues calculated to arouse a deep voter interest. For the time being at least, Jim Crow legislation and the Grandfather Clause were settled and there was actually no great difference between lawyer-banker Cruce and lawyer-banker McNeal. Republicans could orate on little except Democratic "radicalism," as being descriptive of the Constitution and subsequent legislation.⁷¹ McNeal, optimistic of victory, could see "a revulsion against Democratic misrule," and opposition to the building of a Democratic political machine in the state.⁷²

Recalling what may have been a salient reason for his defeat in 1907, Cruce warned his constituents of the danger of apathy as the campaign came to a close.⁷³ Oklahoma voters expressed a growing dissatisfaction with both parties in the November 2, 1910 election. Cruce won with 120,218 votes over McNeal's 99,527; however, nearly 25,000 votes were cast for Socialist J. T. Crumbie.⁷⁴ Less than 1,000 Negroes could meet the voting prerequisites of the Grandfather Clause; thus, about 29,000 fewer Negroes voted in 1910 than in prior elections.⁷⁵ Generally the Negro voters had been Republicans, so it is conceivable the election could have ended in McNeal's favor had

⁷¹Scales, "Political History of Oklahoma," p. 130.

⁷²Oklahoma City Times, November 5, 1910.

⁷³Weekly Oklahoman, November 3, 1910.

⁷⁴Wilson, Directory & Manual, p. 131.

⁷⁵Arrell M. Gibson, Oklahoma: A History of Five Centuries (Norman: Harlow Publishing Corp., 1965), p. 347.

the Grandfather Clause not been Oklahoma law.

CHAPTER V

A NEW GOVERNOR AND THE THIRD LEGISLATURE

The Republican, Haskell-hating Tulsa Daily World reported a few days after the general election that Lee Cruce belonged to Governor Haskell. He had "sold his birthright" for Haskell's support.¹ The World's impression was only temporary, however. Following announcement of the governor-elect's initial appointments, especially that of F. S. E. Amos as private secretary, the World quickly decided that after all, Cruce was "going to be independent of the old political crowd."²

The governor-elect's experience in two gubernatorial campaigns must have convinced him of the power of the Oklahoma press. The two offices closest to him he filled with newspapermen. Forty-year-old F. S. E. Amos had been editor of the Vinita Leader,³ and bachelor W. F. "Billy" Kerr, thirty-two years old, resigned as managing editor of the Daily Oklahoman to become chief clerk. Ben Watt of Haskell's

¹November 10, 1910.

²January 11, 1911.

³Amos had also served as member of the University of Oklahoma faculty for three years. He helped organize the Oklahoma Historical Society and became its first president. Daily Oklahoman, December 29, 1910. Upon expiration of the Cruce term as governor, Amos returned to the University as a history professor.

Red State Tribune also joined the governor's staff.⁴

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To the displeasure of Cruce friends in the House of Representatives, in the interest of economy the senate refused to vote funds for the governor's inaugural ceremony.⁵ Regardless of the Senate's reticence, the inauguration on January 9, 1911 was a gala occasion for Oklahoma City. This was the city's first such ceremony and a three-hour holiday period was declared, to begin with arrival of the special train from Ardmore. A guard of honor escorted the governor-elect and his party to the Lee-Huckins Hotel, where Governor Haskell greeted them. Haskell and Cruce then led the procession to the city auditorium for the inauguration, and the oath was administered by Chief Justice Jesse J. Dunn, as Cruce's hand rested upon a bible given him by his mother. After taking the oath, the state's forty-seven-year-old chief executive bowed his head and prayed in words inaudible even to those closest to him. His twenty-minute inaugural address was delivered to an estimated 5,000 listeners.⁶

An event of the afternoon was a press reception, where in

⁴Daily Oklahoman, January 8, 1911; Oklahoma City Times, January 9, 1911.

⁵Weekly Oklahoman, December 22, 1910; Hurst, The 46th Star, p. 163.

⁶Daily Oklahoman, January 9, 10, 1911; Guthrie Daily Leader, January 10, 1911; Tulsa Daily World, January 10, 1911, Shawnee Daily Herald, January 9, 1911; Oklahoma City Times, January 9, 1911; Muskogee Times-Democrat, January 9, 1911. Despite the statement in Scales, "Political History of Oklahoma," pp. 134-35, the new governor apparently did not journey to Guthrie for a second inaugural ceremony. Scales stated the governor did so as a precautionary measure in the event the state capitol was subsequently returned to Guthrie.

deference to Oklahoma's prohibition laws and to Governor Cruce, buttermilk was served instead of punch or wine. Cruce chose ex-Governor Haskell's wife as his partner in the inaugural ball's grand march that evening. A non-dancer, the governor seated himself to watch dancers after the grand march.⁷ The pleasant activities of inauguration day little prophesied the dissension that lay ahead for the new governor. He could well remark, "We had a very fine day," at the inauguration.⁸

The Tulsa Daily World complimented the new governor's inaugural address, particularly approved its brevity, and remarked, "More and more do we look to the new administration to bring peace to the troubled waters."⁹ The governor's ten years of promoting the area's economic growth doubtless prompted him to direct the first portion

⁷Daily Oklahoman, January 10, 1911. The governor's affinity for buttermilk, the "Cruce cocktail," became a source of amusement during his administration. At his fiftieth birthday party, the governor, also a golfer, humorously remarked, "Fifty years from tonight somewhere I hope to be celebrating another birthday in Oklahoma and if you will play golf and drink plenty of buttermilk you will be there with me." Daily Oklahoman, July 9, 1913. At the time the governor's daughter, Lorena, was to christen the Battleship Oklahoma a popular joke of the day suggested buttermilk should be substituted for the customary champagne. Interview with Lorena Cruce Norris, August 19, 1971; Daily Oklahoman, August 16, 1913.

Actually, the governor was not alone in his admiration for the medicinal qualities of buttermilk. Cruce to U. S. Russell, State Board of Health, August 26, 1913, Unprocessed Box, July 7 to November 6, 1913, State Archives. The Tulsa Daily World of April 11, 1912 quoted "Matchnikoff, the eminent Russian bacteriologist and the successor of Pasteur," as declaring, "Drink buttermilk and live for a hundred years."

⁸Cruce to J. L. Draper, January 12, [1911], Box 8, FF-2, Cruce File, State Archives.

⁹January 10, 1911.

of his address to non-residents of Oklahoma--especially those wary of the state's so-called radical Constitution. He argued that rather than being "radical," the Constitution was the embodiment of the best of forty-five state constitutions. To prove the instrument encouraged prosperity he referred to the state's phenomenal one hundred million dollars annual growth in taxable wealth in the midst of nationwide depression. He assured potential investors of their protection by state law and promised to work for development of the state's resources, industry, and its educational system. He looked forward to marked improvement in the fortunes of the laboring man and the farmer.

Political partisanship should now be forgotten, he suggested, and he asked complete cooperation toward achieving his goal of good state government. The people were assured that "Under no conditions will I sacrifice the welfare of the public to the interest of any political organization." He issued a special plea to the state's newspapers to exert their influence toward a "better government and a greater state." Personally, he welcomed constructive criticism by the press, but he also invited their expressions of approval when warranted by the circumstances.

Cruce emphasized again that the state's laws would be enforced. Although he himself was "not a fanatic" on prohibition, he thought that approval of the law in two elections entitled it to the support of every citizen. Violators of the prohibition law were

¹⁰House Journal, Third Leg., Reg. Sess., pp. 98-103.

¹¹January 10, 1911.

¹²House Journal, Third Leg., Reg. Sess., pp. 111-19.

informed they should not expect executive pardon.¹⁰ The Daily Oklahoman reported the address was interrupted by applause at several points.¹¹

The next day, January 10, 1911, Governor Lee Cruce delivered his first message to the Third Legislature. He reminded his audience that promises made during the election campaign should be faithfully kept, then elaborated on several matters worthy of legislative attention.¹²

In the field of education he recommended legislation to assure a minimum of five months school term for the children of the state. Defending the right of the less privileged districts to free education, he stated it was just as equitable to tax wealthier districts to educate children of the poorer communities, as it was to tax them for the care of criminals produced by those same communities. Citing the Constitution's creation of a State Board of Education, he asked that it be vitalized by the legislature. He conceded that local interests would oppose efforts to substitute one State Board of Education for the various existing boards, but urged the Legislature to bear in mind the good of the state as a whole.

People were critical of the present election laws, the governor observed, and without specifying changes that should be made, he recommended laws to "maintain the integrity of our elections."

¹⁰House Journal, Third Leg., Reg. Sess., pp. 98-103.

¹¹January 10, 1911.

¹²House Journal, Third Leg., Reg. Sess., pp. 111-19.

He perhaps referred to Alfalfa Bill Murray, when he said:¹³

It has become a universal custom for a defeated candidate to charge his defeat, either to the rascality of his successful opponent, or to the imperfections or unfairness of the election law. It is rare indeed that the unsuccessful candidate is willing to attribute his defeat to its real cause--the desire of a majority of the voters to have some other candidate than himself fill the office to which he aspired.

Cruce was more explicit in discussing the state's banking laws. They were, in his opinion, the best in the nation for protection of the depositor's money. Nevertheless, a few improvements could be made in regulating the state's 693 banks: 1) Instead of a Board composed of busy state officials, there should be "a differently constituted board" of three members with full supervisory powers 2) Eliminate partisan politics 3) Assessments to supplement the guaranty fund should remain in the assessed banks, subject to adequate safeguards.

The majority of the people wanted the prohibition law enforced, the governor declared. Unfortunately, enforcement officials sent to certain lax communities by Governor Haskell had encountered resentment and lack of cooperation. Cruce saw these reactions, in part, as arising from earlier territorial disdain for "imported officials." He recommended some "responsible State official," (obviously the governor), should be empowered to remove officials guilty of non-enforcement of the law. Furthermore, the state dispensary system should be abolished, as it violated the theory that the sale of intoxicants was morally

¹³Ibid., p. 114.

wrong. Due to the interrelation between gambling and the sale of liquor, he believed operation of a gambling house should be made a felony under the law. He openly lectured the lawmakers on their duty to disregard political ties in reapportioning the state's Legislative, judicial and congressional districts. Gerrymandering should not be condoned. "The usefulness of any political party or organization reaches its end when that party ceases to be fair and just," he declared.¹⁴ The governor asked a legislative investigation in an attempt to discover why the Code Commission had not codified state laws in the manner authorized by previous Legislatures. Also in the area of legal affairs, he called attention to the tremendous backlog of cases burdening the state's Supreme Court. The right of appeal was being abused, Cruce thought. His recommended remedy, in addition to enlarging the court, was to restrict right of appeal to cases involving more than \$500. He lamented a tendency toward excessive legislation and hoped the lawmakers would address themselves to fewer and simpler laws, "more effectively enforced."¹⁵ The Tulsa Daily World's front page report of the governor's message to the Legislature found it to be "concise, business-like and straightforward."¹⁶ It was after this speech that the World commented, "Lee Cruce, we are fearful, is too good a man to be governor

¹⁴Ibid. 12, 1911.

¹⁵Ibid. 11, 1911.

¹⁶January 11, 1911. 3rd Leg., Reg. Sess., pp. 326-327.

of Oklahoma at this time."¹⁷ A Daily Oklahoman headline announced, "Cruce's Message Pleases Members of Both Parties." A Republican legislator was overheard praising the governor as "a good republican," while a Democrat insisted, "He's the best democrat we've got."¹⁸ Thus went the "honeymoon period" of the Cruce administration.

Toward the end of his first month in the governor's office, Cruce supplemented the January 10th message with another, commenting on legislative bills in process and amplifying measures recommended in his first address. He again devoted considerable space to the prohibition law. He acknowledged opposition to his plan for "some responsible State official" to be empowered "to suspend or remove" county officials not enforcing the law. In fact, his proposal had been labelled "undemocratic,"--an attempt to place too much power in the hands of one man. Cruce now openly called upon the Legislature to grant such power to the governor. He reminded legislators that the people, having twice approved the prohibition law, were entitled to enforcement. Further, he himself in numerous campaign speeches had assured all Oklahomans he intended to carry out the Democratic platform's promise to enforce the prohibition law. Without the requisite power, the governor pleaded, he would be unable "to keep the compact my party made for me with the people."¹⁹

A bill had been introduced to create the new office of county

¹⁷January 12, 1911.

¹⁸January 11, 1911.

¹⁹House Journal, Third Leg., Reg. Sess., pp. 326-32. 9, 1911.

assessor. The governor wholeheartedly approved this measure as a means of attaining uniform valuation of taxable property. He urged abolishing the State Capitol Commission and placing the building of the state capitol in the hands of the Board of Public Affairs, whose principal duty was to look after the state's public buildings.

Some legislators were working zealously to locate the School for the Blind for their particular constituencies. Cruce reminded all lawmakers that the school's permanent location should be determined by the needs of the children themselves. He cited the advantages of a healthful, easily accessible location near a city or town affording opportunities for wholesome entertainment. Scotching rumors that he favored a special session, he assured the lawmakers that he would call one only if "an extraordinary condition arose."²⁰

The Republican Tulsa Daily World approved the governor's special message, saying that Cruce, like Woodrow Wilson, was "demanding what's right even if it involves a fight with some of the 'co-ordinate branches of government.'" Only those could complain who believed "that the executives should not seek to influence legislation." The governor at least "managed to make himself understood," the World concluded.²¹

Political observers, as well as the governor himself, soon realized his straightforward expressions had ruffled those legislators who believed the governor should not attempt to influence legislation.²² This did not alter his belief that the governor, who "more nearly

²⁰Ibid. ²¹February 1, 1911. ²²Ibid., February 9, 1911.

represents the people of the State than any other State Elective Officer," must "sacredly fulfill" his campaign promises. To accomplish this end, the governor should not hesitate to submit his views on legislation and use his influence legitimately in the interest of beneficial legislation.²³

Since a few days after his inauguration, the new chief executive had been accumulating information as to the state's financial requirements for the next biennium.²⁴ His message to the House of Representatives on February 2, 1911 outlined needs of over \$8,700,000 as submitted by the various departments. It would seem that in compiling this information Cruce first became aware of the state's desperate financial condition and the urgency of an economy program. "With an annual income of less than \$3,000,000," he pointed out, "It takes no financier to see what must be the end if appropriations are annually to run \$4,000,000 and \$5,000,000. I feel that the appropriation of this State should be kept within the income of the State."²⁵

He cited the fact that building contractors "clamoring for their money" were owed nearly \$450,000, but no funds were available to pay them. At times the contractors had suspended their construction work, while awaiting payment. He urged the lawmakers to appropriate

²³Cruce to A. D. Howard, February 17, 1911, Box 9, FF-1, Cruce File, State Archives. Howard was a member of the staff of the New York Tribune and had asked Cruce's view on the initiation of legislation by a state's chief executive.

²⁴Form letters to various department heads, January 16, 1911, Box 7, FF-1, ibid.

²⁵House Journal, Third Leg., Reg. Sess., pp. 377-80.

funds for the "actual needs" of state government, before giving consideration to the construction of more new buildings. Explaining that state educational institutions alone had requested appropriations of over \$2,200,000 for the next two years, he argued once more for a State Board of Education "to stop the rivalry that exists between the various State educational institutions." With proper supervision by the State Board, he was certain their expenses could be reduced by twenty-five percent.²⁶

The "public building factions" of the Legislature were astounded on March 2nd when the governor vetoed a \$115,000 building for the Central State Normal School at Edmond.²⁷ In vetoing this bill, he stated a premise constantly repeated during later attempts to eliminate several state schools: In his opinion, the so-called "normal schools" had become local high schools rather than teacher-training institutions. "It is not fair to the people of the State to appropriate money that belongs to all the people to help out special localities," he argued. As a second reason for the veto, he reminded the Legislature of the critical condition of the state's building fund and the "hundreds of thousands of dollars" in debts that could not be paid.²⁸

²⁶Ibid., pp. 379-80.

²⁷Tulsa Daily World, March 3, 1911.

²⁸Journal of the Proceedings of the Senate of the Regular Session of the Third Legislature of the State of Oklahoma (Oklahoma City: Warden Printing Co., 1911), pp. 624-26. Hereafter cited as Senate Journal, Third Leg., Reg. Sess.

Two weeks before the Legislature adjourned he vetoed a \$100,000 dormitory bill for the Industrial Institute and College for Girls at Chickasha. He frankly stated the primary reason for the veto, "I do not believe in the dormitory system." If dormitories were needed at Chickasha, he reasoned, then they should be built in each of the state's seventeen co-educational institutions, at an estimated cost of more than one million dollars. Moreover, after detailed investigation and advice from leading authorities, the governor had decided the girls' welfare was better served by residency in the homes of good citizens. It was known to everyone, the governor stated, "That whether it be boys or girls, the larger the aggregation, the more inclination to the bad." His second reason for the veto was that the question of dormitories for state institutions should properly be decided by the State Board of Education, which had just been established. To those arguing this procedure would mean unnecessary delay, the governor had an answer--there was "not one penny" in the building fund anyway.²⁹

Some of the governor's best friends had initiated and supported both the Edmond and the Chickasha building appropriations. Insight into the problems faced by many honest public servants is afforded by the governor's comment in the Chickasha dormitory veto message:³⁰

There is many a conflict fought out in the office of the chief executive of the State that the world knows nothing of--conflict between faithful public service and loyalty to

²⁹Ibid., pp. 769-72.

³⁰Ibid., pp. 771-72.

personal friends. This conflict I have fought in this case. Every inclination of friendship impelled me to approve the bill, for it has been fathered, nurtured and passed by those in whose loyalty to public duty I have implicit confidence. On the other hand, a conscientiousness of my duty to the people of this State inevitably leads me to the conclusion that I have reached.

The final total of appropriation bills vetoed by Governor Cruce amounted to over \$900,000. Another \$300,000 was "vetoed" for all practical purposes when Cruce, rather than vetoing an entire measure, made special agreements with individuals responsible for expenditure of certain funds. For example, he agreed to approve a \$325,000 appropriation for Granite Reformatory, with the specific understanding that no more than \$125,000 would be expended. Likewise, the president of Oklahoma A & M College agreed to return \$80,000 of that institution's appropriation.³¹

The same arrangement was followed in regard to a \$30,000 annual appropriation for tick eradication. This was an urgent problem of the day for the farmers, as attested by William H. Murray's criticism of Governor Cruce's failure to support a large appropriation.³² Although the governor was inclined to veto the entire appropriation, he yielded to its supporters and agreed with the President of the Board of Agriculture that only \$20,000 of the appropriation would be expended annually. Actually, the governor was in complete agreement with the necessity for tick eradication, but it was a "ques-

³¹Cruce to Louis N. Barbee, July 12, 1912, Box 29, FF-1, Cruce File, State Archives.

³²Murray, Memoirs, Vol. III, p. 221.

tion of what we can afford."³³ An adamant Board of County Commissioners of Pottowatomie County later filed suit in an effort to force the State Board of Agriculture to expend the entire \$30,000.³⁴

Cruce probably had the tick controversy in mind when, at about the same time, he wrote a letter in regard to the novel Boy Scout movement:³⁵

I feel that there is a disposition in most departments of government to spend more money on livestock than there is on people, and I think this movement the [Boy Scouts] is a step in the right direction.

In a speech to a joint session of the Legislature in February, 1913 he mildly reproached legislators for appropriating \$30,000 to fight ticks and only \$5,000 to cure tuberculosis.³⁶

As Oklahoma's third legislative session came to a close on March 11, 1911, Governor Lee Cruce could now survey the outcome of the proposals he had publicly made to the Legislature. The Board of Education bill had been approved basically in the form he had desired. He was later to single out this measure as the proudest achievement of his administration,³⁷ although its membership was to

³³Cruce to L. N. Barbee, July 12, 1912, Box 29, FF-1, Cruce File, State Archives.

³⁴Cruce to the Attorney General, May 17, 24, 1912, Box 32, FF-6, *ibid.*

³⁵Cruce to R. N. McConnell, May 10, 1911, Cruce File., State Archives.

³⁶Journal of the House of Representatives of the Extraordinary Session of the Fourth Legislature of the State of Oklahoma (Oklahoma City: Harlow-Ratliff Printing Co., 1913), p. 1772. Hereafter cited as House Journal, Fourth Leg., Ext.Sess.

³⁷Daily Oklahoman, December 22, 1914.

trouble him for the next three years.³⁸

Senate Bill No. 1, approved by the governor on February 25th, embraced a number of the banking law amendments he had recommended.³⁹ Thus, the banking law became second only to the Board of Education bill in the estimation of the governor. He was especially proud of the Depositors' Guaranty Fund after several years experience with it both as banker and administrator. In 1913 his advice to states considering adopting a similar law was simple: Keep politics out of it insofar as possible and let experienced bankers administer it.⁴⁰

It developed that the guaranteed five-month school term, a favored portion of the Cruce educational program, required a constitutional amendment to validate the necessary tax levy. At that time the national average for school attendance was 110 days and in Oklahoma only seventy-one days; nevertheless, the school amendment was defeated by the "silent vote" in the November 5, 1912 election.⁴¹ "I regret this beyond measure," Cruce wrote the chairman of the house education committee, "As I regard this as one of the most important matters submitted to the people of this State since the adoption of our constitution."⁴²

³⁸See Chapter VII infra.

³⁹State of Oklahoma, Session Laws of 1910-1911 (Guthrie: Leader Printing Co., 1911), pp. 53-56. Hereafter cited as Session Laws, 1910-1911.

⁴⁰Cruce to John G. B. Hall, May 31, 1913, Unprocessed File, April to July, 1913, Cruce File, State Archives.

⁴¹Daily Oklahoman, October 13, 1912; Wilson, Directory & Manual, p. 231.

⁴²To W. J. Milburn, November 22, 1912, Unprocessed File, October 1, 1912 to January 23, 1913, Cruce File, State Archives.

Four other recommendations—dealing with reapportionment for state legislative and judicial purposes, the Code Commission, court relief and the county tax assessor bill—had emerged from the Legislature in a form satisfactory to the governor. An attempt had been made to strengthen the prohibition law. The Legislature had postponed until the next session two other matters the governor had left largely to their discretion: the stronger election law and location of the School for the Blind. Two areas of disagreement were evident--the Capitol Commission and the governor's power to enforce the prohibition law.

Governor Lee Cruce displayed unusual courage and no doubt created enemies by a forthright veto of nine important bills, which he could have let "die" by pocket veto. Among these were bills to establish a state fair in Muskogee, create an office of state tax commissioners, require railroads to maintain hospitals, permit the leasing of oil and gas lands owned by minors, and establish an agricultural school in Shawnee.⁴³ The Tulsa Daily World chuckled, "My, how the spoilsmen will yell over the governor's action in swatting all of the appropriations bills that were designed for private or local purposes."⁴⁴ The Oklahoma City Times thought the vetoes had "demonstrated who is governor of Oklahoma."⁴⁵

⁴³Tulsa Daily World, March 26, 1911.

⁴⁴March 28, 1911.

⁴⁵March 26, 1911.

⁵⁰Daily Oklahoman, April 18, 1913. The measure had been re-submitted in the 1913 Legislature.

and state. The one veto that perhaps fostered the most animosity toward Governor Cruce dealt with the Muskogee State Fair Bill. Supporters in Muskogee had worked vigorously for its passage in order to raise the status of their annual fair.⁴⁶ Oklahoma City residents, fearing reduction in prestige of their state fair, held indignation meetings protesting the bill.⁴⁷ However, the governor had vetoed it because he thought it laid the foundation for future financing by the state, and he did not want to place the state in the "fair business."⁴⁸ The Tulsa Daily World pointed out, "There can not be a half-dozen state fairs in Oklahoma," and compared the proposition to the manner in which, "The educational interests of the state were loaded into the political shotgun and fired."⁴⁹ Cruce himself later cited his disapproval of this bill as the reason for a 1913 investigating committee's criticism of his actions as governor.⁵⁰

Lee Cruce had governed Oklahoma a little more than two months, when the Third Legislature adjourned. By his messages to the Legislature and his utilization of the veto power, he had reflected his theories on economy, strict law enforcement, partisan politics,

⁴⁶Muskogee Times-Democrat, January 7, 10-11, 1911; Guthrie Daily Leader, January 7, 1911.

⁴⁷Shawnee Daily Herald, January 6, 1911.

⁴⁸Oklahoma City Times, March 26, 1911.

⁴⁹June 11, 1911.

⁵⁰Daily Oklahoman, April 18, 1913. The measure had been re-submitted in the 1913 Legislature.

and state educational institutions. His "Righteous Crusade" was under way.

CHAPTER VI

APPOINTIVE POSITIONS

One exceedingly sensitive problem had confronted the new chief executive since the day of his election.¹ Who was to share in the spoils of victory? Unfortunately, there simply were not sufficient "loaves and fishes" to appease the hearty appetites of the victorious Democrats.²

Two weeks after his victory, Cruce was swamped with job applications. The most popular offices were those of State Game and Fish Warden and the deputy wardens, but enforcement officer jobs and membership on the State Board of Affairs attracted an abundance of applicants. Cruce explained to one correspondent, "The public is very much misinformed with regard to the number of appointive offices that are filled by the Governor. The appointments that I make that carry any salary with them are less than thirty, and there are more than that many applicants for every position that I have the filling of."³ But

¹Cruce to Lon M. Frame, January 28, 1911, Box 8, FF-4, Cruce File, State Archives.

²Harlow's Weekly, January 20, 1923.

³Cruce to W. R. Keith, January 19, 1911, Box 9, FF-3, Cruce File, State Archives.

little or no remuneration did not lessen the glamour of public office. Positions of honor and/or influence were in great demand. Following creation of the State Board of Education more than two hundred applicants sought the six appointive positions.⁴

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It was soon obvious that the new governor felt no obligation to counsel with state legislators regarding suitable applicants. A few days after his inauguration Cruce informed a state senator that "appointments do not belong to any one man or class of men."⁵ The senator tactfully reminded the governor that the Legislature was indeed entitled to consideration and indicated there was already dissatisfaction with the choice of Lon Frame as State Game and Fish Warden, and the continuance of Haskell appointee R. W. Dick as warden of the state penitentiary. He insinuated that the subtle influences of Cruce friends might have generated several such undesirable appointments.⁶

Years later a long-time political writer for the Tulsa Tribune attempted a summarization of the Cruce disposition toward appointments: "Appointments were solely for the reward of friends, not for the placating of his enemies."⁷ The first portion of this appraisal is only partially true; however, the latter portion could be extended to include many of his friends as well as his enemies. The governor would have

⁴Cruce to Hon. L. J. Martin, April 6, 1911, Box 14, FF-2,

ibid. Among such appointments were: Lon M. Frame, State Game & Fish Warden; J. W. Dick, Warden of State Penitentiary; J. C. Minor, State Highway Commissioner.

⁵W. M. Franklin to Cruce, January 21, 1911, Box 8, FF-4, ibid.

⁶Ibid. to J. C. Minor, January 25, 1911, Box 9, FF-6, Cruce File, State Archives.

⁷Tulsa Tribune, January 19, 1930.

⁸Quoted in Harlow's Weekly, February 15, 1913.

preferred to abide by his stated intent, to make "the first consideration the needs of the whole people, and the fitness of the man who may be applying to creditably fill the position."⁸ He conceded that where the qualifications of two applicants were identical and one was his friend, the friend should be chosen.⁹

The appointment of Ardmore friends to responsible positions provoked criticism.¹⁰ The governor told one constituent, "The public seems to think that Ardmore furnished the Governor, and that the rest of the State ought to furnish the other officers."¹¹ Commenting that Ardmore citizens had taken advantage of the governor, the Clinton News employed biblical paraphrase to declare Ardmore "the Nazareth of Oklahoma Democracy." Naming that city "The Place of Many Appointments," the newspaper inquired, "Can any good thing come out of Ardmore?"¹²

Although the governor selected presumably capable friends to fill positions directly responsible to him, he refused to influence his appointees to hire other Cruce followers. "As you know, I am making absolutely no recommendations to appointees of mine, no matter how good

⁸Cruce to E. Lee Adams, March 13, 1911, Box 7, FF-1, Cruce File, State Archives.

⁹Cruce to Capt. A. A. LeSueur, June 26, 1911, Box 18, FF-1, ibid.

¹⁰Among such appointments were: Lon M. Frame, State Game & Fish Warden; Sidney Suggs, State Highway Commissioner; R. W. Dick, Warden of State Penitentiary; W. E. McLamore, State Enforcement Officer.

¹¹Cruce to J. C. Minor, January 25, 1911, Box 9, FF-6, Cruce File, State Archives.

¹²Quoted in Harlow's Weekly, February 15, 1913.

a friend of mine asks me to," he wrote an applicant.¹³ He customarily made one concession--if a department head asked his opinion of a potential appointee, he would express it.¹⁴ Refusal to make recommendations was not confined to state or local levels; it extended to other states and to the national government. Hence, the governor declined to initiate letters of recommendation for an estimated three hundred Cruce adherents seeking employment in the Woodrow Wilson administration.¹⁵ He verbalized his sentiments in the following manner:¹⁶

I have held that it is not the proper thing for one executive holding appointive power to make recommendations to other executives. . . . I may [be] a little over cautious in the position taken, but it has seemed to me to be the proper course.

His experience on the Board of Regents provided a ready answer for those who would displace the personnel of state institutions. When one individual questioned his retention of a Haskell appointee as head of the State Insane Asylum, the governor stressed the value of experience in supervising such an institution. Moreover, the governor continued, "I have never believed that it is right to use our educational and eleemosynary institutions to reward personal friends for political services."¹⁷ His sincerity was reflected by his immediate concern when

¹³Cruce to L. D. Bolton, March 20, 1911, Box 7, FF-3, Cruce File, State Archives.

¹⁴Ibid.

¹⁵Cruce to J. Frentress Wisdom, September 10, 1913, Unprocessed Box, July 7 to November 6, 1913, ibid.

¹⁶Cruce to Dr. P. S. Mitchell, December 18, 1912, Unprocessed Box, October 1, 1912 to January 23, 1913, ibid.

¹⁷Cruce to C. A. Hagan, March 30, 1914, Unprocessed Box, March 25 to October 3, 1914, ibid.

rumblings of political activities erupted around the State Board of Education.¹⁸

The Third Legislature abolished the offices of township assessor and township board of equalization and created the elective office of county assessor.¹⁹ Governor Cruce undertook what he called the "very difficult" and "very unpleasant" task of appointing a county assessor for each of the seventy-six Oklahoma counties. Obviously, this was a chance for an ambitious politician to plant the roots of a political machine within each county. For a governor with the Cruce temperament the situation merely developed into another means of antagonizing individuals having political influence.

Here again the governor appeared to listen to the recommendations of local members of the Legislature as only a single contribution to elements comprising his ultimate decision. Even the governor's friend, Senator Gid Graham of Catoosa, already displeased with appointments made in his county, wondered if his suggestion for county assessor would be considered. It would "have weight," the governor assured him; however, it was inferred the final decision would be the governor's own.²⁰

Cruce's "most serious mistake politically" was to neglect the advice of local legislators in the appointing of county assessors,

¹⁸The State Board of Education controversy is discussed in Chapter VII infra.

¹⁹Session Laws, 1910-1911, pp. 331-37.

²⁰Cruce to Graham, April 22, 1911, Box 13, FF2, Cruce File, State Archives.

²⁴Daily Oklahoman, October 25, 1914.

said the Tulsa Tribune.²¹ In the final analysis, it is doubtful that he retained the goodwill of many of the assessor appointees. This came about through the governor's practice of appending to each appointment a requirement that the assessor forego any commission on property belonging to public service corporations. He had adopted this policy after the Legislature--disregarding his advice--had failed to specify that such property was not to be included in the assessor's remuneration. Cruce reasoned that the assessors were not entitled to a commission, inasmuch as the assessment of property of public service corporations was the duty of the State Equalization Board.²²

After the county assessors had filed their assessments in 1912, they computed their income based on the assessed values of each county. The result was not pleasing to many of them, who appealed to the governor for a release of their agreement with respect to commissions on public service corporation property. No doubt enemies were made when the governor refused, insisting the intent of the statute was "to provide compensation for the assessors only upon property actually assessed by them."²³

In Governor Lee Cruce's term of office, he filled by appointment no less than eighty-eight elective offices, including the county assessors.²⁴ This may have established a record, but if so, indications

²¹January 19, 1930.

²²House Journal, Third Leg., Reg. Sess., p. 330.

²³Cruce to L. A. Canri, et al., January 16, 1912, Box 34, FF1, Cruce File, State Archives.

²⁴Daily Oklahoman, October 25, 1914.

are that the record was set at the expense of Cruce's political fortunes.

A long-time director of the Oklahoma Merit System once commented on the reaction to establishment of the state's Merit System in 1959: "Many legislators have told me it is a relief to get the patronage burden off their back. They say when there are 10 job applicants and a legislator recommends one he has made nine political enemies."²⁵ According to Governor Cruce, he created not nine but almost fifty enemies for each appointment in his administration.²⁶ Included in his list of "troublemakers" were many newspapermen, disappointed in their bid for appointive office.²⁷

Extended an opportunity to address a joint session of the Legislature on February 4, 1913, Cruce explained his difficulty:²⁸

The greatest trouble I have had in this state since I have been governor has come to pass by reason of the fact that I have held appointive power and have not been able to give a position to every man who applied for office.

In the drouth-ridden years, 1911-13, office seekers must have sought ways to express their discontent through equally dissatisfied elected representatives. This could be done in the turbulent regular and special sessions of the state Legislature in 1913.

²⁵Sunday Oklahoman, June 15, 1969.

²⁶Newspaper clipping from St. Louis Post-Dispatch, March 2, 1913, Barde File, OHS Library.

²⁷Cruce to J. B. Walker, December 23, 1912, Unprocessed Box, October 1, 1912 to January 23, 1913, Cruce File, State Archives.

²⁸Journal of the House of Representatives of the Regular Session of the Fourth Legislature of the State of Oklahoma (Oklahoma City: The Harlow-Ratliff Printing Co., [1913]), pp. 1766-67.

ation, Evans accused Board member Scott Glen of affiliation with a powerful political ring headquartered at Shawnee. To indicate to the governor what other educators thought of developments in Oklahoma, President Evans enclosed a letter from "prominent scholar and writer" Charles A. Beard of Columbia

CHAPTER VII

THE STATE BOARD OF EDUCATION CONTROVERSY

In April, 1911, Governor Cruce appointed six members of the powerful State Board of Education. The Third Legislature had created this body to control all state educational institutions except those under the State Board of Agriculture. Cruce considered it one of the most worthwhile accomplishments of his administration.¹ Having served on the University of Oklahoma Board of Regents, he realized the pitfalls of allowing politics to infiltrate the new Board; consequently, he hoped to select capable individuals who would avoid any taint of partisan activity. If he failed to choose the right men for the Board, he wrote, "I will be the most disappointed man in Oklahoma."²

Later events dealt the governor more than his share of disappointment. Within two months a number of faculty changes took place and uneasy rumblings reached the governor from around the state. By the end of July, 1911, the governor felt he must undertake that politics had affected the Board's decisions. Dismissals at the University of Oklahoma included President A. Grant Evans. In retali-

¹Daily Oklahoman, December 22, 1914. 16, FF-3, ibid.

²Cruce to Rev. F. K. Brooks, June 19, 1911, Box 16, FF-3, Cruce File, State Archives. See also Cruce to Brooks, July 12, 1911, Box 16, FF-3, ibid.

ation, Evans accused Board member Scott Glen of affiliation with a powerful political ring headquartered at Shawnee. To indicate to the governor what other educators thought of developments in Oklahoma, President Evans enclosed a letter from "prominent scholar and writer" Charles A. Beard of Columbia University:³

I am sorry to hear of the renewed disturbances in your institution; it seems that the Oklahoma politicians are determined to keep the University in bad odor among the thinking people all over the United States. At all events, they have succeeded in thoroughly discrediting it. Judging from the reputation which it already has, one of the best recommendations which a young man could have would be a letter of peremptory dismissal from Oklahoma.

Governor Cruce seems to have become reluctantly aware of the Board of Education's shortcomings, when he received a protest against the removal of Professor E. P. R. Duval, a mathematics professor at the University. The protest was initiated by Reverend F. K. Brooks, highly respected Bishop of the Oklahoma Episcopal Church.⁴ Duval alleged he had been replaced merely to make room for a political supporter of R. H. Wilson, State Superintendent of Instruction and statutory chairman of the Board. The governor now confirmed receipt of numerous charges that politics was playing a disproportionate role in the Board's deliberations.⁵

By the end of July, 1911, the governor felt he must undertake

³Evans to Cruce, June 30, 1911, enclosing Beard letter, June 23, 1911, Box 7, FF-79, Cruce File, State Archives.

⁴Cruce to Brooks, June 19, 1911, Box 16, FF-3, ibid. 18, 1911.

⁵Duval to Cruce, July 3, 1911, Box 16, FF-7, ibid.; Cruce to Duval, July 5, 1911, ibid.; See also Cruce to Brooks, July 12, 1911, Box 16, FF-3, ibid. 13, August 26, 1911 and October 29, 1911.

a thorough investigation. The Tulsa Daily World had approved the governor's appointments on April 12th, but now decided the new Board had "out Heroded Herod," by replacing "deserving and meritorious teachers" with "men of bad reputation both as men and teachers." The members charged were State Superintendent R. H. Wilson, Robert Dunlop, State Treasurer but a Cruce appointee to the Board, Scott Glen and O. F. Hayes.⁶

On August 17, 1911, the governor instituted an open hearing of the matter which lasted until the end of the month. At the outset, Cruce explained his objectives. He was basically concerned with charges of "political influence being used to build up the school faction; personal favoritism, and dismissal of competent men without notice or charge."⁷

A number of witnesses testified to the efforts of a majority of the Board to assemble a political machine composed of representatives of the state's schools.⁸ The governor took a particular interest in the American Book Company's involvement and tried unsuccessfully to locate one N. E. Butcher, the company's agent. When he finally was able to question Butcher two months later, he derived no pertinent information, although Butcher admitted using aliases and staying at three different Oklahoma City hotels while the governor sought him the previous August.⁹

⁶Tulsa Daily World, July 30, 1911. ⁷Ibid., August 18, 1911.

⁸Ibid., August 26, 1911; Oklahoma City Times, August 22, 23, 1911.

⁹Tulsa Daily World, August 26, 1911 and October 29, 1911.

When the governor left the state in September to attend a governor's conference in Spring Lake, New Jersey, he carried a record of the testimony with the intent of studying it before reaching a decision in the latter part of the month.¹⁰ No decision was forthcoming at that time, however, and he resumed the hearing for a few days in October, 1911. The Board then submitted for Cruce's consideration a lengthy statement of accomplishments during its six months existence. Taking credit for a \$250,000 savings in the seventeen institutions under its control, the Board attributed a portion of the savings to the removal of one hundred faculty members. The Board also claimed to have improved the curriculum and raised educational standards "by bringing men and women from such Institutions as Chicago, Columbia, Harvard, and Yale."¹¹

Contrary to expectations, Governor Cruce again postponed judgment after cessation of the hearings in October. In March, 1912, the Board sat in its alternate capacity of Textbook Commission and voted to begin proceedings in July for the adoption of new textbooks. This adoption was to be for a five-year period following expiration of the old textbook contracts on August 1, 1913.¹² Cruce reacted to the proposed adoption in a letter to his friend, Board member W. E. Rowsey on April 22nd: "It will be practically impossible to have

¹⁰Ibid., September 15, 1911.

¹¹October 28, 1911, Box 11, FF-XII, Cruce File, State Archives.

¹²State Board of Education to Hon. Chas. West, May 20, 1913, Unprocessed Box, April to July, 1913, ibid.

textbooks adopted in this State without severe criticism following."

He also noted that if the adoption transpired before the upcoming November election, "It will be used as a campaign issue against the Democratic party." The governor continued, "No matter how honest they may be, nor how zealously they may strive to act wisely and fair, the entire blame will rest upon our party."¹³

Two months later the governor still displayed no inclination to influence the Board's decision. He wrote an Ardmore friend, "I think the sensible thing for me to do is to leave that matter entirely in the hands of the Board."¹⁴ On July 2, 1912, after the Board had conferred with approximately seventy textbook publishers for two weeks, the governor suddenly changed his mind. Appearing before the Board, he urged postponement of textbook adoption until at least the middle of October, asserting that an adoption in July would be "a serious mistake from the standpoint of the public school interests of Oklahoma."¹⁵

The Board disregarded the governor's request and met on Saturday, July 27, 1912, to conclude the adoption procedure by signing contracts for the approved textbooks. Two contracts were entered into on that date. On Monday morning following, the governor summarily removed from office Board members Robert Dunlop, Scott Glen and O. F.

¹³April 22, 1912, Box 27, FF-1, ibid.

¹⁴To J. S. Mullen, June 21, 1912, Box 31, FF-1, ibid.

¹⁵State Board of Education to Hon. Chas. West, May 20, 1913, Unprocessed Box, April to July, 1913, ibid.; Cruce to Hon. R. H. Wilson, July 13, 1912, Box 32, FF-5, ibid.

Hayes. He accepted the resignation of W. A. Brandenburg.¹⁶ In the meantime the Board had concluded the approval of contracts for additional textbooks required for the ensuing five-year period.¹⁷

Amid the charges and contercharges that followed, Governor Cruce finally made public the circumstances surrounding his earlier investigation of the Board members. In his words, "The proof was piled mountain high" that the deposed members had engaged in partisan politics for personal reasons. Attorney W. A. Ledbetter, an old friend formerly of Ardmore, had conferred with the governor in behalf of the accused members after the hearings had been closed. Upon being informed of the governor's decision to remove the Board, Ledbetter had offered to secure their resignations without the unfavorable publicity of "summary removal."

Despite the fact that the Board had not voluntarily resigned as he had hoped, Cruce related, he had delayed action for several months, "in order that the passions of the people might abate, and that just as little turmoil as possible might be occasioned in the schools." Cruce then outlined how the Board had proceeded with a "Sabbath-breaking meeting" to approve the final textbook contracts, which ended early Monday morning, July 29, 1912. He spoke of the "swarm of conscienceless book concerns, with open coffers filled with wealth wrung from the school children of the nation through

¹⁶Cruce to Attorney General, May 21, 1913, Unprocessed Box, April to July, 1913, ibid.

¹⁷State Board of Education to Hon. Chas. West, May 20, 1913, ibid.

the unrighteous books adoptions." Those firms favored the adoption, Cruce contended, while responsible school men and patrons throughout the state opposed it. Also, his own investigations disputed the immense savings claimed by the Board. The governor denied accusations made by the deposed members that he had requested the postponement of adoption only for political reasons. He reiterated his desire to keep politics out of the schools.¹⁸

The governor appears to have mishandled the Board of Education matter up to this point--primarily because of his procrastination in removing the politically over-active members. Moreover, his letter of April 22, 1912, to Rowsey definitely smacked of political considerations affecting his request for the delay in adopting textbooks. But he could have had other reasons for delaying the adoption. He undoubtedly feared connivery or "pay off" by certain textbook companies;-- the reputation of some firms indicated that method of doing business. The Tulsa Daily World remarked of one contract, "If that contract stands they ought to be amply able to withstand the lack of public salary for some time to come."¹⁹

Too he must have listened to constituents like W. R. Adair, who insisted adoption of new textbooks would be an unnecessary burden on farmers of Oklahoma who are "confronted with another crop failure."²⁰ The governor himself was convinced that no changes in books should be

¹⁸Daily Oklahoman, August 11, 1912, November 25, 1912.

¹⁹July 31, 1912.

²⁰August 2, 1912, Box 28, FF-4, Cruce File, State Archives.

made unless clear-cut benefits to the public would result.²¹ Removal of four Board members and replacing them with others more amenable to the governor only precipitated another phase of the Board of Education battle. The old members protested that the chief executive could not legally dismiss them, and secured an injunction to prevent the new members from exercising the Board's duties.²² Consequently, confusion as to authority for disbursement of funds prevented payment to hundreds of teachers and vendors.²³

The situation reached a crisis. The governor appeared to have only two alternatives--either acknowledge defeat and let the old Board remain in office or do nothing until the court rendered its judgment on the Board's membership. Surprisingly, the chief executive selected still another alternative. He resolved to call a special session of the state Senate to approve his appointees. Thus, he hoped to settle the matter with a minimum of delay. The expense of this undertaking must have been embarrassing to the governor, in view of his arguments for economy and his refusal the preceding year to call a special session for reapportionment.²⁴

The Senate convened in extraordinary session on December 3,

²¹Cruce to Mrs. Mary V. Niblack, August 17, 1912, Box 31, FF-3, ibid.

²²Daily Oklahoman, November 18, 1912; Harlow's Weekly, November 2, 1912.

²³Daily Oklahoman, December 8, 1912; Cruce to P. P. Claxton, April 5, ibid.

²⁴Congressional reapportionment is discussed in Chapter XI infra.

²⁵Cruce to Rowsey, November 25, 1912, Unprocessed Box, October 1, 1912 to January 23, 1913, ibid.

²⁶See pp. 172-75 infra.

1912. In his introductory message, Cruce carefully denied any desire to influence the Senate's deliberations. He told the senators, "You should be left absolutely free to exercise your own good judgment in the matter of confirming or rejecting any nomination I place before you." As a somewhat lame additional reason for calling the Senate together in December rather than waiting for the regular session scheduled only five weeks away, he spoke of the advantages to be gained by having this matter out of the way.²⁵

The governor's expectation of a prompt solution did not materialize. Instead, after two days' consideration the Senate voted to withhold its approval of the Cruce nominees. The senators objected to the deposed Board members as well, and asked the governor to select an entirely new Board.²⁶ This development came as a surprise to the governor, who had expected some difficulty in confirming W. E. Rowsey but had not anticipated Senate disapproval of his other nominees.²⁷

Undeniably, enemies created by the governor's refusal to call a special session in 1911, and the legislative program announced in his recently publicized message to the Fourth Legislature, contributed to his partial defeat.²⁸ The Vinita Leader, published by the gover-

²⁵Journal of the Senate of the Fourth Legislature of the State of Oklahoma [First Extraordinary Session] (Oklahoma City: Warden Printing Co., (1913), pp. 6-7. Hereafter cited as Senate Journal, Fourth Leg.; Daily Oklahoman, December 4, 1912.

²⁶Daily Oklahoman, December 8, 1912; Cruce to P. P. Claxton, April 5, 1913, Unprocessed Box, April to July, 1913, Cruce File, State Archives.

²⁷Cruce to Rowsey, November 25, 1912, Unprocessed Box, October 1, 1912 to January 23, 1913, ibid.

²⁸See pp. 172-75 infra.

nor's secretary, F. S. E. Amos, delineated two powerful sources of opposition: 1) Towns with state institutions who had persuaded their senators to vote against Cruce and for the old Board of Education 2) Representatives of publishing companies friendly to the old Board.²⁹

With the Christmas season approaching, the governor received an avalanche of telegrams and telephone calls from school employees, who had been without salaries from one to three months.³⁰ In a letter to his friend, Charles Evans, President of Central State Normal, Cruce somewhat bitterly averred, "Whatever inconvenience and hardship the teachers may suffer they can charge up to some one other than the Governor, for I have done my best in their behalf."³¹ Two days later he relieved the situation by appointing a temporary Board.³²

Subsequently, the governor nominated a permanent Board, which experienced no difficulty in securing confirmation by the Senate in the 1913 legislative session. The new Board proceeded to rescind book contracts executed the preceding July, on the grounds that those instruments had not been signed by the governor. The textbook company beneficiaries under the original contracts, alleging their own contracts were valid, now secured an injunction to prevent the acceptance of new bids by the Board.

The issue reached the State Supreme Court. Cruce forces

²⁹Quoted in Harlow's Weekly, December 21, 1912.

³⁰Daily Oklahoman, December 14, 1912.

³¹December 11, 1912, Unprocessed Box, October 1, 1912 to January 23, 1913, Cruce File, State Archives.

³²Cruce to A. A. Stewart, December 13, 1912, ibid.; Daily Oklahoman, December 14, 1912.

sustained a temporary victory when the question was remanded to the lower court on the grounds that the original contracts did not bear the governor's signature. At this point, on August 2, 1913, the governor left the state for only the second time since his inauguration. During his two day absence to speak at a banquet in Kansas City, Lieutenant Governor J. J. McAlester, as acting governor, signed the textbook contracts, and approved the accompanying bonds.³³

The governor and his staff had sought to keep secret his absence from the state, due to the fact that during the three-week trip to New Jersey the previous year,³⁴ the septuagenarian lieutenant governor had proved to be an unpredictable occupant of the governor's chair. Notable among his official acts was the granting of fifty-five pardons.³⁵

Upon his return to Oklahoma, the furious governor instigated immediate proceedings to nullify Lieutenant Governor McAlester's performance, which included the granting of five pardons.³⁶ Cruce

³³Daily Oklahoman, January 4, 1914; Harlow's Weekly, August 9, 1913, March 4, 1914.

³⁴Cruce to H. D. Henry, March 25, 1912, Box 25, FF-5, Cruce File, State Archives.

³⁵Tulsa Daily World, September 29, 1911, quoting Oklahoma City Times.

³⁶The pardon of George Crump, serving seven years for fraud, aroused the most vicious of Governor Cruce's several disagreements with the higher courts of the state. His attempt to revoke all pardons issued by McAlester resulted in Crump's appeal to the Criminal Court of Appeals. In August, 1913, the court held that under the Constitution, the lieutenant governor assumed all powers of the governor, including the right to pardon, during the latter's absence from the state--no matter how brief the time the governor is away. Ex Parte Crump, 135 P. 428 (1913); Harlow's Weekly, August 30, 1913;

upbraided those individuals, particularly State Superintendent Wilson, who had taken advantage of McAlester's "frailties in years, health and sympathies."³⁷ He took the opportunity once more to criticize the deposed Board's book adoption methods:³⁸

It will be recalled that these supposed adoptions were agreed to in the night time and behind locked doors. Characterized by such haste as has never before been known in public affairs, an attempt was made to adopt for the school children

Daily Oklahoman, September 19, 1914.

The precedent established by this ruling infuriated the chief executive to the point that, being unable to attend a governors' conference in Colorado Springs due to fear of the lieutenant governor's activities, he unloaded his emotions in a letter to the governors. His letter received nation-wide publicity and rashly accused the court of joining with the lieutenant governor to 'raid' the state's prisons. The Muskogee Times-Democrat, alluding to the governor's disputes with the State Supreme Court, the Legislature, the State Board of Education, and now the Criminal Court of Appeals, satirically remarked that the state's highest offices were occupied by 'stubborn and lawless men.' 'That this is true,' the newspaper continued, 'is proven by the fact that Governor Cruce, one of the most mild mannered reasonable, honest and patriotic citizens of the state, by his own admission, cannot get along with them.' Quoted in Harlow's Weekly, August 30, 1913.

Judge Thomas H. Doyle, one of Cruce's opponents in the 1907 gubernatorial campaign, wrote the opinion in Ex parte Crump. Before his opinion was officially published in the law books, Cruce's Colorado Springs letter was publicized, which caused Doyle to append a special statement to the opinion. He severely reprimanded Cruce, and regretted that the Constitution and precedent prevented citing him for contempt of court. Doyle termed Cruce's letter 'an unfounded and indefensible assault upon the integrity of this court.' He deplored the national publicity, and declared, "The spectacle of a governor publicly assailing a high court of this state is without precedent in the annals of the republic." Ex parte Crump, 135 P. 428 (1913); Daily Oklahoman, October 5, 1913; Harlow's Weekly, October 11, 1913.

Lieutenant Governor McAlester had one more occasion to express his generosity, when Governor Cruce journeyed to Washington, D. C., in 1914 to attend an urgent conference in behalf of the state's cotton farmers. McAlester granted forty-six pardons and paroles, all of which were officially recognized, despite Cruce's protests. Harlow's Weekly, April 3, 1915.

³⁷Ibid., August 9, 1913.

³⁸Daily Oklahoman, August 4, 1913.

of this state books to be used in the next five years. Every act from that fatal July Sunday night, the 28th, 1912, until the final culmination last night at 10 o'clock has been the work of desperate men without regard for the welfare of the people of the state and wholly at war with every interest and right of the school children of Oklahoma.

Finally, in March, 1914, the governor enjoyed the fruits of a well earned victory. The State Supreme Court by a split decision ruled that the contracts executed by the State Board of Education on July 29, 1912 were inoperative, since they had not received the governor's approval by August 15, 1912, the date specified in the notice to bidders. Lieutenant Governor McAlester's approval had been too late.³⁹ The textbook companies' attempt to appeal to the United States Supreme Court was refused.⁴⁰

Thus ended an episode the Daily Oklahoman considered, "The first serious controversy in which the governor became involved."⁴¹ Cruce's hoped-for model administrative board had failed in three general areas pertinent to his "Righteous Crusade:" Politics, dishonesty, and economy. Specifically, the public had been exposed to unwarranted politics in state institutions, probable dishonesty in textbook negotiations, subterfuge in manipulating the lieutenant governor, and unnecessary expenditure of funds for a special session of the state senate.

The governor himself had been guilty of bungling indecision

³⁹Harlow's Weekly, March 7, 1914.

⁴⁰Ibid., April 4, 1914.

⁴¹January 4, 1914.

in the early stages of the affair, while he strove to avoid criticism for his administration and the Democratic party. On the other hand, after finally choosing to act, he proved beyond doubt that politics would not be tolerated in state institutions. However, the Board of Education controversy was a sorry appendage to Oklahoma history.

THE BOARD OF EDUCATION CONTROVERSY

The Board of Education controversy was a principal source of trouble for Governor H. H. Murray. The right was just emerging from a state of confusion. The Board of Education interests often aroused suspicion and hostility. It happened that the particularly true of the Board of Education was the case of the Board of Education of Tulsa and Muskogee. The Board of Education of Tulsa asked the Governor would he remove the Board of Education from office and the orders of the court.²

The Board of Education of Tulsa was organized with empty seat disapproval. The Board of Education of Muskogee had been met, but the Board of Education of Tulsa was not. The Board of Education of Tulsa was organized during the election year and the result, in such elections the Board of Education of Tulsa did not hesitate to request the Governor to remove the Board of Education or otherwise.³

²Letter to Governor H. H. Murray, November 21, 1912, Unprocessed Box, January 4, 1913 to January 21, 1913, Cruise File, State Archives.

³Daily Oklahoman, May 4, 5, 1913 and June 4, 5, 1913; Tulsa Daily World, November 22, 23, September 22, 27, 1911.

⁴Letter to G. & C. Clark, January 15, 1912, Box 34, FF-1, Cruise File, State Archives.

Maybe it was disgust with procedures such as these, as well as jealous protection of his own executive prerogatives, that caused him perhaps to exceed his constitutional powers in the famous Delaware County controversy.

CHAPTER VIII

THE DELAWARE COUNTY CONTROVERSY

County seat politics were a continual source of trouble for Governor Lee Cruce.¹ At a time when the state was just emerging from a semi-frontier status, personal and business interests often aroused emotions to a point of physical violence. This was particularly true of short-lived Swanson County, formed from portions of Kiowa and Comanche Counties, when for a time it appeared the governor would be forced to summon the state militia to carry out the orders of the court.²

Ordinarily, the governor's connection with county seat disputes consisted of determining that legal requirements had been met, followed by selection of election inspectors, setting the election date, and issuing a proclamation as to the result. In such elections Cruce had found certain interested individuals did not hesitate to resort to "coercion, persuasion, friendship, corruption or otherwise."³

¹Cruce to John S. Woofter, November 23, 1912, Unprocessed Box, October 1, 1912 to January 23, 1913, Cruce File, State Archives.

²Daily Oklahoman, May 2, 9, 1913 and June 4, 5, 1913; Tulsa Daily World, February 14, 1911, September 22, 27, 1911.

³Cruce to S. E. Clute, January 15, 1912, Box 34, FF-1, Cruce File, State Archives.

Maybe it was disgust with procedures such as these, as well as jealous protection of his own executive prerogatives, that caused him perhaps to exceed his constitutional powers in the famous Delaware County controversy.

In 1911 the Oklahoma Supreme Court had for consideration the question of the validity of an election transferring the county seat of Delaware County from Grove to Jay. Before the court had officially announced its decision in favor of Jay and before the governor had issued the required proclamation, certain real estate promoters made a devious move. Headed by prominent Tulsa bootlegger William J. Creekmore, they contracted with Delaware County Commissioners to provide county buildings at "New" Jay,--a town to be developed slightly over a half mile from "Old" Jay.⁴ When Governor Cruce began to receive complaints from residents of "Old" Jay, he held a hearing on December 30, 1911 to determine which location the voters had in mind at the time of the county seat election.⁵

Representing the Creekmore group at the hearing was the law firm of Stuart, Cruce & Gilbert, which included the governor's friend, C. B. Stuart, and his brother, A. C. Cruce.⁶ The chief executive

⁴"We, the subscribers" to Cruce, December 25, 1911, Box 5, FF-22, ibid.

⁵Cruce to Hon. Ad. V. Coppedge, December 30, 1911, Box 34, FF-1, ibid.

⁶This occasion was recalled thirteen years later by an attorney present at the hearing. He remembered Cruce's courage in adhering steadfastly to what he believed to be his duty, despite Stuart's hour long objection, his own brother's persuasion, and Justice Turner's later actions favoring the Creekmore faction. Kornegay & Probasco to Cruce, December 5, 1925, Box 77, Cruce Coll., Univ. of Okla. Library.

ruled that the electorate's intent was to establish the county seat at "Old" Jay, and issued a proclamation declaring "Jay" to be the permanent county seat of Delaware County.⁷

Meanwhile, on January 2, 1912, by vote of two of the three county commissioners, the records of the county were moved to "New" Jay from Grove. That move was reported to the governor by telegram from the dissenting county commissioner on the same day.⁸ Cruce disregarded a telegram from the Delaware County Attorney, a Cruce's supporter, who pleaded that the courts should be allowed to decide the matter. Instead, he dispatched Adjutant General Frank Canton of the state militia to enforce his proclamation. With instructions to move the records to "Old" Jay,⁹ Canton departed for Delaware County on January 4, 1912.

The next day the chief executive was informed that the Creekmore group had obtained from the Oklahoma Supreme Court a restraining order against Canton.¹⁰ Furious, the governor wired Canton to use any necessary force to proceed with his prior orders. Cruce asserted the restraining order had been issued without any sort of notice to him, and berated "double-dealing" by "selfish, greedy interests of a few real estate speculators who seem determined to use the courts and

⁷"Proclamation Declaring", January 3, 1912, Box 3, FF-22, Cruce File, State Archives.

⁸Tarleton Gray to Cruce, January 2, 1911 [1912], *ibid.*

⁹Wire, Ad. V. Coppedge to Cruce, January 2, 1912, *ibid.*

¹⁰Tulsa Daily World, January 6, 1912; Daily Oklahoman, January 6, 1912.

everyone else in an effort to thwart the expressed will of the people." He informed Chief Justice John B. Turner of this move in a reported telephone conversation in which he said, "My proclamation will be carried out to the letter, and if the supreme court wants its order enforced, the court had better send a force right away."¹¹

Adjutant General Canton obeyed his commander in chief's orders and subsequently was cited for contempt by the Oklahoma State Supreme Court. This afforded Justice Robert L. Williams, the state's next governor, an opportunity to write a lengthy opinion, which he hoped would conclusively establish "that the military can never supersede civil authority so long as the courts are open."¹² In what might be considered obiter dicta, he ruled that Governor Cruce had attempted "to become both the executive and judicial department of the State" by deciding the correct location of the county records. His ultimate decision held that the Adjutant General was not guilty of contempt, since the court did not have original jurisdiction.¹³

For over a year after the governor's intervention, the Delaware county seat controversy continued in the courts and often took the form of physical violence. Justice Williams' criticism must have impressed the governor, who referred to it in later correspondence when Delaware County partisans attempted to secure his assistance in

¹¹Ibid.

¹²Dale and Morrison, Pioneer Judge, p. 199.

¹³T. C. Fluke et al., v. Frank M. Canton, Adjutant General, 123 P. 1049 (1912).

suppressing reported riots and other unlawful activity. Cruce believed, however, that his executive duty had been performed by enforcement of his January 3rd proclamation--he was content to leave further developments in the hands of the courts and local authorities.¹⁴ In December, 1912, he sent Adjutant General Canton to Delaware County once more to investigate a possible need for state militia intervention.¹⁵ Canton advised against such a course of action.¹⁶

The following January 9, 1913, newly elected county commissioners firmly established "Old" Jay as the county seat.¹⁷

¹⁴Wire, Cruce to Hon. W. C. Hall, December 7, 1912, Unprocessed Box, October 1, 1912 to January 23, 1913, Cruce File, State Archives.

¹⁵Ibid.

¹⁶Cruce to E. L. Stigall, December 19, 1912, ibid.; Cruce to Hon. Geo. Fields, December 19, 1912, ibid.

¹⁷Daily Oklahoman, January 9, 1913.

¹Regular Biennial Message of Governor Lee Cruce to the Legislature of 1913, Oklahoma (Winits: Leader Printing Co., 1913, p. 2).

²Daily Oklahoman, January 4, 1914.

state." The Cruce argumentative abilities, Reverend Crafts noted, could also be devoted to "occasional proclamations to the people that will reason out certain propositions that need to be fixed in the minds of citizens, such as the fundamental necessity of impartial law enforcement."³

CHAPTER IX

THE MORAL LAWS: PROHIBITION

It was generally recognized that better law enforcement was needed. The major problem areas throughout the Cruce administration were Tulsa.

An outstanding characteristic of the administration of Governor Lee Cruce was his sincere endeavor to reform the moral conduct of Oklahoma's citizens. He realized that laws regulating the social fabric of the citizenship were difficult to enforce; nevertheless, he believed that in the formative stages of the new state the citizens should be taught "a more wholesome respect for righteous government."¹ In truth, he asserted in the last year of his term, "The chief concern of government is to bring about better moral, social and educational conditions among the people."²

His views were not unique in pre-World War I United States. They coincided perfectly with those of the International Reform Bureau, whose popular chairman, Reverend W. L. Crafts, visited Oklahoma in the interest of the Bureau's reform movements. Crafts complimented the governor's stand on prohibition, gambling and law enforcement and recommended a course that Cruce had in fact already adopted: "You have a great task to be the teacher as well as chief executive of a raw, new

¹Regular Biennial Message of Governor Lee Cruce to the Legislature of 1913, Oklahoma (Vinita: Leader Printing Co., 1913), p.5.

²Daily Oklahoman, January 4, 1914. State Archives.

state." The Cruce argumentative abilities, Reverend Crafts noted, could also be devoted to "occasional proclamations to the people that will reason out certain propositions that need to be fixed in the minds of citizens, such as the fundamental necessity of impartial law enforcement."³

It was generally recognized that better law enforcement was needed. The major problem areas throughout the Cruce administration were Tulsa and Oklahoma City, in that order. Early in his term the governor began receiving numerous letters requesting help in enforcing prohibition and laws forbidding prize fighting and gambling.⁴ A month after the governor took office, a Tulsa Daily World headline cried, "City Wide Open Declares Mayor." The article referred to bootleggers who arranged for the absence of witnesses from court proceedings.⁵ In March, 1913, a traveling man implored the governor, "For God sake please do something for Tulsa";--gambling and liquor conditions were worse than he had seen them anywhere in twenty years.⁶

At the governor's request, Adjutant General Frank Canton visited Tulsa in July, 1914, to investigate the killing of two deputy United States marshals, slain while searching for whiskey. Canton accused the Tulsa Daily World, the sheriff, county attorney and city

³Crafts to Cruce, December 16, 1913, Box 1, FF-5, Cruce File, State Archives.

⁴E.g., Rev. Wiley Smith to Cruce, May 15, 1911, Box 15, FF-1, ibid.

⁵Cruce to Board of County Commissioners, July 1, 1911, Box 15, FF-5, ibid.
⁵February 10, 1911.

⁶J. Howard Edwards to Cruce, March 28, 1913, Unprocessed Box, January, 1913 to April 1, 1913, Cruce File, State Archives.

officials of lax law enforcement. "Military interference would perhaps give temporary relief," the adjutant general decided.⁷ The governor had previously requested Attorney General Charles West to take action against the Tulsa officials. West replied that his office did not possess the funds necessary to support such a difficult assignment.⁸ His description of Tulsa in that era is revealing:⁹

Tulsa, at present, is the most prosperous town in the state. The presence of the large oil companies, with very large pay rolls, turns loose every Saturday a very large amount of money, and all the toots and gamblers and scalawags over the state flock there together. This condition had discouraged officers and many men who wish to do their duty, but really feel it impossible to carry out what they know to be the law.

Conditions in Oklahoma City were only slightly better than in Tulsa. The governor wrote the Board of Oklahoma County Commissioners in July, 1911, asking its aid in County Attorney Sam Hooker's enforcement efforts.¹⁰ That the sale of liquor flourished was confessed in a Daily Oklahoman editorial of August, 1912. The city then "boasted" nearly 200 saloons.¹¹ In January, 1913, the Oklahoman found wide open gambling, "without any visible signs of fear of interference from Mayor Grant's police department."¹² Representative Ollie Morris of Duncan wrote a lengthy discourse on Oklahoma City vice he had observed during

⁷Daily Oklahoman, July 28, 1914.

⁸West to Cruce, May 12, 1913, Unprocessed Box, April to July, 1913, Cruce File, State Archives.

⁹West to Cruce, May 15, 1913, ibid.

¹⁰Cruce to Board of County Commissioners, July 1, 1911, Box 16 FF-5, ibid.

¹¹August 23, 1912.

¹²January 2, 1913.

the legislative session in 1913. Curce's comment: "Better law enforcement will have to prevail in some of the cities of the State or we will ultimately land in a state of anarchy."¹³

The chief executive recognized that the people themselves often were responsible for the lack of enforcement of the so-called "moral" laws. He never departed, however, from his basic tenet that laws placed on the statute books by a majority vote of the electorate were intended to be enforced. He also blamed those local officials who, because of apathy or disagreement with a statute's intent, failed to perform their duty. Any attempt to remove such officials would have been subjected to slow and cumbersome legal processes. The latter situation could be corrected, the governor reasoned, by the delegation of additional powers to him. He should be allowed summarily to remove from office any local official, who, after appropriate hearing, was found guilty of non-enforcement of the state's criminal laws, including prohibition.¹⁴

Amid accusations of attempted despotism on the governor's part, his proposal was defeated in both the Third and Fourth Legislatures. Throughout his term Cruce deplored the Legislature's failure to grant him this removal power which other state governors possessed. When frequent letters asked his assistance in law enforcement, he patiently directed his correspondents to their local officials. If those officials

¹³Cruce to Morris, December 10, 1913, Box 5, FF-6, Cruce File, State Archives.

¹⁴Biennial Message, 1913, pp- 20-24; House Journal, Third Leg., Reg. Sess., p. 116.

¹⁵Times Daily World, August 13, 1911.

failed to act, he explained, recourse must be had to the courts as the Legislature had not seen fit to vest him with authority to remove derelict officials.¹⁵

Surveying the routes open to him for enforcement of the prohibition law, the governor utilized one avenue the Third Legislature placed at his disposal--the special enforcement officer. That officer had "the power and authority of sheriff" to enforce prohibition laws where local officers neglected their duty.¹⁶ The state's citizenry lost no time in requesting the aid of the enforcement officer, even before the law became effective on June 10, 1911. With only one such officer for the entire state, of necessity his coverage would be somewhat limited.¹⁷

The first special enforcement officer was W. E. McLamore--an acquaintance of Cruce in Ardmore for over twenty years--who almost immediately became a source of embarrassment for the governor.¹⁸ Less

¹⁵Cruce to Rev. Wiley Smith, May 17, 1911, Box 15, FF-1, Cruce File, State Archives; Cruce to C. F. Benz, July 19, 1913, Unprocessed Box, July 7, 1913 to November 6, 1913, ibid.

¹⁶Session Laws, 1910-1911, pp. 154-66.

¹⁷Cruce to Hon. C. T. Bennett, April 28, 1911, Box 12, FF2, Cruce File, State Archives. One of the first to ask for help was the courageous Town Justice of Marietta who had an acute question: "Is there any difference in who violates the prohibition law, a private citizen or a county official?" He related in detail how the county judge, a deputy sheriff and their friends had consumed a quantity of confiscated beer on the bank of a creek, that the county judge had exclaimed he "knew that it was beer spelled b-e-e-r . . . that he did not give a G - D who knew it" W. F. Morton to Cruce, June 1, 1911, Box 18, FF-4, Cruce File, State Archives. Cruce could only reply that by legal process "The same citizens who elect these county officials should secure their removal, if they find that they are unsatisfactory." Cruce to Morton, June 2, 1911, ibid.

¹⁸Tulsa Daily World, August 13, 1911.

than two months after his appointment a raiding party representing the Civic League of Oklahoma City found McLamore in his pajamas, visiting two women in a local roadhouse. McLamore was said to have had in his possession the keys to a room containing "some fifteen or sixteen bottles of beer." After a two-hour hearing, the governor ruled that McLamore was "guilty of gross indiscretion and disobedience of orders which had resulted in the destruction of his usefulness as a law enforcement officer."¹⁹

The governor's second enforcement officer was W. J. Caudill of Hobart, an advocate of prohibition at the Constitutional Convention. He was a unique individual, if Alfalfa Bill Murray's characterization of him is correct: "A good man and good Character, but he has 'wheels' in his head that run both ways."²⁰ Caudill proved to be an industrious, scrupulously honest official. He roamed the state fearlessly defending prohibition until resigning in April, 1913, when the survival of the enforcement post was being debated in the Fourth Legislature.²¹ Caudill had soon learned that the position of enforcement officer was a sensitive one to the bootlegging gentry. Twelve days after his appointment, he informed a Granite, Oklahoma audience that already there "had been three attempts to bribe him."²²

¹⁹Ibid., August 15, 1911.

²⁰Murray, Memoirs, II, p. 18.

²¹Caudill observed in his letter of resignation: "I must say, governor that the bootlegger is not the worst person in this state by a good deal. A good percent of them would not be in the business if it was not for corrupt county and state officials." Daily Oklahoman, April 22, 1913.

²²Tulsa Daily World, September 7, 1911.

As Cruce pondered methods of complying with increasing requests for aid in enforcing prohibition laws, he discovered a means of spreading enforcement officer powers into every section of the state. That officer, being vested with "the power and authority of sheriffs," could appoint deputies, whose remuneration and expenses would be provided by interested citizens. Thereafter, the governor arranged the commissioning of deputies upon receipt of proper petitions and recommendations from responsible citizens of any community.²³

The deputy device for prohibition law enforcement never reached the proportions Cruce had perhaps foreseen. The public-spirited citizens essential to implement the idea were wanting, although a degree of success was attained in certain areas. One deterrent to the enthusiasm of deputy enforcement officers was harassment by local officials. For example, in Washington County, a Law and Order League was particularly active in a fight to suppress what the governor termed a "reign of lawlessness."²⁴ When three deputies, members of the League, were arrested by law officers for carrying concealed weapons, the League appealed to Governor Cruce. As he did in all such instances, the governor promised a complete pardon if the deputies were convicted; however, conviction did not occur. Conditions in Bartlesville were alleviated by the end of 1911, following stringent activity by Caudill and the Law and Order

²³Ibid., July 2, 1911, quoting Vinita Leader; Cruce to Rev. E. M. Sweet, Jr., June 22, 1911, Box 19, FF-5, Cruce File, State Archives; Cruce to C. C. Brown, August 5, 1911, Box 16, FF3, ibid.

²⁴Cruce to J. K. Green, October 6, 1911, Box 21, FF-5, ibid.

League.²⁵

Columns of the Tulsa Daily World and correspondence received in the governor's office continued to accent Tulsa's reputation as a lawless city.²⁶ Apparently there was no widespread use of the deputy system there. The World on one occasion editorially complimented citizens Lewis and Dickerson, who journeyed to Oklahoma City to receive their deputy commission. Upon their return to Tulsa they raided and closed several "East End" roadhouses. The editorial invited other citizens to do likewise.²⁷

There seems to have been little enthusiasm in Oklahoma City for a deputy's commission. Governor Cruce announced in July, 1911 he had granted two hundred special deputy commissions throughout the state and would be pleased to appoint 100,000 more good men to see that the law was enforced.²⁸ Yet, by August 18th, no more than ten Oklahoma City men had been deputized.²⁹ There was another aspect to the use of the deputy system--according to Oklahoma County Commissioner George Barnett. Conceding that nine-tenths of Oklahoma's citizens approved the deputy approach, Barnett indicated there were certain illegitimate financial

²⁵Cruce to J. R. Charlton, September 25, 1911, Box 20, FF-5, ibid.; W. J. Caudill to Cruce, November 8, 1911, Box 33, FF-6, ibid.; Caudill to Cruce, December 11, 1911, Box 33, FF-6, ibid.

²⁶Tulsa Daily World, May 10, 1911, July 7, 1911; Rev. John G. Heiring to Cruce, April 9, 1912, Box 25, FF-5, Cruce File, State Archives.

²⁷July 18, 1911.

²⁸Ibid., July 29, 1911.

²⁹Cruce to F. M. Stevens, August 18, 1911, Box 23, FF-1, Cruce File, State Archives.

advantages to be gained by becoming an enforcement officer. The public was unaware that there was more "real and quick money in it than anything outside of a private and legitimate money plant," declared Barnett.³⁰

The governor's deputy enforcement officer device was likely most effective in those communities where sincere, courageous men were willing to accept the responsibility.³¹ The Daily Oklahoman, generally an apologist for the governor, finally decided the state enforcement officer was a useless appendage to the state's law enforcement machinery.³² Even the governor for a time came to the conclusion that the idea he could enforce prohibition with one salaried employee was "making a joke of law enforcement."³³ In the meantime, the United States Congress enacted the Webb bill which allowed a "dry" state to confiscate liquor in the possession of a carrier within the borders of the state. Encouraged by this Federal legislation, the governor deduced it was

³⁰Daily Oklahoman, February 17, 1913.

³¹Even the formality of a deputy's commission was not needed by one W. E. Harris of Kingfisher. Harris had applied for a commission but neglected to submit the required recommendations. Meanwhile, he became a preacher and notified the governor to cancel his application-- he already had a commission from the "Great God of all the Earth." He explained his mode of operation where a bootlegger was "too stubborn" to heed the warning that "the Governor of the State means to enforce the Law Without Regards to friends or foes." Then, "I get me 3 or 4 good old Christian people or perhaps another preacher who dont (drink booze) to accompany me and we go in unsuspecting, sang a poem or so, then we bow down & pray for the whole outfit to stop operating, and 8 out of Every 10 joints, they shut up the place." W. E. Harris to Cruce, October 25, 1911, Box 21, FF-7, Cruce File, State Archives.

³²Daily Oklahoman, December 1, 1913.

³³Cruce to A. M. Caldwell, February 7, 1913, Unprocessed Box, January 24, 1913 to April 1, 1913, Cruce File, State Archives.

better to have one enforcement officer than none at all.³⁴

Cruce successfully vetoed the Legislature's effort to abolish the enforcement office in the regular session of 1913.³⁵ Vetoing the measure a second time in the extraordinary session, he posed a legal question: the Legislature could not consider the matter, since it was not within the province of his message calling the Legislature into extraordinary session.³⁶ The Legislature passed the bill again over his veto. In 1914, a State Supreme Court decision ruled the enforcement office was legally abolished.³⁷

An entertaining feature of Governor Cruce's struggle to enforce the moral laws was his participation in the endeavor to "clean up" Oklahoma City. Actually, the governor busy with the day-to-day affairs of his office, appears not to have fully understood the magnitude of law violation in the capitol city until July, 1912.³⁸ Then, eighteen

³⁴Daily Oklahoman, February 19, 1913.

³⁵Ibid., March 18, 1913.

³⁶Ibid., April 22, 1913; House Journal, Fourth Leg., Ext. Sess., pp. 532-34.

³⁷State ex rel. Pope, Co. Atty., v. Tillotson, 143 P. 200 (1914); Daily Oklahoman, September 23, 1914.

³⁸An incident derived from the Texas prohibition election in 1911 discloses that Lee Cruce had apparently led a somewhat cloistered existence where the prohibition law was concerned. Efforts had been made to persuade the Oklahoma governor to enter the Texas fray but he deemed it inappropriate to do so. Cruce to J. A. Old, July 13, 1911, Box 18, FF-6, Cruce File, State Archives. However, he could not refrain from replying to a statement allegedly made by Texas Governor Colquitt that: "No sooner than you enter a hospitable home [in Oklahoma] than you are invited to have a drink. Instead of a man serving you, the good sweet housewife mixes the toddy and puts the mint in it." Rev. G. V. Ridley to Cruce, June 30, 1911, Box 19, FF-1, ibid. The irate

months after he had assumed the governorship, the situation in the state's capitol was dramatically brought to his attention by Enforcement Officer Caudill.

In Caudill's travels over the state he had encountered frequent reports that Oklahoma City was "running wide open." Accompanied by two deputies he finally spent a few days looking into law enforcement conditions in the city. He found law violations even worse than had been represented to him--"Well equipped bootlegging joints, gambling houses and houses of ill fame [flourished,] principally on the main streets in Oklahoma City." Criticizing county and state officials, he advocated "drastic means" without delay to enforce the laws and make the city an example for the entire state. He concluded:³⁹

In the Book of Books the watchman is placed on the wall, and if he sees the sword or enemy coming and fails to give the alarm, the blood of the people of the city will be required at his hands. In obedience to that Scripture, I am now warning you of the conditions in this city so that I can be relieved of the responsibility that I occupy.

Caudill's warning did not go unheeded. One month later, after

Cruce's reply, in which he doubted Governor Colquitt made such a statement, expressed strong resentment at "the continued slanders and calumnies being heaped upon my state." He stated Oklahoma citizens generally approved the prohibition law and made his own personal observation: "I have been in hundreds, yes thousands, of the good homes of Oklahoma and I have yet to enter my first home in which I have ever been invited to take a drink of any sort of intoxicants." Cruce to Ridley, July 3, 1911, Box 19, FF-1, ibid. If the statement appears naive, one can attribute it to the respect held for the sedate governor by the citizens into whose homes he had been invited. In any event, it is logical to assume that in July, 1911, the governor was not yet aware of the extent of Oklahoma's violation of the liquor laws.

³⁹Caudill to Cruce, July 15, 1912, Box 29, FF-3, ibid.

making appropriate arrangements with County Attorney Samuel Hooker, Oklahoma's dignified governor conducted a night raid on ten gambling and liquor "joints" in downtown Oklahoma City. The St. Louis Post-Dispatch reported that by the time the raiding party reached the fourth "joint," a crowd of 100 men was cheering them on. The excited onlookers numbered 500 at the tenth place, when "the tall man in a black suit and white necktie and broad-brimmed hat" decided he had seen enough.⁴⁰ "Ninety and nine places and then some, were not visited," said the Daily Oklahoman.⁴¹

The next morning Governor Cruce prepared to take immediate action. After conferring privately with Assistant Attorney General Davenport, he addressed a formal letter to Attorney General Charles West. Referring to the "very deplorable condition of affairs" in Oklahoma City, he asked West to advise him what action could be taken under state law. Cruce preferred to call out the militia: "I am convinced that this town can be rid of practically all of these law-violators in quick order if I could use General Canton and his local company of State militia for that purpose."⁴²

The Attorney General hesitated to recommend use of the "national guard," which he believed existed for the purpose of assisting local officials rather than substituting for them. He advised the governor to pursue a slower course centered around three objectives: 1) "Executive

⁴⁰Newspaper clipping, ca. August 25, 1912, Barde File, OHS Library.

⁴¹August 17, 1912.

⁴²Cruce to West, August 17, 1912, Box 32, FF-6, Cruce File, State Archives.

pressure" on local officials to enforce the law 2) "Judicial pressure" to remove wilfully negligent officers by court procedure 3) "Legislative pressure" aiming at corrective legislation.⁴³

On August 22, 1912 Cruce had alerted General Canton, encamped with the National Guard in Fort Leavenworth, to be prepared for a three day stopover in Oklahoma City on the return trip home.⁴⁴ Possibility of a stopover was cancelled by the governor's telegram to Canton four days later.⁴⁵ Having abandoned the notion to utilize the services of the National Guard, Cruce hopefully awaited stronger enactments by the upcoming Fourth Legislature.

Actually, the Attorney General's three recommendations had been of little help to the governor. From the beginning to the end of his term he attempted to accomplish the first and third objectives. The difficulty of proving wilful negligence to a court's satisfaction made the second alternative impractical except in flagrant instances.

A few months later Cruce engaged in one of his several disagreements with the state's higher courts. In his first message to the Fourth Legislature, probably due to erroneous information, he had incurred the ire of the Criminal Court of Appeals by criticizing its refusal to consider circumstantial evidence in prohibition cases.⁴⁶ The governor's seemingly fruitless efforts to enforce prohibition must

⁴³West to Cruce, August 21, 1912, Box 32, FF-6, ibid.

⁴⁴Cruce to Canton, August 22, 1912, Box 29, FF-3, ibid.

⁴⁵Cruce to Canton, August 26, 1912, ibid.

⁴⁶Biennial Message, 1913, pp. 17-18.

have rendered him "touchy" on the subject, as his accusation of the courts quickly encountered criticism.⁴⁷ Belatedly seeking additional advice, in December, 1912, he addressed identical letters to at least two county attorneys asking their comments on that portion of his message.⁴⁸ Muskogee County Attorney and later United States Congressman W. E. Disney, highly respected by the governor, unhesitatingly told him that from his own experience and observations, "Frankly, I think you have done the Criminal Court of Appeals an injustice, unintentionally."⁴⁹

Frustration in enforcing the prohibition amendment led the governor to a conclusion prophetic of a later Oklahoma adage, "The dry's have their law and the wet's have their whiskey," as he wrote:⁵⁰

I have come to the conclusion that it is the purpose of those who oppose prohibition in Oklahoma to attempt to have our laws fashioned so that they will, on their face, appear to give the result the people desire, yet underneath will be so molded as to make effective enforcement impossible

Nevertheless, his belief in prohibition as a good law did not waver.

The future looked bright for law enforcement in Oklahoma City by February, 1913--as pastors of more than forty churches campaigned

⁴⁷Harlow's Weekly, October 11, 1913.

⁴⁸To Joe Trevathan, December 12, 1912, Unprocessed Box, October 1, 1912 to January 23, 1913, Cruce File, State Archives; To W. E. Disney, December 13, 1912, ibid.

⁴⁹December 16, 1912, ibid.

⁵⁰To A. M. Caldwell, February 7, 1913, Unprocessed Box, January 24, to April 1, 1913, ibid.

⁵¹Harlow's Weekly, May 30, 1914.

⁵²Daily Oklahoman, October 1, 1913.

from their pulpits against liquor and gambling.⁵¹ The First Methodist Episcopal Church invited Governor Lee Cruce to its pulpit to expound his views:⁵²

The trouble here in Oklahoma is that the activities of the law enforcement element are too spasmodic. You raid the joints, pour out the liquor into the sewers and go home and go to sleep. Before you get home the bootlegger is back in the joint with twice as much booze. There are two ways of putting the bootlegger out of business: law enforcement and by failing to patronize him.

To the governor's chagrin, while he battled the Legislature in 1913, the lawless forces renewed their efforts to convert the capitol into a wide open city.⁵³ Happily for the governor, he was joined in his Oklahoma City fight by a determined citizens' organization--the Central Hundred. That organization gathered its membership from professional men, business men and the various churches of the city to carry out its ultimate purpose--the suppression of all commercial vice in the city.⁵⁴

By October, 1913, the Hundred was engaged in a detailed investigation of the background of every law enforcement officer, "from patrolman to the governor."⁵⁵ Its work was measurably speeded up by Dr. Wilbur Crafts, he of the "Magnetic personality," who had come to Oklahoma City for a series of lectures in behalf of the International Re-

⁵¹Daily Oklahoman, February 4, 1913.

⁵²Daily Oklahoman, February 19, 1913.

⁵³Albert McRill, And Satan Came Also (Oklahoma City: Britton Publishing Co., 1955), p. 158.

⁵⁴Harlow's Weekly, May 30, 1914.

⁵⁵Daily Oklahoman, October 1, 1913.

form League. "This city is rotten," he informed members of the Chamber of Commerce, "The wickedness of your city is not hidden from the stranger, but is open to him in the gambling houses and houses of ill fame."⁵⁶ Within a few days a public meeting castigated the "city hall bunch," and the Central Hundred produced an affidavit for the recall of the mayor. They alleged the mayor had been "guilty of wilful misconduct and maladministration . . . granted special privileges to gamblers, prostitutes and other criminals . . ."⁵⁷

Public sentiment was now ripe for Governor Cruce to intervene. A few days later he authorized Attorney General West to join with leaders of the Central Hundred and Oklahoma County Sheriff M. C. Binion to arrest one hundred eight men in a Friday night raid on three gambling houses. The Attorney General explained, "As the local officials are unable to cope with the situation, Governor Cruce has instructed me to put a stop for good and all to bootlegging and gambling in Oklahoma City."⁵⁸

By the end of May, 1914, Harlow's Weekly could report that with their leaders behind bars, gambling and bootlegging activities were at a standstill in Oklahoma City.⁵⁹ The moral regeneration of the capitol city appeared to be making steady progress as Evangelist Lincoln McConnell closed a seven-week tabernacle revival that had attracted

⁵⁶Ibid., December 9, 1913.

⁵⁷Ibid., January 30, 1913; Harlow's Weekly, January 10, 1914.

⁵⁸Daily Oklahoman, February 7, 1914.

⁵⁹May 30, 1914.

"standing room only" crowds of as high as 10,000 people.⁶⁰ When Governor Cruce was introduced at one of the meetings, the Daily Oklahoman reported the cheering, whistling thousands exhorted the governor to speak. He proceeded to preach a short sermon on what Christianity could accomplish for the cause of law enforcement for Oklahoma City and the state:⁶¹

THE MORAL LAWS: GAMBLING, SABBATH-BREAKING, PRIZE FIGHTING

If every man in the state of Oklahoma were a Christian man it would be the easiest thing in the world to be governor of the state. . . . As a man I am interested in the progress of Christianity and the success of this meeting; as governor of the state I am more interested, because I realize the value of it in the enforcement of the laws in the city and state I want to say that if there were more Christians in Oklahoma City who would take a firmer stand in the enforcement of our laws policemen would be more eager to go after bootleggers and gamblers--and if all policemen were Christians we wouldn't have so many bootleggers and gamblers.

⁶⁰Daily Oklahoman, May 18, 1914.

⁶¹Ibid., April 20, 1914.

¹Biennial Message, 1913, p. 11.

hopes, blighted homes and ruined lives can find no recompense in brick and mortar, and if we are to build here a State worthy of preservation, we should learn early in its molding that human character is infinitely more valuable and sacred than gold and silver.

CHAPTER X

THE MORAL LAWS: GAMBLING, SABBATH-BREAKING, PRIZE FIGHTING

Gambling

As second governor of Oklahoma, Lee Cruce possessed a keen awareness of his own responsibility and that of the Legislature to remove any threat to the basic structure of good government in the new state. The activities of the professional gambler, he contended, were more dangerous to the aims of good government than those of the common thief or robber. He explained that while the thief or robber is avoided by the respectable citizens, such is not the case with gamblers:¹

They preserve a degree of semi-respectability; they frequently move among good people; they dress extravagantly; they toil not; they reap where others have sown, and, with all, lead such a life as to tempt irresistibly thousands and tens of thousands of the flower of the young manhood of the Nation to follow in their wake.

He numbered some public officials among a clique in the state condoning gambling on the grounds that revenue from fines was needed to sustain local government. He accused other misguided individuals of rationalizing gambling as an element of an "open town" policy necessary to promote city growth. To such arguments Cruce retorted, "Blasted

¹Biennial Message, 1913, p. 11.

hopes, blighted homes and ruined lives can find no recompense in brick and mortar, and if we are to build here a State worthy of preservation, we should learn early in its molding that human character is infinitely more valuable and sacred than gold and silver."²

Calling on the Fourth Legislature to strengthen the gambling laws, he pointed to one important area heretofore untouched in gambling legislation--race track gambling. He rebuked those who maintained fairs could not be adequately financed without horse races and their attendant gambling. Then he shared his personal impressions:³

I have had occasion myself to attend some of the races in Oklahoma, and there to my humiliation and to the humiliation of Oklahoma, I have seen women coming from some of the best homes in Oklahoma,--I have seen boys and girls yet in short trousers and short dresses betting their money upon the outcome of a horse race with the same careless abandon as the confirmed gambler; and this form of gambling is justified by some of the best people of the State. . . . When conditions prevail, such as are to be seen daily at the race courses in Oklahoma, it is time that the law should stretch forth its hand and stay the course of those whose end is surely despair, and whose contribution to government must tend towards the destruction of the highest governmental ideals.

Before publication of his message to the Fourth Legislature, Governor Cruce had already been encouraged to take a firm stand against race track betting, by S. T. Bisbee, an editorial writer for the Daily Oklahoman. Bisbee informed him that retail merchants were experiencing difficulty in collecting accounts owed by credit customers. The reason--the exorbitant amount of money, (\$560,000 in June, 1912), channelled into the pockets of "horsemen and the bookmakers." He

²Ibid., pp. 11-12.

³Ibid., pp. 13-14.

Cruce File, State Archives.

⁴Harlow's Weekly, April 19, 1913.

⁵Spokane Journal, Fourth Leg., Ext. Sess., pp. 682-83.

further stated the racing was "not straight."⁴ The latter opinion was shared by the governor and Harlow's Weekly, who published a series of articles condemning "Oklahoma's Pampered Gambling Game."⁵

The gambling legislation recommended by the governor was finally passed in the extraordinary session of the Fourth Legislature, and with various amendments it remains on the statute books. Two separate bills were involved: House Bill No. 51 increasing the penalty for operating all types of gambling devices, and Senate Bill No. 50, whose important feature was the race track enactment.⁶ The course of the bills through the Legislature was not a smooth one. Bisbee of the Oklahoman told Cruce he had heard "money is being used to keep the race track bill from getting out of committee."⁷ Other reports mentioned a "slush fund" of somewhere between \$5,000 and \$25,000 provided by gambling interests.⁸ However, a legislative committee appointed to investigate the rumors, was unable to find evidence that the fund had existed.⁹

Gamblers tried to retain attorney A. C. Cruce, the governor's brother, on a contingent fee basis to persuade the governor to veto the race track bill. After reading the measure, A. C. Cruce declined

⁴Bisbee to Cruce, August 10, 1912, Box 21, FF-1, Cruce File, State Archives.

⁵Cruce to Bisbee, August 13, 1912, Box 21, FF-1, ibid.; Harlow's Weekly, December 28, 1912, February 1, 1913.

⁶State of Oklahoma, Session Laws of 1913 ([n.p.]: [n.p.], 1913.)

⁷March 7, 1912, Unprocessed Box, January 24, 1913 to April, 1913, Cruce File, State Archives.

⁸Harlow's Weekly, April 19, 1913.

⁹House Journal, Fourth Leg., Ext. Sess., pp. 682-83.

to accept the assignment, because "It would be impossible for me to serve them as I was positive that no influence could keep the governor from signing the bill."¹⁰

Senate Bill No. 50, as approved by the governor on May 13, 1913, was considered to be "the most stringent of any state in the Union," by the Daily Oklahoman.¹¹ Both bills were passed without the emergency clause; hence, the gambling lobby was able to perfect petitions under the referendum provision of the Constitution, Article 5, Section 3, to require a vote of the people.¹² As State Questions No. 61 and 62 the gambling legislation was sustained by popular vote in the primary election of August 4, 1914.¹³

Although the gambling bills were technically ineffective until approved by the people in August, 1914, Cruce determined in the interim to carry out the intent of the new laws. Therefore, when the Oklahoma State Fair Association proposed to continue horse racing and betting as usual at the 1913 State Fair, he sought the help of Attorney General West.¹⁴ The Attorney General expressed his opinion that gambling could be prevented as constituting a "common nuisance."¹⁵ The governor was

¹⁰Harlow's Weekly, April 19, 1913.

¹¹May 16, 1913. ¹²Ibid., November 12, 1913.

¹³Cruce to County Attorneys, September 19, 1914, Unprocessed Box, March 25 to October 3, 1914, Cruce File, State Archives; Wilson, Directory & Manual, p. 233.

¹⁴Cruce to West, September 22, 1913, Unprocessed Box, July 7, 1913 to November 6, 1913, Cruce File, State Archives. Ibid.

¹⁵West to Cruce, September 22, 1913, ibid., April 14, 1914.

not required to rely on that premise, however, because the next day he elicited a promise from Fair officials that gambling would not be permitted.¹⁶ Nevertheless, the Oklahoma County sheriff and deputies were present during the Fair to see that the promise was kept.

A like overture toward race track gambling was prevented in Muskogee, but gambling interests in Tulsa were more stubborn. The governor had already publicly announced his intent to use the state militia whenever and wherever it was required to prevent race track gambling.¹⁷ Tulsa race track promoters planned a spring horse racing event and disregarded the governor's warning. The intentions of the promoters were relayed to the governor by District Judge L. M. Poe. The governor lost no time in notifying Attorney General West to prepare to take legal action.¹⁸ He also ordered Adjutant General Canton to attend the opening day of the races.¹⁹

The races began with open gambling in full swing. An injunction to stop the gambling was obtained by Canton in Judge Poe's court, but the promoters disregarded it.²⁰ After the day of open gambling, Adjutant General Canton readied two National Guard companies for active duty.²¹ Meanwhile, the Racing Association had obtained through the

¹⁶Cruce to West, September 23, 1913, *ibid.*

¹⁷Daily Oklahoman, March 18, 1914.

¹⁸April 10, 1914, Unprocessed Box, 1914-1915, Cruce File, State Archives.

¹⁹Cruce to C. J. Davenport, April 16, 1914, *ibid.*

²⁰Daily Oklahoman, April 15, 1914. ²¹Ibid., April 14, 1914.

²⁶Ibid., June 12, 1915.

Superior Court an order restraining use of the Guard, but Canton's reaction was firm. "I will pay no attention to court orders," he retorted, "Governor Cruce is my commander."²² Knowing that betting would take place as long as the races continued, Canton proclaimed, "The races are over."²³

Despite the Adjutant General's forewarning, the races began as usual the next afternoon. The five volleys fired by two militiamen over the heads of ten jockeys only served to set new track records. After the first race was over, General Canton announced that the militiamen had orders to "shoot to kill" any who participated in a second race. Thus the proceedings were finally closed.²⁴ Rumors persisted that the sheriff and five hundred deputies would confront the National Guard the following day and force a continuation of the races; however, the president of the Association declared there would be no further races. At the same time he announced the filing of a damage suit against Governor Cruce and General Canton.²⁵ The suit for \$39,000 damages was tried in Oklahoma City the following June. The jury held Cruce was justified in his actions, since Tulsa authorities had displayed no "serious intention of enforcing the law," or complying with Judge Poe's injunction.²⁶

In addition to summoning the National Guard, Governor Cruce

²²Ibid., April 16, 1914. ²³Ibid., April 15, 1914.

²⁴Daily Oklahoman, April 16, 1914.

²⁵Ibid., April 17, 1914, Harlow's Weekly, April 18, 1914.

²⁶Ibid., June 12, 1915.

had declared martial law, thus gaining the dubious distinction of being the first Oklahoma governor to take such action.²⁷ The Tulsa Daily World's reaction to the episode was immediate and unmistakable:²⁸

So far as Governor Cruce is concerned, he is a disgrace to the office he holds. He is a disgrace to the citizenship of the state which elected him. He is a disgrace to everything and every condition of things which has existed since his induction into office.

Pointing out that resort to the militia was unnecessary, the World insisted that the governor had "libeled the citizenship of Tulsa, the financial and the intellectual center of Oklahoma." The reputation of the state had been irreparably damaged by unfavorable publicity such as a Los Angeles Times extra flashing the headline "Governor Cruce Incites Riot at Tulsa." The World further noted the Toronto, (Canada) Globe's headline: "Oklahoma Governor Goes Crazy and Causes Loss of Life at Tulsa Race Track."²⁹

The governor did not resist his urge to reply in kind to the World's denunciations. His long letter to Eugene Lorton of the World predicted: "In spite of its newspapers, in spite of its gamblers, in spite of its bootleggers, in spite of its imported Mexican thugs, the good people of Tulsa in its contest against vice and crime will win a decisive victory." Pridefully calling attention to the expressions of approval he had received from "thousands of good people living in

²⁷Guy Harold Parkhurst, "Uses and Legal Questions of Martial Law in Oklahoma " (unpublished Master's thesis, Department of Government, University of Oklahoma, 1935), p. 116.

²⁸Quoted in Harlow's Weekly, May 2, 1914.

²⁹Ibid., April 17, 1914. ³⁴Ibid.

Tulsa," the governor congratulated himself with, "If I had your approval I would feel that I was not doing my duty."³⁰

The Tulsa World, according to Harlow's Weekly, had always favored an "open town" policy and its attack on the governor was "almost humorous."³¹ The Daily Oklahoman thought the governor "erred in treating the Tulsa World editorial seriously. The contention of the World is so ridiculous that it is difficult to believe it was put forth in good faith."³²

When one reflects upon the circumstances prompting the governor's drastic action, the World's reverberations are somewhat understandable. The Daily Oklahoman had observed that the status of race track laws awaiting the referendum were so "indefinite and vague" as to require interpretation by a "Philadelphia lawyer."³³ Actually, the new gambling statutes were ineffective until the referendum, slated for August. It would appear, therefore, that the previous state laws, under which race track gambling had regularly occurred, remained in full force and effect.

If the governor had a legal basis for his conduct, as the Oklahoman pointed out, it must have rested on track gambling constituting "a nuisance or something of that sort which Hoyle taboos."³⁴ Had the governor been less adamant, rather than resort to legal technicalities

³⁰Daily Oklahoman, April 18, 1914.

³¹Harlow's Weekly, April 18, 1914.

³²Daily Oklahoman, April 20, 1914.

³³Ibid., April 17, 1914.

³⁴Ibid.

he could have permitted gambling to continue as in the past, pending results of the referendum only four months away. One may speculate that a combination of the following traits or circumstances provoked the calling out of the state militia: 1) The governor's aversion to gambling 2) Impatience with gambling interests who had fought his proposed legislation and financed the referendum petitions 3) Public sentiment in his favor 4) An accumulation of dissatisfaction with Tulsa's failure to join in his "Righteous Crusade" to enforce moral laws.

Sabbath-Breaking

The governor's well known antipathy for liquor, gambling and prize fighting encouraged those favoring another moral law--the prohibition of Sabbath-breaking, to seek his help. They were not disappointed; he affirmed being "opposed to all forms of Sabbath desecration."³⁵ State law in 1911 very simply defined Sabbath-breaking as consisting of the performing of "Servile labor, except works of necessity or charity," or engaging in "Trades, manufactures and mechanical employments."³⁶ Before its revision in 1910, the law had also forbidden Sabbath sporting events.³⁷

The 1910 revision had not pleased a vocal portion of the citizenry, as attested by the governor's Sabbath law correspondence protesting the playing of baseball on Sunday. The Women's Christian

³⁵Cruce to Wm. H. Shank, May 22, 1914, Unprocessed Box, March 25 to October 3, 1914, Cruce File, State Archives.

³⁶21 Okl.St. Ann. § 908 (1958), p. 55

³⁷Ibid.

Temperance Union in Bristow asked the governor's advice as to a means of prohibiting Sunday baseball within six miles of town.³⁸ The Caddo Baptist Association passed a resolution indicting Sunday baseball for "breeding in the minds of the people a heartless disregard for the Holy Sabbath day," and urged a more stringent law to prevent it.³⁹ The postmaster at Legate informed Governor Cruce, "When a boy takes Base Ball fever he is unfitted for everything useful," and asked for legislation to prevent it--at least on Sunday.⁴⁰

The governor advised his correspondents that a local ordinance was the most practical method of taking care of the Sabbath desecration issue. At the same time he encouraged them to make their opinions known to the Legislature.⁴¹ Cruce's repeated advice that local ordinances were the answer may have had something to do with the abundance of "blue laws" that appeared around the state. Even Tulsa experimented with these reform measures in March, 1912. The Tulsa Daily World lauded this effort as the "greatest 'cleanup' campaign ever conducted in any city in Oklahoma or elsewhere."⁴² Other municipalities perhaps went to a ridiculous extreme in regulating local

³⁸Mrs. R. S. House to Cruce, August 11, 1911, Box 21, FF-7, Cruce File, State Archives.

³⁹C. W. Morrison to Cruce, October 3, 1911, Box 22, FF-3, ibid.

⁴⁰F. L. McShan to Cruce, July 8, 1911, Box 18, FF-3, ibid.

⁴¹Cruce to Mrs. R. S. House, August 12, 1911, Box 21, FF-7, ibid.; Cruce to Wm. H. Shank, August 22, 1914, Unprocessed Box, March 25 to October 3, 1914, ibid.

⁴²March 5, 1912.

morals; e. g., Fort Gibson, which required payment of a license fee by all persons playing chess, checkers, dominoes, baseball, marbles, etc., within the corporate limits.⁴³

One faction tried to expand the Sabbath law in the regular session of the Fourth Legislature. It met defeat after being amended to provide local option for municipalities with a population of more than 2,000. Similar to the gambling legislation, rumors spoke of a fund raised by interested Oklahoma Cityans to assure the bill's demise.⁴⁴ After its defeat in the regular session, Governor Cruce responded to exhortations of the measure's backers from all over the state and submitted it to the Legislature in the special session.⁴⁵ Speaking of the "lame laws" for Sunday observance, he suggested the list of forbidden activities should be lengthened to provide for "a decent observance of the Sabbath."⁴⁶

The bill's supporters strove to close theaters as well as prohibit public sports on Sunday, but those features were eliminated from the Sabbath-breaking bill as finally passed.⁴⁷ The 1913 enactment was a somewhat stronger version of the statute on the books today. The current law has become unenforceable, primarily due to the difficulty

⁴³Daily Oklahoman, May 9, 1914.

⁴⁴Ibid., March 18, 1913. June 17, 1914, Unprocessed Box, 1914-1915, Cruce File, State Archives.

⁴⁵Cruce to C. E. Castle, March 26, 1913, Unprocessed Box, January 24 to April 1, 1913, Cruce File, State Archives; Wire, E. D. Cameron to Cruce, March 18, 1913, ibid.

⁴⁶House Journal, Fourth Leg., Ext. Sess., pp. 50-51.

⁴⁷Session Laws, 1913, p. 456; Daily Oklahoman, May 17, 1913.

of construing the term "necessities."⁴⁸

Governor Cruce regretted that "the Legislature did not see fit to pass a better Sabbath law."⁴⁹ His opinion was shared by numerous exponents of a strong law; however, one dissenting voice among the ministers was the pastor of Oklahoma City's First Unitarian Church. His public statement is indicative of much of today's attitude toward the moral laws:⁵⁰

The governor and many people are praying for religious legislation. To enact such, is evidence that Oklahoma belongs to no free country and our citizenship is in no free state. Let us trust humanity, develop character and stand with Jesus and Paul, for a free day for worship and for pleasure.

Prize Fighting

By July, 1912 the crusading Governor Cruce had determined that the suppression of prize fighting was, except for prohibition, his most difficult law enforcement problem.⁵¹ Oklahoma law at that time prohibited "any ring or prize fight or any other premeditated fight or contention. . . ."⁵² With the encouragement of fight fans, however, promoters and law officers cooperated in frequent efforts to circumvent the law. It was common practice, first, to organize a local "Athletic Club" sup-

⁴⁸21 Okl.St. Ann. § 908 (1958); Daily Oklahoman editorial, July 23, 1970.

⁴⁹Cruce to J. V. Waters, June 17, 1914, Unprocessed Box, 1914-1915, Cruce File, State Archives.

⁵⁰Daily Oklahoman, April 7, 1913.

⁵¹Cruce to T. E. Sisson, July 13, 1912, Box 32, FF-1, Cruce File, State Archives.

⁵²21 Okl.St. Ann. § 1331 (1958).

posedly to promote the physical welfare of its members. The next step was to promote "sparring matches" between two proficient individuals whether local or imported, to demonstrate scientific boxing skills. While masquerading as "sparring matches," these events soon evolved into "knock down" fights, attracting paying audiences. Dissatisfied with the lukewarm attitude of local authorities, the anti-pugilistic citizens often petitioned the governor for assistance.⁵³

On at least five occasions Governor Cruce employed his powers as head of the state militia to enforce the statute against prize fighting.⁵⁴ He first mobilized the militia, in the person of Adjutant General Frank M. Canton, on July 4, 1911. An extensive advertising campaign had heralded a Fourth of July "boxing contest" in the Tulsa area between Oklahoma's "White Hope," Carl Morris, and one Jim Flynn from outside the state. Prominent civic leaders in Tulsa supported the match for the financial benefits to the community, while church leaders petitioned the governor in protest. Dissent in Tulsa led the promoters to select Sapulpa as the site for the bout. When word of the change in location reached the governor, he vigorously admonished both the County Attorney and Sheriff of Creek County to see that the state law was enforced.⁵⁵

As late as July 3rd, Governor Cruce was still uncertain

⁵³Biennial Message, 1913, pp. 6-8.

⁵⁴See G. H. Parkhurst, "Uses and Legal Questions," pp. 104-12.

⁵⁵Biennial Message, 1913, pp. 8-9; Cruce to Theodore Berryhill, June 10, 1911, Box 16, FF-2, Cruce File, State Archives.

whether an attempt would be made to conduct the fight on schedule. Further, he had been informed of a possibility it would take place "just across the line from Tulsa in Osage County." As a precaution the governor dispatched General Canton to the Tulsa area, instructing him to proceed in secrecy and assure "that the fight does not occur in Tulsa or any other portion of Oklahoma where you can possibly exercise jurisdiction."⁵⁶ Cruce tenacity prevailed--the bout was cancelled. The "boxers" were next heard from in New York City where their pugilistic prowess was exhibited "in a ring slippery with human blood."⁵⁷

A flagrant example of non-enforcement of the prize fight statute occurred in Oklahoma City in early 1913. In that instance the promoters persuaded District Judge George Clark to issue an order restraining Sheriff M. C. Binion from interfering with a boxing program to be held in the city auditorium. This situation was relayed to Governor Cruce by County Attorney D. K. Pope, and the governor turned once again to Adjutant General Canton. While the crowd, including a group of legislators, awaited the start of the evening's program, Canton marched into the building at the head of a detachment of state militia. Invited by the management to speak from the ring, General Canton criticized the state's prize fighting statutes as being inadequate and recommended a more practical law regulating the boxing technique. Canton closed his talk with the pronouncement, "This contest tonight positively

⁵⁶Cruce to Canton, July 3, 1911, Box 16, FF-4, ibid.

⁵⁷Biennial Message, 1913, p. 9.

cannot take place." The crowd departed in an orderly manner.⁵⁸

It goes without saying that the governor's insistence on enforcing the letter as well as the spirit of the prize fight law made enemies of many boxing fans. But the Coweta Times had an optimistic viewpoint: "This stand will cost Mr. Cruce the well wishes of thousands of sports . . . but he will gain the plaudits of law-abiding people and the consciousness of having done his duty as the state's chief executive in the face of almost unlimited protests and strong opposition."⁵⁹ Unfortunately, the latter portion of this appraisal sets forth perhaps the only satisfaction the governor derived from many of his earnest attempts at law enforcement--"the consciousness of having done his duty."

In reality, law enforcement in the prize fighting cases was afflicted with the same underlying handicap that discouraged enforcement of all the moral laws--public indifference.

Governor Cruce understood this and stated his position well in reply to a petition submitted to him by a group of fans supporting boxing matches in McAlester:⁶⁰

The surprising thing to me, however, is that so many of the best people of the State would take such an indifferent view of the enforcement of the laws they are not in sympathy with. I don't believe the proper conditions will ever prevail in Oklahoma until we have brought our population, and especially the good citizens of the State, to a realization of the fact

⁵⁸Daily Oklahoman, February 6, 1913.

⁵⁹Quoted in Tulsa Daily World, June 25, 1911.

⁶⁰Cruce to Tom Hale, July 1, 1912, Box 30, FF-4 Cruce File, State Archives.

that every law should be enforced, no matter whether we think the law is a wise one or not.

THE SPECIAL GOALS OF THE CONSTITUTIONAL PROBLEMS

Governor Lee (1901) and the reorganization of the state into new Congressional districts after the 1910 Federal census, showed his unconcern for political expediency and created a number of interesting political events.

He had always exhibited a strong opposition to party politics in his first election to the State Legislature. "No political party can permanently profit by dividing the State's interests," he told the legislature. "The members of any political party or organization, whether they are Democrats or Republicans, should be fair and just." In these hortatory words he was speaking directly to those political figures who dreamed of a new Democratic or Republican domination of all Congressional districts.

It was a long time before the political parties had "congressional" headquarters in the State Capitol building. The search for ways of shortening the drive to the legislature was especially apprehensive of the outcome of redistricting. The younger Congressman, C. D. Carter

¹ *North Carolina*, 1901-1902, pp. 117-18.

² *Weekly Observer*, December 28, 1900.

of the Fourth District and Scott Ferris of the Fifth District. Their fear of gerrymandering was shown in a jointly signed wire to Cruce on February 27, 1911, informing him the House Election Committee had ruled an allegation of gerrymander was sufficient basis for contesting a Virginia Congressman's election.

CHAPTER XI

THE SPECIAL SESSION AND REAPPORTIONMENT PROBLEMS

The United States Congress still had not passed its own reapportionment measure settling the number of new Oklahoma congressmen, when the Governor Lee Cruce's role in the reapportionment of the state into new Congressional districts after the 1910 Federal census, showed his unconcern for political consequences and created a number of influential political enemies.

He had already expressed a stern opposition to gerrymandering in his first message to the Third Legislature. "No political party can permanently profit by practicing manifest unfairness," he told the legislators, "The usefulness of any political party or organization, reaches its end when that party ceases to be fair and just."¹ In these cautionary words he was speaking directly to those political figures who dreamed of a gigantic gerrymander to assure Democratic domination of all Congressional districts.

It was common knowledge that many politicians had "congressional bees buzzing in their bonnets," and were on the lookout for ways of shortening the distance to Washington.² Especially apprehensive of the outcome of redistricting were two incumbent Congressmen, C. D. Carter

¹House Journal, Third Leg., Reg. Sess., pp. 117-18.

²Weekly Oklahoman, December 22, 1910. 15, pp-1, ibid.

of the Fourth District and Scott Ferris of the Fifth District. Their fear of gerrymandering was shown in a jointly signed wire to Cruce on February 27, 1911, informing him the House Election Committee had ruled an allegation of gerrymander was sufficient basis for contesting a Virginia Congressman's election.³

The United States Congress still had not passed its own reapportionment measure settling the number of new Oklahoma congressmen, when the Oklahoma Legislature adjourned on March 18, 1911. Meanwhile, rumor had it that Governor Cruce would call a special session of the Oklahoma Legislature as soon as Congress made its decision. However, in early May, 1911, the governor assured Congressman Ferris that newspaper reports of his attitude on a special session were only "newspaper gossip." Before he would call a special session for redistricting, the governor told Ferris, two requirements must be met: 1) Redistricting must be a necessity for the state to secure Congressional representation 2) The Legislature must have already reached a "tacit Agreement" to insure that it "will not be held in session for months."⁴ Cruce had yet another reason for hesitating to call a special session. He wrote the Enid Chamber of Commerce: "The fact is, we have had too much legislation since Statehood, and our people have grown tired and want an opportunity to rest."⁵

It was Scott Ferris who wired Governor Cruce the first news

³Box 7, FF-6, Cruce File, State Archives. Box 5, FF-22, ibid.;

⁴May 8, 1911, Box 13, FF-1, ibid.

⁵To Will H. Scarff, May 8, 1911, Box 15, FF-1, ibid.

that Oklahoma would now have three additional Congressmen by virtue of the apportionment bill passed on August 3, 1911.⁶ Following the Congressional enactment, pressure on the governor mounted. He now decided a poll of the legislators would help him make a decision. Accordingly, on August 17, 1911, he asked each legislator to submit his views on a special session, a suggested date, and the matters to be considered in the session.⁷

Senator J. Elmer Thomas, a member of the state Senate since statehood, president pro tempore in the last session, and later United States Senator, provided one of the more comprehensive replies to the governor's queries. In his three-page letter Thomas listed several objectives that could be accomplished in a special session: Redistricting, appropriations for District Court Stenographer salaries, and assessment of public service corporations. Elaborating on the redistricting situation if the present Democratic Legislature failed to act, he envisioned a possible Republican-Socialist cohesion that would elect a controlling majority in the Fourth Legislature. The state would then be apportioned to that group's satisfaction.⁸

By August 28, 1911 the legislators' response to the governor's poll showed sixty-five favoring the special session, thirty-one opposed and three undecided. Subject matter recommended for the session

⁶August 3, 1911, Box 17, FF-2, ibid.

⁷J. B. Thompson to Cruce, August 19, 1911, Box 5, FF-22, ibid.; Form letter, "Dear Sir:", August 28, 1911, Barde File, OHS Library.

⁸August 18, 1911, Box 5, FF-63, Cruce File, State Archives.

¹¹Tulsa Daily World, September 29, 1911.

included: "Reapportionment; [building of the state] capitol; prohibition; inheritance tax; taxation; banking; mortgage tax; highways; district court stenographers, and a few other matters."⁹ The governor now addressed the same questionnaire to state newspapers, with an additional request for information as to the general opinion of local taxpayers regarding a special session. He concluded his form letter with the assertion, "My views are pretty well understood, but I will not permit my individual convictions to stand in the way of the will of the people, if I can ascertain what it is."¹⁰

In September, 1912, the governor had determined "the will of the people," at least to his own satisfaction. His conclusion was that any benefit to the state to be derived from an extraordinary session simply did not warrant the cost involved. His explanation was not calculated to placate those Democratic partisans disagreeing with him:¹¹

Let the professional politician continue in what seems to him the very pleasant pastime of trying to embarrass the governor, but I shall go forward, serving the people the best I can conscious of the fact that while I have incurred the displeasure of a few self-seeking politicians, I have thereby saved the overburdened taxpayers of this state not less than one hundred thousand dollars.

Part of the governor's irritation was probably caused by an attempt to induce Lieutenant Governor J. J. McAlester to convene the special session during Cruce's absence at a governor's convention in

⁹Form letter, "Dear Sir:", August 28, 1911, Barde File, OHS Library.

¹⁰Ibid.

¹¹Tulsa Daily World, September 29, 1911.

New Jersey.¹² Reviewing his actions during Cruce's absence, McAlester stated, "I have endeavored to avoid assuming authority to dispose of any matter wherein I believed the public interest demanded delay until the return of your governor. I refused to call an extra legislative session."¹³ In view of McAlester's susceptibility to outside influences as shown by his prolific pardoning activities each time the governor left the state, and his conduct in the later Board of Education controversy, one may well wonder why he did not call a special session. The Tulsa Daily World believed he was influenced by his "ambition to go to Congress as a congressman at large from the state of Oklahoma. O, you political bug."¹⁴

After the governor's return from New Jersey, Justice Robert L. Williams of the State Supreme Court, who was to be Cruce's successor as governor, and Judge Thomas H. Doyle of the Criminal Court of Appeals, were said to have tried to persuade the governor to call a special session.¹⁵ The State Democratic Central Committee also went on record in favor of the session, a move quickly seconded by the Tulsa County Democratic Central Committee.¹⁶

A public jab at the governor occurred at a Tulsa banquet, billed as a Democratic "love feast," with Speaker Champ Clark of the

¹²Ibid., September 14, 1911.

¹³"To the People of the State of Oklahoma," September 21, 1911, Box 22, FF-3, Cruce File, State Archives. See pp. 97-98 supra.

¹⁴September 19, 1911. ¹⁵Ibid., October 10, 1911.

¹⁶Ibid., November 19, 1911.

United States House of Representatives and former Governor Haskell as speakers. The Chairman of the State Democratic Central Committee drew loud applause when he exclaimed, "If I were in charge of the Oklahoma legislature, I would see inside of ten days' time that Oklahoma would have the right of elective franchise."¹⁷

The undercurrent of discontent with Governor Cruce's policies surfaced at the state Democratic convention attended by several hundred delegates in Oklahoma City in February, 1912.¹⁸ Anti-administration delegates joined forces to protest the governor's attitude toward appointments, capital punishment and the special session. The convention reached a dramatic climax in a Thursday night session, when the chairman in response to repeated calls from the floor finally invited the governor to speak.

The governor's detailed reply to his critics reiterated his previously announced opposition to a special session and chided his enemies who would not "fight in the open." "I have been criticized for not calling a special session . . . ," he told the delegates, "I don't suppose any other man has ever gone through as much pressure as I have in order to wring from me a call for a special session." Cruce enjoyed a major triumph, when the delegates voted down a resolution demanding a special session.

This approval of the governor's judgment did not extend to

¹⁷Ibid., December 31, 1911.

¹⁸Lawton Constitution, February 29, 1912; Tulsa Daily World, February 25, 1912; Oklahoma City Times, February 23, 1912; Daily Oklahoman, February 24, 1912. See pp. 151-52 infra.

his selection for the post of national committeeman. His effort to nominate John B. Doolin, his former campaign manager and present Game Warden, was interrupted by a forty-three minute belligerent demonstration. Cruce once more did not hesitate to state his views:¹⁹

When this convention is over I shall know who are my friends and who are my enemies. Those who don't admire my administration should come out in the open and fight me. I shall be governor for three years yet. I may go down in defeat tonight, but I will arise tomorrow and go forward to certain and permanent victory. I will appeal to the people of Oklahoma. I know they will endorse my administration as long as I prove faithful to them.

His blast at the "politicians" prompted many letters and telegrams approving the stand he had taken.²⁰

Henceforth the governor appears no longer to have been bothered by Democratic partisans longing for a special session, to redistrict the state for political purposes. He did give some consideration once more to a special session in 1912 after a United States Supreme Court decision exempted a large portion of Indian lands on the state's east side from taxation. The arguments presented to him, and to which he was inclined to agree, pointed out the increased tax load brought about by the court decision and stressed the need of remaining property owners for tax relief. Tax reductions would be possible by eliminating and consolidating elective offices--economy measures strongly recommended by the governor. It was argued only

¹⁹Ibid.

²⁰Tulsa Daily World, February 29, 1912. See also letter, February 27, 1912, from Ross F. Lockridge, Pottawatomie County Judge, who spoke of "that howling mob" at the convention. Box 26, FF-2, Cruce File, State Archives.

a special session could achieve that result before the upcoming November, 1912 election would install the officials in office for another term.²¹

The idea appealed to Governor Cruce. The special session would also give him an opportunity to correct his error in vetoing the Third Legislature's appropriation for court stenographer salaries. But he remained determined not to fall into the trap of a convened Legislature unable to agree on the laws to be passed. In his correspondence with proponents of a special session he agreed that potential savings would be well worth the expense, but he still insisted he must have assurance that legislative sentiment definitely favored reduction of elective officials.²² This was perhaps an almost impossible prerequisite; no special session of both houses occurred in 1912.

Consequently, the three new Congressmen from Oklahoma were elected on an "at large" basis. Senator Thomas' fear of a Republican-Socialist combination proved unfounded. Three Democratic Congressmen were elected. Cruce's 1910 gubernatorial opponent, William H. Murray, led a field of twenty-eight Democratic hopefuls.²³

Jousting for spots on the Congressional redistricting committees

²¹John P. Crawford to Cruce, May 15, 1912, Box 29, FF-3, ibid.; Cruce to Crawford, May 18, 1912, ibid.

²²ibid.; W. S. Kerr to Cruce, June 12, 1912, Box 30, FF-6, ibid.; Cruce to W. S. Kerr, June 23, 1912, ibid.; Preslie R. Cole to Cruce, Box 29, FF-2, July 31, 1912, ibid.; Cruce to Cole, August 2, 1912, ibid.; W. H. Brooks to Cruce, August 5, 1912, Box 28, FF-5, ibid.; Cruce to Brooks, August 9, 1912, ibid.

²³Wilson, Directory & Manual, p. 132.

began with a special session of the state Senate only, which the governor had reluctantly called in December, 1912 in an attempt to settle his Board of Education problem.²⁴ The complexity and controversial nature of the redistricting matter prolonged the drafting of an acceptable bill in the 1913 regular session of the Fourth Legislature, just as the governor had foreseen when he previously refused to call a special session. On the last day of the regular session, March 17, 1913, the Legislature passed a compromise bill dividing the state into eight Congressional districts that had voted Democratic in the two previous general elections.²⁵

The governor declined to approve the redistricting measure, along with several other controversial bills. Although he could have let them die by "pocket veto," he maintained his practice of preparing a lengthy statement of his opinions. Noting that redistricting "has been agitating the public mind for the past two years and has been the cause of much harsh criticism," he pointed out violations of the two basic aims of redistricting: 1) Placing people of common interest in the same Congressional district, and 2) Equalizing population among districts insofar as possible.²⁶

Accenting the population discrimination, he noted that District No. 4 had "less than 165,000 population, while in District No. 7 there are more than 230,000 people." He referred again to the cause of many

²⁴Harlow's Weekly, July 5, 1913. See Chapter VII supra.

²⁵Ibid.

²⁶Daily Oklahoman, May 3, 1913; Harlow's Weekly, July 5, 1913.
Daily Oklahoman, April 2, 1913.

of his own difficulties--"ambitious individuals," when he wrote: "Districts have been made that run from one end of the state to the other; that these lines were so run to meet the desires of ambitious individuals is well known and is generally conceded." He agreed that the framers of the bill could not eliminate all political interests but he insisted they were capable of producing redistricting legislation more nearly adaptable to the people's interest.²⁷ On the same day he wrote a constituent, "I do not believe I should set the seal of my approval upon any act of the Legislature that is so manifestly unfair to sections of the State as is this bill, and a great many of the members who voted for the bill have since expressed this same opinion to me."²⁸

In the extraordinary session that convened the day after the regular session closed, Cruce relied on his governor's prerogative and informed the Legislature he would reopen the reapportionment issue only after they had agreed on a bill without gerrymandering features. Although the House had passed a bill with possibilities of the governor's approval, some resolute members of the Senate refused to consider the bill. They contended the governor's ultimatum usurped the Legislature's own right to frame legislation.²⁹ Hence, when the Legislature began a forty-day recess on May 17, 1913, reapportionment was still a major

²⁷Ibid. *Journal, Fourth Leg., Ext. Sess.*, pp. 1269-70.

²⁸Cruce to J. W. Chism, April 3, 1913, Unprocessed Box, April 13 to July, 1913, Cruce File, State Archives.

²⁹Daily Oklahoma, May 3, 1913; Harlow's Weekly, July 5, 1913.

item on their future agenda.

Only two days before the date set for final adjournment, the Legislature finally agreed on a redistricting bill of sufficient merit to obtain the governor's submission of the issue in a formal message.³⁰ Congressman Carter's fear of redistricting consequences was substantiated, as the proposed bill took from his district the counties of Love and Carter, the latter being the county of his residence. Carter's friends, after threatening to defeat all redistricting in the House, eventually were able to return these two counties to his district.³¹

Anxious Congressman Scott Ferris had telegraphed the governor for the latest information on the bill and the governor candidly replied by letter on July 2, 1913:³²

It is not what I would have proposed, but I presume it is the best that can be done by this Legislature. My greatest objection to the bill is the inequality in population. The districts range in population from 180,000 to 230,000. I feel there is no excuse for making such glaring [sic] differences. Another criticism I have to offer of the bill is that as finally amended, while it does not improve upon the contour of the districts, it not only makes them very unequal in population, but renders two of the districts, in my judgment, - the first and fifth, extremely doubtful politically. The original Senate map would have made these districts more certainly Democratic.

The governor's reference to the First and Fifth Districts is interesting. As long as other considerations were equal, even

³⁰House Journal, Fourth Leg., Ext. Sess., pp. 1269-70.

³¹Daily Oklahoman, June 27, 1913; Harlow's Weekly, July 5, 1913.

³²Unprocessed Box, April to July, 1913, Cruce File, State Archives.

Lee Cruce could not divest himself of political bias in favor of the Democratic party; i.e., if population and contour were compatible, a Democratic flavor would not be amiss.

The final reapportionment bill set the boundaries of the state's eight Congressional districts until 1951, when the 1950 census required a reapportionment into only six districts.³³

The reapportionment and special session battles, had in the terminology of the Tulsa Daily World, displayed the texture of Governor Lee Cruce's "unyielding backbone."³⁴ The political enemies, made in the early stages, would continue to harass the governor throughout the remainder of his term of office.

Colored man half the privileges the white man gets."¹

³³John W. Morris and Edwin C. McReynolds, Historical Atlas of Oklahoma (Norman: Univ. of Okla. Press, 1965), p. 63.

³⁴February 25, 1912. Oklahoma Constitution. Cruce could only reply: "The law disfranchising negroes in this State was adopted by a majority of the voters of the State. . . . So long as this law is on the Statute books it is my duty to assist in securing its enforcement."² However, if the governor adamantly insisted that the Negro should submit to the state election statutes, he was equally as adamant in asserting the Negro's right to protection under all Oklahoma laws.

Cruce emphasized this in a moving speech before an angry, rebellious throng attending a 1912 Democratic convention in Oklahoma City. While he berated the "politicians," justified his appointments

¹Box 2, PP-11, Cruce File, State Archives.

²February 21, 1914, ibid.

and defended his refusal to call a special legislative session, a loud voice from the audience broached another debatable Cruce policy, "How about pardoning the wigger?" Visibly upset, the governor retorted:

CHAPTER XII

LEE CRUCE AND THE NEGRO: CAPITAL PUNISHMENT

Negro Johnnie Richardson of Hitchita, Oklahoma, posed a plaintive question to Governor Lee Cruce in his letter of February 19, 1914: "Do you believe god made the Colored People with feeling the Same as he made the White people if you has that beliaf why dont you give the Colored man half the pribledges the White man gets."¹

Richardson referred in particular to the so-called Grandfather Clause amendment to the Oklahoma Constitution. Cruce could only reply: "The law disfranchising negroes in this State was adopted by a majority of the voters of the State. . . . So long as this law is on the Statute books it is my duty to assist in securing its enforcement."² However, if the governor adamantly insisted that the Negro should submit to the state election statutes, he was equally adamant in asserting the Negro's right to protection under all Oklahoma laws.

Cruce emphasized this in a moving speech before an angry, rebellious throng attending a 1912 Democratic convention in Oklahoma City. While he berated the "politicians," justified his appointments

¹Box 2, FF-11, Cruce File, State Archives.

²February 21, 1914, *ibid.*

and defended his refusal to call a special legislative session, a loud voice from the audience broached another debatable Cruce policy, "How about pardoning the nigger?" Visibly upset, the governor retorted:³

I have tried to do my duty, and I did it when I commuted the death sentence of the negro. I am not governor for any man, or for any class of men, but of every man in the state, and the blackest man in Oklahoma will receive the same sort of justice at the hands of the governor of Oklahoma that is given the whitest man in the state. If you want a different governor from that, you will have to wait three years to get him.

Despite this stand it is undeniable that the former Kentuckian possessed the traditional Southern attitude toward the Negro. He had supported the Grandfather Clause during his gubernatorial campaign, and in all matters concerning the Negro he adopted Booker T. Washington's viewpoint of the Negro's role in society. "It is my candid opinion," the governor wrote, "that if the negor [sic] would turn his attention to some other avenue of life, and rather leave political controversies to the white race, all classes of citizenship would profit by it."⁴ He frankly complimented the Grandfather Clause: "The law has worked well in this State and a higher class of citizens are participating in elections on account of this qualification."⁵ He spoke of the Negro as "a member of an inferior and despised race."⁶

³Lawton Constitution, February 29, 1912. See pp. 144-45 supra.

⁴Cruce to Edgar L. Smith, April 29, 1911, Box 15, FF-1, Cruce File, State Archives.

⁵Cruce to Glenn N. Porter, April 21, 1911, ibid.

⁶Tulsa Daily World, July 29, 1911.

Nevertheless, Governor Cruce praised what the new state had accomplished for the Negro in an educational way. According to his figures, citizens of Oklahoma were contributing as much per capita to the education of the Negro as to the education of the white race, which resulted in "splendid" higher education facilities for the blacks.⁷

In 1914, the governor received an inquiry from James C. Waters, Jr., of Washington D. C. Waters, whose firm letterhead bore the inscription, "Contributing Editors, Compilers, Investigators and General Correspondents," was interested in the case of Sarah Rector, a Negro orphan and heir to an oil fortune furnishing a \$15,000 monthly income. Negro newspapers in the East had published a purported picture of the girl "in front of a dirty shanty" in which she lived. Mismanagement of the child's estate, an example of Oklahoma's mistreatment of all Negroes, was termed a "national scandal." Asking whether this situation could be corrected, the cynical Waters remarked,⁸

Though lynchings and burnings at the stake go unpunished and also unchecked in Oklahoma, I for one would not dare assume that the people of the State haven't enough character to make them feel ashamed at some things, to say the least.

Governor Cruce's two and one-half page reply was prompt, detailed and firm. He enclosed the result of an investigation made by Muskogee County Attorney Wesley E. Disney, later to be a congress-

⁷Cruce to Prof. Isaac Fisher, July 13, 1914, Unprocessed Box, March 25 to October 3, 1914, Cruce File, State Archives.

⁸Waters to Cruce, May 20, 1914, ibid.

¹⁰Oklahoma State Democratic Central Committee to Cruce, September 1, 1911, Box 23, PP-1, ibid.

man from Oklahoma's First District. Cruce wrote: "So far as I am informed, this letter correctly states the facts in this case, and is not based upon any sensation[al], manufactured, irresponsible declarations." After commenting on the excellent management of the estate, he continued:

The alarming thing to me is that men who set themselves up as leaders and teachers, editors of great newspapers and producers of magazines and other periodicals supposed to give intelligent information, will permit themselves to be imposed upon by such statements as those contained in the article printed in The Crisis. It seems to be the policy of the Eastern papers to do everything possible to misrepresent and discredit the people of Oklahoma.

Admonishing Waters to discontinue lending his influence to the spreading of inflammatory references to Oklahoma, Cruce concluded, "Certainly it is that giving publicity to such statements as are contained in the Crisis is not calculated to promote or encourage more friendly relations between the two races in Oklahoma."⁹

Unquestionably, Oklahoma's crude effort to disfranchise the Negro by means of the Grandfather Clause gave rise to unfavorable national publicity. The purpose of the amendment as a measure to counteract the Democratic party's fear of Negro suffrage is shown in the Central Committee's fundraising letter of September 1, 1911. "Could you foretell the political complexion of Oklahoma for the next November if we are forced to allow the illiterate negro to vote?", the letter asked.¹⁰ The Democrats had won their battle for the moment; however, enforcement of the amendment added to the mounting

⁹Cruce to Waters, June 2, 1914, ibid.

¹⁰Oklahoma State Democratic Central Committee to Cruce, September 1, 1911, Box 23, FF-1, ibid.

heap of problems confronting the Democratic governor.

Overzealous and bigoted election inspectors often were prone to lend their own construction to the law, thereby denying even the literate Negroes the right of suffrage. This the chief executive did not condone. He insisted that "Where . . . the judges of the election know that a negro is a qualified voter there is no more reason for applying the test [Grandfather Clause] than there is for making me swear that I am twenty-one."¹¹ Conversely, the governor accorded his vigorous support to the election officials who were honestly adhering to the law.

The situation became more tense as Federal officials carried out instruction to arrest all individuals guilty of violating Federal election laws. Governor Cruce, ever jealous of the state's sovereignty, resented Federal interference with state law and publicly encouraged local authorities to arrest any Federal officer found to be intimidating election officials.¹²

As suggested by Harlow's Weekly, contradictory instructions received by Federal and state officials could have led to serious consequences. Fortunately, this did not occur, owing to a:

tendency on the part of many of the federal authorities in the

¹¹Daily Oklahoman, October 24, 1912.

¹²Cruce to W. S. Cade, U. S. Marshal for Western District of Oklahoma, November 30, 1912, Unprocessed Box, October 1, 1912 to January 23, 1913, Cruce File, State Archives; Daily Oklahoman, October 24, 1912; Harlow's Weekly, November 2, 1912.

¹³Harlow's Weekly, November 2, 1912.

state to respect the rights of sovereignty of Oklahoma, and their knowledge that this is the only state in the union where an attempt is to be made to prevent the state from carrying on its election in accordance with the state laws.

In any event, to the credit of those directly involved, they were satisfied to let the question of the constitutionality of the Grandfather Clause find its way through the courts, where it was finally ruled unconstitutional by the United States Supreme Court in June, 1915.

Manifestations of negrophobia in the form of mob violence, disfranchisement and general mistreatment led Oklahoma Negroes to dream of an "earthly heaven" in West Africa.¹⁴ Even Oklahoma's Senator Thomas P. Gore lent his support to the idea of a Negro migration.¹⁵ Negro Johnnie Richardson had closed his letter to Governor Cruce with a warning: "So Governor if we dont get Relief Soon the Colored Race will leave and go to our Sweet home in Africa and then other Races will Sure mistreat this country."¹⁶

There was no cause for surprise, therefore, when in 1913 the chief executive began receiving inquiries concerning one "Chief" Alfred C. Sam, a self-appointed Negro Moses. Sam's scheme was to settle Negroes in the Gold Coast Colony of West Africa in consideration of their purchase of a twenty-five dollar share of stock in his Akim Trading Company. Enthusiasm for the venture reached a high pitch among the

¹⁴British Consulate to Cruce, November 7, 1913, Box 2, FF-11, Cruce File, State Archives.

¹⁵Cruce's Acting Secretary to Luther Fort, July 30, 1913, Unprocessed Box, July 7, 1913 to November 6, 1913, ibid. FF-1, ibid.

¹⁶February 19, 1914, Box 22, FF-11, ibid. See p. 151 supra.

Negroes of eastern Oklahoma.¹⁷ Governor Cruce, suspicious of Sam's intentions from the beginning, was unable to secure a definite confirmation of the scheme, either from the Secretary of State or the British Embassy.¹⁸ Nevertheless, he regularly advised all inquirers to exercise utmost caution before purchasing shares of stock.¹⁹ Encouraged by the governor to take any appropriate action, Okfuskee County Attorney Tom Hazelwood managed to arrest Sam for obtaining money under false pretenses. Hazelwood soon discovered that it was impossible to secure Sam's conviction, because the presumed victims were Sam's staunch friends and supporters.²⁰

In early 1914, the British Embassy, visualizing thousands of penniless American Negroes appealing for aid in the Gold Coast Colony, undertook a thorough investigation. Its report to the Secretary of State disclosed that Sam was not a bona fide African chief; he had not made specific arrangements for Gold Coast Colony land; and the Colony's police officials wanted him on charges of fraud perpetrated on some of their local citizens.²¹

¹⁷Cruce to Hon. C. M. Pearson, British Consul, November 10, 1913, Box 2, FF-11, ibid.; Tom Hazelwood to Cruce, December 12, 1913, Box 5, FF-1, ibid.

¹⁸Cruce to J. B. Moore, Acting Secretary of State, January 3, 1914, Box 5, FF-7, ibid.; J. B. Moore to Cruce, December 27, 1913, ibid.

¹⁹Cruce to Alexander Johnson, September 2, 1913, Unprocessed Box, July 7 to November 6, 1913, ibid.

²⁰Hazelwood to Cruce, December 12, 1913, Box 5, FF-1, ibid.

²¹J. B. Moore to Cruce, February 25, 1914, Box 6, FF-1, ibid.

"Chief" Alfred C. Sam's persuasive salesmanship and the elusive nature of his scheme--a mixture of fact and fantasy--had cost this country's Negroes approximately \$75,000 by February, 1914.²² An independent investigation made a few months later by attorney A. M. Oliphant of Oklahoma City indicated as much as \$68,000 had been contributed by Oklahoma Negroes.²³

Capital Punishment

If the black race was indeed in a "suffering condition" and "in bondage," in the sense contended by Johnnie Richardson²⁴ and others, they did find the governor to be a formidable advocate in one notable phase of their existence--their right to equal protection under the criminal laws of the state. In February, 1914 the governor cited Oklahoma statistics for the purpose of proving that, "Though twice as many white men commit murder as negroes, in the administration of our law we undertake to hang eleven times as many negroes as whites for the same offense."²⁵ It appears correct to conclude that the black race, more than did the white race, significantly benefited from one dramatic course of conduct the governor adopted in July, 1911--opposition

²²C. W. Bennett to Sir Cecil A. S. Rice, February 18, 1914, Box 5, FF-7, ibid.

²³Daily Oklahoman, May 26, 1914. For a complete account of Sam's activities, see William E. Bittle & Gilbert Geis, The Longest Way Home: Chief Alfred C. Sam's Back-to-Africa Movement (Detroit: Wayne State Univ. Press, 1964).

²⁴February 21, 1914, Box 2, FF-11, Cruce File, State Archives. See pp. 151 and 156 supra.

²⁵Daily Oklahoman, February 8, 1914.

to capital punishment. Actually, the governor permitted one death by hanging in the early part of his term,²⁶ before he had formulated in his own mind the conviction that capital punishment was fundamentally wrong. Throughout the remainder of his term he commuted at least nineteen death sentences.²⁷ Had those sentences been consummated by death, the eighty-three lives taken by capital punishment in Oklahoma since statehood would have increased by nearly one-fourth.²⁸ Late in his term, Governor Cruce declared that his stand against capital punishment had sparked more adverse criticism than any other aspect of his administration.²⁹ In the words of his secretary and later University of Oklahoma history professor, F. S. E. Amos, the governor had "practically jeopardized himself politically by refusing to 'hang a nigger.'"³⁰

The Cruce capital punishment philosophy was stated in detail in his message to the Fourth Legislature, when he wrote: "The ground I take is that the infliction of the death penalty by the State is wrong in morals, and is destructive of the highest and noblest ideals in government." In that message as well as upon other occasions he countered arguments quoting the biblical injunction, "An eye for an eye and a tooth for a tooth," by terming that admonition the product

²⁶Ibid.

²⁷C. C. West, Okla. State Penitentiary, to Cruce, October 27, 1926, Box 77, Cruce Coll., Univ. of Okla. Library.

²⁸Sunday Oklahoman, May 25, 1969.

²⁹Daily Oklahoman, November 3, 1914.

³⁰Ibid., July 9, 1914.

of the needs of an antiquated civilization. He aptly pointed out that Oklahoma law had already abandoned the literal interpretation of the Mosaic Code, which would have required the death sentence for numerous other offenses.

He insisted that abolishing capital punishment did not encourage mob violence and cited experience in Oklahoma as well as in seven states which did have laws against capital punishment. It was his belief that, "When a State sets the example of placing so cheap an estimate upon human life, it is little wonder that the public adopts the same view of it." To those arguing that he was overlooking the impact of capital punishment as a crime deterrent, Cruce replied that incarceration in the penitentiary for life would accomplish the same objective. There was also a possibility of discovering the prisoner to be innocent--such a revelation after his execution would be too late!³¹

Despite the governor's earnest crusade for the abolishment of capital punishment, he was to be wholly unsuccessful. Some indication of the extent of his failure may be noted in Harlow's Weekly of December 14, 1912, stating that only four of fifty leading state newspapers favored the governor's stand. In the thick of his battle with the Fourth Legislature, Cruce at one time considered submitting the issue directly to a vote of the people.³² House Bill No. 134, changing the mode of execution from hanging to electrocution

³¹Biennial Message, 1913, pp. 38-42. *World*, August 1, 1911.

³²Clinton O. Bunn to Cruce, April 2, 1913, Unprocessed Box, April to July, 1913, Cruce File, State Archives.

was an exceedingly questionable concession by the Legislature.³³

The first person to reap the benefit of the governor's compassion was eighteen-year-old Negro John H. Prather. Prather, having confessed to committing "an atrocious crime," stood in burial attire prepared for the long walk to the gallows when notified that the governor had commuted his death sentence to life imprisonment.³⁴

In a letter addressed to Sheriff Jack Spain, Cruce commented that had Prather been a white youth, he, (the governor),³⁵

would have received thousands and thousands of letters petitioning me for clemency; as it is, the offense was committed by a negro boy without friends and without parents, who has had no fair opportunity to make a man of himself by any training that he might have received; a member of an inferior and despised race, and now as the hour of doom approaches, there is not a voice raised in his behalf.

I believe that every end of justice will have been met by confining this boy to imprisonment for life, and I so decree In doing so, I realize that I will call down upon my head the indignation and criticism of tens of thousands of the best citizens in this state, but be that as it may, I am doing what my conscience tells me should be done, and I had rather live feeling that I had done this boy and his race no wrong than to have the commendation and applause of every citizen of this universe.

Repercussions were immediate. The Oklahoma City Times vehemently solicited the governor's resignation.³⁶ The Republican Tulsa Daily World lauded the governor's action while noting that the state's "Democratic press [is] now shouting itself hoarse, in condemnation of

³³Session Laws, 1913, pp. 206-10; Daily Oklahoman, March 30, 1913.

³⁴Tulsa Daily World, July 29, 1911.

³⁵Ibid. ³⁶Quoted in Tulsa Daily World, August 1, 1911.

the man it elected governor."³⁷ The Oklahoma City Post Office, conforming to Federal law, withdrew from the governor's mail at least ten postcards containing nonmailable epithets and referred them to a postal inspector for appropriate action.³⁸

In the two weeks following, two Negroes were hanged by mobs--one at Durant and the other at Purcell. Many individuals and newspapers theorized the lynchings were a direct consequence of Prather's commutation. Alfalfa Bill Murray, who insisted that all types of violence increased during the Cruce administration, relates that the Purcell mob "cut the little finger off the Negro and sent it to Cruce for a souvenir."³⁹ But the conscience of the implacable Lee Cruce was clear. "I have received hundreds and hundreds of letters from all over this State from men in every walk of life commending me for what I did," he wrote his friend, Attorney W. R. Bleakmore of Ardmore, "I am feeling perfectly contented over the result."⁴⁰

The governor's well-publicized opposition to capital punishment became a popular debate topic, while ministers appropriated its biblical aspects for numerous sermon topics.⁴¹ Cruce could never comprehend why men of the Church disagreed with his philosophy. His

³⁷August 1, 1911.

³⁸Postmaster to F. S. E. Amos, September 15, 1911, Box 20, FF-3, Cruce File, State Archives.

³⁹Murray, Memoirs, III, p. 222.

⁴⁰August 21, 1911, Box 20, FF-3, Cruce File, State Archives.

⁴¹Harlow's Weekly, October 5, 1912.

⁴⁵See form letters to County Attorneys, December 20, 1911, Box 33, FF-6, Cruce File, State Archives.

letter to a constituent whose pastor had berated his capital punishment policy, commented: "The Reverend Millin has now had more than a year in which to prepare his sermon, and I presume he has done his best. . . . I am glad that my reading of the Bible and the religion that I believe in, is not a blood-thirsty, life-demanding one."⁴² Speaking at a Methodist conference in Guthrie, he admonished the ministers for their lack of support, asserting, "I have never been able to understand why many ministers whose mission in life is to try to save human souls should insist that it is right to take human lives."⁴³

Despite the governor's own opposition to the persecution of the Negro, there was indeed an era of "negrophobia" in Oklahoma. The Daily Oklahoman editorialized that within the "distorted vision" of those afflicted with "Negrophobia," the killing of a Negro "either by execution or lynching," was not considered a crime by the white element of the state.⁴⁴

In each year of his term, Cruce appears to have been reasonably successful in compiling statistics regarding homicides in each county of the state.⁴⁵ The relatively short period of time involved probably nullified the validity of the statistics, but if accepted at face value they support Cruce's contention that there were fewer homicides during his administration. Information as to lynchings

⁴²Cruce to A. J. Allison, September 21, 1912, Box 28, FF-4, Cruce File, State Archives.

⁴³Daily Oklahoman, October 18, 1912. Cruce File, State Archives.

⁴⁴Ibid., February 10, 1914.

⁴⁵See form letters to County Attorneys, December 20, 1911, Box 33, FF-6, Cruce File, State Archives.

showed: One Negro in 1907, none lynched in 1908, four Negroes and one white in 1909, one Negro in 1910, eight Negroes in 1911, none in 1912 and four Negroes in 1913. At least two lynchings occurred in 1914. Supporters of the governor's policy stressed that four Negroes were lynched in 1911 before the governor's policy was indicated in July of that year.⁴⁶

If Governor Cruce disclosed a trait of tenderheartedness where capital punishment was in issue, that was by no means his ordinary attitude toward criminals or lawbreakers. He showed this in writing Glen Condon, at that time a Tulsa Daily World reporter and for many subsequent years a prominent Tulsa newspaper and radio personality. Condon had asked clemency for a prominent architect's son convicted of stealing a typewriter. The governor was not swayed by the prestige of either the architect or the Tulsa Daily World.⁴⁷

It was quite apparent to me that the only ground upon which clemency was asked, was that of sympathy. . . . I sympathize with all of these unfortunate people, who through perverse natures or under strain of passion commit offenses which necessitate the sending of them to prison. However, if sympathy alone were to govern, I presume there would be a very few men left in the prisons, and little or no enforcement of our criminal laws.

By early 1913 the governor's critics were convinced that no executions would take place in Oklahoma during his tenure. The state press began to question his interpretation of the power vested

⁴⁶Daily Oklahoman, January 30, 1914.

⁴⁷February 8, 1912, Box 24, FF-4, Cruce File, State Archives.

in him by the Constitution. This power, they maintained, was to be resorted to only in those "extraordinary cases" where common justice demanded it. Indignation reached a peak in the case of a Negro sentenced by a Wagoner County court. The governor had bypassed normal procedure and commuted the sentence before receiving notice of appeal or a complete report of the case from presiding Judge DeGraffenried. Cruce attempted to explain that, although it was not his practice to interfere in court cases prematurely, in this instance certain "evasive answers" over the telephone had made him suspicious of the judge's intentions.⁴⁸

The Muskogee Times-Democrat ridiculed the governor's behavior and exclaimed, "He was afraid that a judge and sheriff elected by the people were conspiring to commit murder. Bah!"⁴⁹ The state's judiciary also found fault with the governor's commutation policy. The venerable Henry M. Furman, Judge of the Criminal Court of Appeals, and a fellow Ardmoreite, criticized Cruce in an opinion sustaining the death sentence for Negro Newton Henry. Furman's obiter dicta discussed the "infinite harm done to the administration of law in Oklahoma," and asserted only the courts have the right to determine the intent of the constitutional provision, Article 6, Section 10, which granted the governor the power to alter the punishment of a convicted criminal. Furthermore, he believed a governor should exercise the pardoning

⁴⁸Daily Oklahoman, December 29, 1912; Harlow's Weekly, January 4, 1913.

⁴⁹Quoted in Harlow's Weekly, January 4, 1913.

power only for unusual reasons peculiar to a specific case. "No governor has the right to substitute his own view for the law on capital punishment or any other question," declared Furman.⁵⁰

Cruce broadly interpreted the law as allowing complete discretion to the governor to commute death sentences. He explained this viewpoint to the congregation of the First Baptist Church in Claremore, where he said in effect: The law grants to a jury in the lower courts the right to exercise its own discretion in passing judgment upon the prisoner at bar. In turn the Criminal Court of Appeals may reverse a decision of the lower courts. Neither the jury nor the court is censured for exercising its own discretion; then why should the governor be criticized for commuting the death sentence of a criminal, under an express power granted him by the Oklahoma Constitution?⁵¹

In November, 1913, a Wewoka mob of three hundred hanged a Negro to a telephone pole to avenge the murder of a Seminole County deputy sheriff. "A large placard on which was written 'To the Memory of Lee Cruce' was tied to the negro's feet as his body swung from the pole."⁵² One can understand the governor's feeling of helplessness when approached by white and Negro alike to put an end to future mob violence. To one such plea for action, he wrote: "The trouble,

⁵⁰Henry v. State, 136 P. 982 (1913); Daily Oklahoman, November 30, 1913.

⁵¹Daily Oklahoman, November 3, 1914.

⁵²Ibid., November 5, 1913.

however, is that the crime for which this negro was lynched is of such an atrocious nature that men lose their reason when dealing with the subject and commit acts of violence that they would not think of doing under more sober reflection." This was a matter for local officials to handle, he concluded.⁵³

A statement made by the governor two months earlier might be construed as a slight wavering from the firm position he had previously maintained. A delegation of prominent Guthrie citizens had conferred with him to determine his attitude toward possible execution of Lew Green, a Negro, who allegedly murdered two Guthrie policemen. The governor preferred not to discuss the matter, as the trial had not yet taken place. However, commenting upon the fact that several other prisoners on death row were awaiting the results of their appeals, the governor made an unexpected announcement to the delegation. Should the Green case be appealed during his term of office, he would either allow the execution or grant a reprieve extending into the term of the next governor. Cruce continued, "Then, if the next governor is so disposed, he can hang all the convicted men the same time and have a day of glorious killing in the State of Oklahoma."⁵⁴

It should be noted that the Cruce attitude toward capital punishment in the years 1911 through 1914 was not a unique one. Six

⁵³To M. C. Keddington, July 30, 1913, Unprocessed Box, July 7, 1913 to November 6, 1913, Cruce File, State Archives.

⁵⁴Unidentified newspaper clipping, "New Turn in Cruce Position on Capital Punishment Makes Legalized Death for Negro Killer Possible," Barde File, OHS Library; Daily Oklahoman, September 15, 1913.

states had already abolished the death penalty.⁵⁵ But Governor Cruce's contributions to Oklahoma in this area were two-fold: His recognition that in Oklahoma capital punishment was primarily the result of the state's proclivity to negrophobia and his endeavor to verbalize his opposition in terms Oklahomans could understand.

The portion of his argument contending the Negro was the usual recipient of capital punishment in the United States has its proponents in much of today's thought on the subject. Currently, the death penalty has been erased from the statute books of many western nations and the United States Supreme Court is preparing to consider whether it is the "cruel and unusual punishment" forbidden by the Eighth Amendment.⁵⁶

Evidence is still lacking as to whether the death penalty actually functions as a crime deterrent. The American Civil Liberties Union insists that where capital punishment is operative, "Most who die are Black; virtually all are poor and powerless, personally ugly and socially unacceptable."⁵⁷ It is interesting to observe that the import of such contemporary arguments against capital punishment had already been expressed by Lee Cruce at various times during his gubernatorial career.

⁵⁵Cruce to J. M. Dyer, March 4, 1913, Unprocessed Box, January 24 to April 1, 1913, Cruce File, State Archives.

⁵⁶Daily Law Journal-Record (Oklahoma City), September 15, 1971.

⁵⁷Ibid.

owners of realty 5) Placing all legislators on annual salaries, but reducing the Senate to twenty-five members and the House to fifty members.²

The August, 1912, announcement made no reference to the governor's hope to abolish certain institutions. But, even

CHAPTER XIII

THE FOURTH LEGISLATURE: REGULAR SESSION

When the Fourth Legislature was convened into regular session on January 7, 1913, its members had already been subjected to several months' exposure of Governor Cruce's legislative recommendations. Indeed, legislators and their constituents opposed to wholesale elimination of local offices and a reduction in state educational institutions were painfully aware that these topics headed the list of the governor's program. Consequently, they had had ample time to marshal their forces in opposition.

In July, 1912, the governor was encouraging the voters to elect legislators who favored reductions and consolidations of local offices along with a cutback in taxes.¹ In August, publicity was being given to several methods he had in mind for reducing the state's expenses: 1) Reduction of township and county offices by elimination and consolidation 2) Changes in the state's judicial system by eliminating superior courts and reducing the number of district courts; limiting right of appeal 3) Fixing maximum limits for county, city and district tax levies 4) Restricting right to vote bond issues to

¹William Noble to Cruce, August 1, 1912, Box 31, FF-3, Cruce File, State Archives.

owners of realty 5) Placing all legislators on annual salaries, but reducing the Senate to twenty-five members and the House to fifty members.²

The August, 1912, announcement made no reference to the governor's hope to abolish certain educational institutions. But, even before assuming the governorship, he doubtless shared the belief of the Tulsa World, that "The educational interests of the state were loaded into the political shotgun and fired."³ The day before the inauguration he had privately expressed his appraisal of the state's educational needs: "With a good system of primary schools, consolidated rural high schools, and A. & M. school, a University and three first class normals, we would have a school system in Oklahoma to which we could point with pride."⁴ His veto message of March 2, 1911 to the Senate had expressed his opinion of the normal school situation.⁵ The governor did not stand alone in his views on state schools. For example, the President of the State Bar Association in his annual address, had complained of an excess of "so called 'higher education institutions' with expensive payrolls."⁶

²Harlow's Weekly, August 24, 1912.

³Tulsa Daily World, June 11, 1911.

⁴To F. M. Vermilion, January 8, 1911, Unprocessed Box, October 1, 1912 to January 23, 1913, Cruce File, State Archives.

⁵Senate Journal, Third Leg., Reg. Sess., pp. 624-26; See also p. 72 supra.

⁶Tulsa Daily World, December 13, 1911.

The State Democratic Campaign Committee in preparation for the November, 1912 election, perhaps with some misgivings, had invited Governor Cruce to deliver a series of addresses throughout the state.⁷ Before undertaking this assignment, the governor secluded himself at his brother's Ardmore home in the second week of October to prepare his message to the forthcoming Fourth Legislature.⁸ By the time he began his campaign speeches on October 17th, his ideas for future legislation had been formulated to the extent he could now take them directly to the people.

His address at Lawton on October 20th to 2,000 listeners, including 500 schoolchildren wearing white and gold "Lee Cruce" ribbons, indicated his speeches in behalf of the party would emphasize his own legislative program. After his discussion of educational institutions, the educational lobby must have braced itself for determined resistance. Abolish three of the state's six normal schools, the governor recommended. Also, eliminate both preparatory schools, and five of the six secondary agricultural schools. He boldly informed the Lawton audience that their own agricultural college should be abolished. Other points of the governor's address stressed the economies to be gained from eliminating several state offices, and devising means of placing penal institutions on a largely self-

⁷Cruce to W. E. Schooler, September 25, 1912, Box 32, FF-1, Cruce File, State Archives; Daily Oklahoman, October 12, 1912.

⁸F. S. E. Amos to R. W. Dick, October 10, 1912, Unprocessed Box, October 1, 1912 to January 23, 1913, Cruce File, State Archives; Daily Oklahoman, October 12, 1912.

supporting basis.⁹

At Okmulgee, a city without state institutions, the governor struck another blow at the institutional lobby. He asserted that all appropriation bills pertaining to state establishments in the last Legislature had received majorities due to "a combination existing . . . among representatives of the towns having state institutions. . . ." Generally, the governor stressed a non-partisan approach, while asking the voters to elect legislators friendly to his program. Hence, even before he had concluded his state tour, some party leaders were objecting to the tenor of his speeches.¹⁰ His disregard for political consequences caused one local partisan to state, "The governor is hurting the party when he speaks of benefits for the state at large. He loses votes for the party in the community in which he makes the speeches." When the results of the general election in November were made known, however, the Democrats enjoyed a large majority--an outcome the Daily Oklahoman construed to be the people's endorsement of their "statesman" governor.¹¹

A few days after the election, the governor made public his 117-page message to the Fourth Legislature.¹² It was the governor's

⁹Daily Oklahoman, October 20, 1912; The Lawton Constitution, October 24, 1912, noted "Everybody will not agree with every detail of the governor's proposals," but generally endorsed his economy policies.

¹⁰Ibid., November 3, 1912; Harlow's Weekly, November 9, 1912.

¹¹Daily Oklahoman, November 7, 1912.

¹²Cruce to Tom E. Willis, November 12, 1912, Unprocessed Box, October 1, 1912 to January 23, 1913, Cruce File, State Archives.

hope that by furnishing each legislator a copy of the message two months before convening of the Legislature, each would have sufficient time to analyze and discuss the message with his constituents.¹³ Published in a hardback book edition, the message embraced thirty-one topics of varying lengths. Among the more significant proposals were: Reapportionment, strengthening of the moral laws, a smaller Legislature and reduction of state and local political offices, reduction in institutions of higher learning, a full time legislative commission of three members, a central tax collection authority, and abolishment of capital punishment.¹⁴

The governor was later to submit supplemental recommendations to the Legislature's extraordinary session. Among these were: Establishment of a Board of Prison Control appointed by the governor,¹⁵ a separate Textbook Commission,¹⁶ Sunday observance laws,¹⁷ a pre-marital physical examination,¹⁸ compelling candidates to make public any pre-election pledges to support specific legislation,¹⁹ and reduction of the maximum tax levy.²⁰

A portion of the biennial message encompassed suggestions made by the various state department heads who had replied to Cruce's

¹³Cruce to J. Elmer Thomas, October 12, 1912, ibid.

¹⁴Biennial Message, 1913.

¹⁵House Journal, Fourth Leg., Ext. Sess., pp. 17-18.

¹⁶Ibid., p. 20. ¹⁷Ibid., pp. 50-51. ¹⁸Ibid., pp. 51-52.

¹⁹Ibid., pp. 55-56. ²⁰Ibid., pp. 97-98.

letter of June 26, 1912 requesting their ideas.²¹ He concluded by pointing out that his message was the culmination of "Two years of close application and study of the problems of government."²² He warned the legislators they would be inundated with lobbyists protecting the interests of state institutions, and "The occupants of offices that are sought to be abolished or consolidated will appear before you by the hundred." To those legislators who could persevere in the face of such obstacles to good government, there would come from thankful taxpayers the public servant's "most comforting and most priceless tribute . . . 'Well done, thou good and faithful servant.'"²³

Press reaction to the message as determined by a Harlow's Weekly survey was "almost uniformly favorable." The smaller newspapers were more complimentary than were the larger ones, who appeared to be cautious. The Republican Tulsa World called it a "remarkable document," but doubted the Legislature generally would accept its proposals. The Enid Eagle, also Republican, considered it "a rather curious combination of positive opinions and negative and impractical suggestions." The Democratic Kingfisher Times, doubtless referring to the powers Cruce recommended for the chief executive, sorrowfully stated there would be enthroned "an imperial despot," lacking "a true vision of American Institutions and tendencies." Most of the newspapers were alertly perceptive of future problems the governor would

²¹Biennial Message, 1913, pp. 114-15.

²²Ibid., p. 115.

²³Ibid., pp. 116-17.

encounter--the consensus being he "has opened up an avenue for much disturbance in this legislature and much discomfort to himself."²⁴

On December 3, 1912, little more than a month before both Houses of the Legislature were to convene, the governor reluctantly summoned the forty-four members of the Senate into a special session, primarily in an attempt to resolve the muddled State Board of Education problem.²⁵ Chairman of the Senate investigating committee and leader of the opposition to the governor's appointees was the powerful J. Elmer Thomas of Lawton. In addition to refusing the confirmation of Board of Education appointees, the Senate voted to inquire into the fitness of John B. Doolin, State Game and Fish Warden; Ben F. Riley, Secretary of the Election Board, and Lon M. Frame, member of the Board of Affairs.²⁶

The investigating committee's twenty-one page report on January 6, 1913, described Ardmoreite Lon M. Frame's handling of several major purchases made by the Board of Affairs and concluded:²⁷

His lack of knowledge of details of his office, his apparent and lack of business experience, his manifest disposition of favoritism to the detriment of the state [renders him] unfit and unqualified to be a member of the State Board of Public Affairs, and [we] therefore recommend to the Senate that he be not confirmed.

²⁴Harlow's Weekly, December 7, 1912.

²⁵See pp. 94-96 supra.

²⁶Daily Oklahoman, December 5, 10, 1912; June 1, 1913; Senate Journal, Fourth Leg., [Ext. Sess.], pp. 58, 70-84.

²⁷Report signed by J. Elmer Thomas and J. T. McIntosh, January 6, 1913, Box 10, Folder VI, Cruce File, State Archives.

The Senate subsequently construed its vote of twenty-one for, and nineteen against Frame's confirmation as being a failure of confirmation, the yeas being short of the required constitutional majority of twenty-three.²⁸ Governor Cruce, in disagreement with the Senate's judgment of Frame, contended a constitutional majority was not required, and Frame remained on the Board despite the heated objections of senate leaders. Six months later in a quo warranto proceeding, the Oklahoma Supreme Court ruled Frame could retain his office for another reason-- he had been appointed to fill a vacancy on the Board of Affairs, therefore the Senate's approval was not required.²⁹

The Senate also spent time investigating John B. Doolin's activities, and the lack thereof, which also disclosed some irregularity.³⁰ The Senate's special session came to an end, however, before either Doolin's or Ben F. Riley's appointments could be acted upon.

The date many legislators had been awaiting, for over eighteen months, finally arrived on January 7, 1913. That evening Senator and Mrs. Thomas F. McMeachan of Oklahoma City entertained the Legislature and state officials, including the governor and his staff--the latter resplendent in full military attire. That gala occasion perhaps marked the last time many of the guests associated in a reasonably

²⁸C. B. Kendrick, Chairman Pro Tempore of Senate, to Cruce January 9, 1913, Unprocessed File, October 1, 1912 to January 23, 1913, ibid.; Daily Oklahoman, January 9, 22, 23, 1913.

²⁹Daily Oklahoman, July 1, 1913.

³⁰Ibid., January 1, 2, 1913.

friendly manner.³¹

The Senate's reaction to the governor's recommendations in the special session forecast the general attitude of the House as well. The Daily Oklahoman noted a definite independence of thought among the members of both legislative bodies. There were indications, the Oklahoman decided, that the governor's "heartiest supporters" would not support all phases of his program. The governor's friend, Senator George W. Barefoot of Chickasha, probably voiced the thoughts of other Cruce adherents when he announced he would not vote for abolishing any state institutions now that they had already been established, although he acknowledged there were probably too many of them. On the other hand, foes of a number of Cruce policies freely admitted they believed in and would support other parts of the program.³²

Generally, both houses of the Legislature seemed to recognize a public demand for action against the "vast debt, high taxes, and general unrest" growing out of Haskell's administration. Failure to undertake an in-depth investigation into the state's financial activities and personnel would have constituted "a betrayal of public trust," the House general investigation committee declared.³³

Within a week one committee was in the midst of a probe of the acts of Warden R. W. Dick of the Oklahoma State Penitentiary.³⁴

³¹Ibid., January 10, 1913.

³²Ibid., January 2, 1913.

³³House Journal, Fourth Leg., Ext. Sess., pp. 1300-01.

³⁴Daily Oklahoman, January 17, 1913; Senate Journal, Fourth Leg., [Reg. Sess.,] pp. 817-33.

Two days later the committee on impeachment and removal was studying serious charges made by Attorney General West against Leo Meyer, State Auditor, and Giles W. Farris, State Printer.³⁵ Two more days and the Attorney General himself was under fire.³⁶ On January 21, 1913, the House resolved to appoint a nine member committee with full judicial power to investigate state departments and institutions.³⁷ The Senate finally confirmed John B. Doolin as Game Warden; however, confirmation of Ben W. Riley as Secretary of the State Election Board was withheld, as the vote was one short of the constitutional majority of twenty-three.³⁸

One of the first actions of the House was to ask the governor to submit a complete explanation for his purpose in suspending publication of the code of the state's laws as authorized by the Third Legislature.³⁹ In the fall of 1911, the School Land Department,

³⁵Daily Oklahoman, January 19, 1913. ³⁶Ibid., January 21, 1913.

³⁷Ibid., January 22, 1913; House Journal, Fourth Leg., Reg. Sess., pp. 420-21.

³⁸The tenacious Cruce would never agree that the Senate had final authority over the chief executive's appointment of the Secretary of the Election Board. He advised Riley to retain the position and to be doubly sure, reappointed him in April, 1913. In retaliation, the Legislature passed a measure without the governor's approval, consolidating Riley's office with that of the Secretary of the State Senate, to be appointed by the Senate. A court fight ensued and Riley retained his office until the Oklahoma Supreme Court ruled against him in 1914. Governor Cruce subsequently appointed him chairman of the Election Board. Daily Oklahoman, April 12, 1913, August 24, 1913, June 9, 1914; Riley v. State ex rel. McDaniel, 43 Okla. 65, (1914).

³⁹Session Laws, 1910-1911, pp. 70-71; Daily Okla., Jan. 17, 1913; House Journal, Fourth Leg., Reg. Sess., pp. 356-65, 539-45.

with the governor as chairman, had voted to press its right to minerals in the navigable streams of the state under a presumed grant from the Federal government. At this time the governor became aware that the code authorized by the 1911 Legislature included an 1890 act of the Territory of Oklahoma granting to riparian owners the title to beds of navigable streams. Consequently, believing this law would entail a great financial loss to the state, the governor in effect countermanded the 1911 measure on the theory that the Legislature would hasten to correct the error at its next session.⁴⁰

Over the years, all types of commercial enterprises--particularly railroad companies, as well as individuals, had considered river bed sand and gravel free for the taking. Therefore, when the School Land Department went a step further and granted a lease to the Builders Sand and Gravel Company of Oklahoma City, the residents of nearby communities, riparian owners and their lessees along the Arkansas and Grand Rivers were up in arms. Tempers reached a boiling point amid cries of a colossal graft, when it was learned a major stockholder of the Builders Sand and Gravel Company was A. C. Cruce, the governor's brother. The Tulsa World termed this, "One of the most vicious strokes which the Cruce administration has made," and asserted the millions of dollars the state expected to collect would be at the expense of the residents of cities adjacent to the rivers.⁴¹

The eastern portion of Oklahoma received sympathy from as

⁴⁰Cruce to W. M. Franklin, October 29, 1912, Unprocessed Box, October 1, 1912 to January 23, 1912, Cruce File, State Archives.

⁴¹April 9, 1912. January 25, 1913.

far away as Enid, where the Daily Eagle made a motion satirizing the School Land Department:⁴²

If there is nothing before the house, The Eagle moves that the water privileges be let to Jack Love, O. A. Brewer and Kate Barnard; that the fishing franchise go to Charlie Daugherty, Spud Watson, and Old Man McAlester; that H. R. McGill of the state printing department, be given the exclusive bull frog right; that by way of concession to the minority, Amos Ewing get the worm contract, and that the shooting and toll privileges be awarded to such of the relatives of Governor Cruce as were not included in the sand and gravel graft. All to be let without advertising or other notice, and all at satisfactory prices.

To the governor's credit it must be said he apparently proved to the Legislature that he had voted against the lease to his brother's firm, but had been overruled by other presumably sincere members of the School Land Department. The governor had contended that the royalty was inadequate and that the lease should be handled by the leasing division of the School Land Department.⁴³ Following the uproar created by interested parties, the lease to Builders Sand and Gravel Company was rescinded and later contracts were entered into in accordance with state legal requirements.⁴⁴

The governor's action in withholding publication of the code was wholly without justification according to Speaker of the House J. Harvey Maxey, who contended the code's publication would not have had the legal effect feared by Governor Cruce.⁴⁵ In any event, some

⁴²Quoted in Tulsa Daily World, April 13, 1912.

⁴³Daily Oklahoman, January 20, 1913; Cruce to James Leftwich, June 3, 1912, Box 30, FF-6, Cruce File, State Archives.

⁴⁴Ibid.; Harlow's Weekly, December 13, 1913.

⁴⁵Daily Oklahoman, January 25, 1913.

of the legislators felt the work of the Legislature was severely handicapped without a central source of reference to the state's laws, and went so far as to recommend a recess until the published code was available.⁴⁶

The governor's recommendation for limiting the rights of riparian owners received legislative approval, and became law on March 22, 1913.⁴⁷ The Oklahoma State Supreme Court ruled that the river beds were indeed owned by the state, in an opinion written a year later by Cruce appointee R. H. Loofbourrow.⁴⁸ Nevertheless, the matter was not completely resolved until April, 1970, when the United States Supreme Court in a split decision held that the title to the river beds had been granted to the Cherokee, Choctaw and Chickasaw Indians as a condition of their removal from the eastern part of the United States.⁴⁹ Thus, the Supreme Court, fifty-seven years later had nullified the governor's courageous stand, in which he had added to his growing list of adversaries a number of unhappy legislators, more eastern Oklahoma residents and commercial interests, and some Oklahoma attorneys looking forward to a codified source of Oklahoma law.

The investigation of Warden Dick, holdover Haskell appointee and longtime friend of Governor Cruce, developed into a source of

⁴⁶Ibid., January 13, 1913.

⁴⁷Session Laws, 1913, pp. 116-18.

⁴⁸Daily Oklahoman, March 11, 1914.

⁴⁹Choctaw Nation v. Oklahoma, 25 L.Ed.2d. 615 (1970).

concern and embarrassment for the governor. The warden's post was something of a political plum with a salary of \$3,600, ranking among the higher state salaries. Dick had already emerged with a measure of approval from two previous investigations during his four and a half year tenure;⁵⁰ however, the new probe committee was armed with fresh charges.

In the first two investigative hearings former prison guards testified they had been dismissed for refusing to purchase or rent a place of residence on forty acres of land near the prison, acquired by Dick and three McAlester men for speculative purposes.⁵¹ Governor Cruce's 1910 election campaign also shared in the proceedings, when the warden was questioned regarding a \$2,000 check he had received from Pauly Jail Company, a subcontractor at the penitentiary. At first Dick's memory was vague as to the purpose of the \$2,000 payment but at a later session he recalled it was a campaign contribution to apply on a note to a Capitol Hill Bank, signed by party leaders John M. Doolin, John Williams, Lon M. Frame and Dick himself.⁵²

Questioned by newspapers concerning the \$2,000, Cruce declared he knew nothing of contributions or expenses of the Oklahoma City campaign office, which had been managed by Williams, now Secretary of the School Land Commission. "I had and have full confidence in Mr. Williams' management there," the governor said.⁵³ The investigating

⁵⁰Daily Oklahoman, January 25, 1913; Harlow's Weekly, December 6, 1913; House Journal, Third Leg., Reg. Sess., pp. 159-71.

⁵¹Daily Oklahoman, January 17, 18, 1913.

⁵²Ibid., February 26, 1913. ⁵³Ibid., February 10, 1913.

committee interrogated both Williams and Lon Frame about the \$2,000 and the present location of the party's campaign records, but was unable to secure additional information. Frame could only inform them the records had been left at Lee-Huckins Hotel and "Mr. Huckins was now trying to find them." Search for the records proved unsuccessful.⁵⁴

The committee recommended Warden Dick's removal, after criticizing his land transactions, his conflicting accounts of the Pauly Jail Company affair, his loose trusty policy, and his questionable handling of construction contracts.⁵⁵ Only a few days before the committee rendered its report, the governor had vetoed a Senate bill taking away his power to appoint the warden--he considered the measure "a direct reflection upon the integrity and ability of the governor."⁵⁶ However, the governor did peruse the committee's findings and gather information in what appeared to be a sincere attempt to determine whether a dismissal of Warden Dick was justifiable.⁵⁷

Dick maintained to the governor that the committee had refused to hear testimony of witnesses favorable to his side of the case.⁵⁸ Cruce himself believed that some of the committee members were prejudiced

⁵⁴Ibid., February 13, 1913.

⁵⁵Ibid., March 9, 1913; Senate Journ., Fourth Leg., [Reg. Sess.,] pp. 817-33.

⁵⁶Daily Oklahoman, March 6, 1913.

⁵⁷Cruce to A. V. Goodpasture, April 22, 1913, Unprocessed Box, April to July, 1913, Cruce File, State Archives; Cruce to E. M. Fry, April 30, 1913, ibid.; Daily Oklahoman, April 20, 1913.

⁵⁸Dick to Cruce, March 23, 1913, Unprocessed Box, January 24, 1913 to April 1, 1913, Cruce File, State Archives.

against Warden Dick.⁵⁹ Probably one of the committeemen the governor had in mind was State Senator W. N. Redwine of McAlester, who engaged in a newspaper debate with the warden. The senator accused Dick of "drunkenness and predilection for the gaming table," as well as "wholesale graft."⁶⁰

The governor delayed a judgment on the warden's status, and his indecision probably caused the Senate to make prison legislation their first enactment of the extraordinary session. The measure as finally passed and approved by the governor, created a new Board of Prison control essentially along the lines recommended by Cruce; however, the warden's salary was reduced from \$3,600 to \$2,500 annually.⁶¹ Initially, both publicly and privately the governor seemed to take this opportunity to leave the warden's fate in the hands of the new Board of Prison Control.⁶²

Dick was still warden more than three months after the original committee report, when the Maxey investigating committee rendered its report, again recommending Dick's dismissal for graft and corruption. Curiously, the Maxey committee included in its report the statement, "We cannot refrain from expressing our high admiration

⁵⁹Cruce to Rev. Timothy A. Murphy, May 17, 1913, Unprocessed Box, April to July, 1913, ibid.

⁶⁰Daily Oklahoman, May 15, 1913.

⁶¹Session Laws, 1913, pp. 475-84; House Journal, Fourth Leg., Ext. Sess., pp. 17-18.

⁶²Cruce to Claud Spriggs, May 6, 1913, Unprocessed Box, April to July, 1913, Cruce File, State Archives.

for the physical management of this institution."⁶³ By the first of December, however, the new Board of Prison Control had completed its own investigations and had requested Warden Dick's resignation by January 1, 1914.⁶⁴

Now Governor Cruce was no longer content to remain silent. By the end of January, 1914, after a great deal of newspaper debate and litigation in the district court, Cruce had organized a new Board of Prison Control, more amicable to his own opinion of Warden Dick. Although the governor asserted charges of malfeasance and incompetence against the former Board, his primary contention was more personal. He declared that the Board was merely an adjunct of the chief executive's office, acting in an advisory capacity and obliged to conform to the governor's policies.⁶⁵ Also, at the time he originally appointed former Chairman Henry J. Denton and former member J. B. Cambron, they appeared substantially in agreement with his prison policies. Evidently they had now changed their minds: Denton wished to replace Dick for reasons of "political expediency," and Cambron wanted to initiate prison rule by "stripes and corporal punishment."⁶⁶

At this time the governor finally answered the critics who had questioned his judgment in retaining Dick as warden. The first and most important consideration, according to the governor, was the fact

⁶³Daily Oklahoman, June 24, 1913.

⁶⁴Harlow's Weekly, December 6, 1913.

⁶⁵Ibid., December 6, 1913, January 10, 1914, January 17, 1914.

⁶⁶Ibid. Frank Craft to Cruce, January 13, 1913, Unprocessed Box, October 1, 1912 to January 23, 1913, Cruce File, State Archives.

that Dick was one of the country's outstanding wardens. The warden's admirable record in rehabilitating convicts could be attributed to the Dick theory, which the governor subscribed to, that reformation and not punishment was the penitentiary's objective.⁶⁷

The chief executive designated the personal attacks upon Dick as being ninety percent political. He also stated that in his twenty-three years of intimate acquaintance with Dick, they had often disagreed on political matters, but "I have never known anything which would give credence or color to the malicious charges which have at times been made."⁶⁸

In surveying Cruce's attitude in the Dick controversy, one must agree that the warden's conduct in collecting campaign funds from a state contractor was not to be condoned; however, the practice has changed little to the present day. References to Dick in the governor's correspondence files contain repeated compliments of the prison's "physical management," like that of the Maxey investigating committee.⁶⁹ It would appear then, that the governor had reasonable cause for retaining Warden Dick. His belief that perhaps no better warden than Dick was available; his policy of never letting practical politics decide an issue; and his personal friendship with the warden must have been contributing factors.

By the first of March, 1913, even a casual observer of the state's political affairs could note that the governor's reform and

⁶⁷Ibid.

⁶⁸Ibid.

⁶⁹E.g., Frank Crait to Cruce, January 13, 1913, Unprocessed Box, October 1, 1912 to January 23, 1913, Cruce File, State Archives.

economy recommendations were encountering a less than mediocre reception. In a newspaper interview, Governor Cruce attempted to analyze the sources of his difficulties and singled out four classes of enemies to his policies: 1) Holders of offices the governor sought to eliminate 2) Representatives of communities with educational institutions 3) Disappointed applicants for appointive positions 4) A somewhat nebulous group described as those "who thrive upon incompetency and malfeasance in government."⁷⁰

The chief executive must have been visibly displeased and disappointed as the regular session ended on March 18th. Only a handful of completed legislation related to the thirty-one recommendations in his biennial message. House Bill No. 46 had once again attempted to strengthen the prohibition law and Senate Bill No. 231 had made some improvements on the banking laws. House Bill No. 345 had repealed the riparian owner provision in the code, but the only laws passed strictly in accord with the governor's proposals were the uncomplicated District Court Reporter Bill and the District Judge salary bill--Senate Bills No. 69 and 193.⁷¹

Governor Cruce had already vetoed four measures and others awaited his eventual veto. The most controversial matter among the four already vetoed was the railway hospital bill, similar to the one the governor had disapproved two years before on the grounds.

⁷⁰Newspaper clipping from St. Louis Post-Dispatch, March 2, 1913, Barde File, OHS Library.

⁷¹Session Laws, 1913.

⁷⁷Daily Oklahoman, March 13, 1913.

that in addition to railway employees themselves opposing the bill, it excessively controlled railroads and aimed toward state ownership.⁷² The Senate overrode the governor's veto of that measure, marking the first time that body had successfully countered an Oklahoma governor's veto. The House lacked only fourteen votes of doing the same.⁷³ The hectic debate in the House ejected a retort by Representative H. H. Smith of Shawnee that Cruce argued like one "who thinks more of the wings of a dollar than the blood of the human race."⁷⁴ This statement no doubt rankled the governor for some time to come.⁷⁵

The governor also vetoed measures attempting to abolish the state enforcement department,⁷⁶ and raise the railway passenger fare to one-quarter cent above the two cent Constitutional provision.⁷⁷

The work of the legislative investigating committees had not been unfruitful. State Printer Giles Farris had been impeached and removed from office; State Auditor Leo Meyer had resigned after impeachment, and evidence relative to the activities of Insurance Commissioner Perry A. Ballard was leading to his impeachment. The governor could have no objection to the procedures bringing about the impeachment of those three elected officials; however, as the legislative session ended he still was not convinced of any wrongdoing on the part

⁷²Daily Oklahoman, March 18, 1913; Senate Journal, Fourth Leg., [Reg. Sess.,] p. 636.

⁷³Daily Oklahoman, March 14, 1913. ⁷⁴Ibid., March 15, 1913.

⁷⁵Ibid., March 20, 1913; House Journal, Fourth Leg., Ext. Sess., p. 13.

⁷⁶Senate Journ., Fourth Leg., Reg. Sess., pp. 790-93.

⁷⁷Daily Oklahoman, March 13, 1913.

of his appointees--R. W. Dick, Lon Frame and Ben W. Riley.⁷⁸ He also disagreed with a recommendation that his Health Commissioner, Dr. J. C. Mahr, be removed, despite later charges of "habitual drunkenness, wilful neglect of duty, gross partiality and corruption in office."⁷⁹ In the following July, an Oklahoma County district court found Mahr not guilty of those charges.⁸⁰

At the close of the regular session, the governor's appointees still held office despite committee disapproval; a loyal minority in the Legislature had sustained his vetoes; he had filled the important offices of State Auditor and State Examiner and Inspector with men of his own choosing and it appeared he would soon appoint a successor to the impeached Insurance Commissioner. These circumstances caused Harlow's Weekly to remark that the governor was now "the most dominant factor in the state," after his prestige had reached a low point in the special session of the Senate in 1912.⁸¹ However, Harlow's proved to be only partially correct as future developments during the Legislature's extraordinary session widened the breach between executive and legislative branches of state government.

⁷⁸Harlow's Weekly, March 15, 1913.

⁷⁹Daily Oklahoman, May 6, 1913.

⁸⁰Ibid., July 5, 1913.

⁸¹Harlow's Weekly, March 15, 1913.

¹Daily Oklahoman, March 6, 1913.

commented, "The cost of the special session will be offset so greatly by the results to be achieved that a special session will be a matter of pure economy."²

The governor's initial message to the legislature in extraordinary session on March 18

CHAPTER XIV

THE FOURTH LEGISLATURE: EXTRAORDINARY SESSION

Oklahoma's Fourth Legislature came to the end of its statutory sixty days in regular session, having devoted most of its time to the fascinating endeavor of investigating public officials. Clearly there remained much routine legislative work to be done, and Governor Cruce had no alternative but to call an extraordinary session.

In a public announcement, the governor acknowledged that "No other session of the legislature, except the first, has been confronted with so many momentous legislative problems; none has had to deal with such unusual conditions as the legislative investigations are disclosing."¹ In addition to needed "constructive legislation," Cruce felt the investigations should be continued in order to remove "the clouds of suspicion" surrounding all state officials. In fairness to the legislators, he thought they should not be required to continue in a prolonged regular session at two dollars per day. Therefore, the governor announced that at the conclusion of the regular session the Legislature would be convened into special session, at six dollars per day. Still hoping for passage of his economy measures, the governor

¹Daily Oklahoman, March 6, 1913.

See also Cruce to J. A. Davis, March 22, 1913. *Ibid.*
Daily Oklahoman, February 5, 1913.

commented, "The cost of the special session will be offset so greatly by the results to be achieved that a special session will be a matter of pure economy."²

The governor's initial message to the Legislature in extraordinary session on March 18, 1913 attempted a reconciliation, by suggesting a burial of "all personal feelings and all individual antagonism," for the general welfare of the people.³ Unfortunately, if a truce did temporarily occur, it ended abruptly with the governor's veto message covering sixteen controversial bills passed in the regular session. Following his procedure of two years before, he published his objections, rather than allow the bills to die peacefully by pocket veto.⁴

The redistricting bill he considered a gerrymander.⁵ He objected to abolishment of the Game Warden's office because local officials who would then be responsible for enforcement of the game laws would probably let public sentiment intervene, as in the prohibition law. A nine-hour work day for women the governor believed would be discriminatory against that sex, as employers would prefer to hire men who could work longer hours.⁶ The "Full Crew Bill," requiring a third brakeman on a train crew, would not contribute to safety or efficiency.⁷ In fact, the governor said, "It is in

²Ibid. ³House Journal, Fourth Leg., Ext. Sess., pp. 12-26.

⁴Daily Oklahoman, April 2, 1913. ⁵See pp. 147-50 *supra*.

⁶See also J. Allen Yeager to Cruce, March 21, 1913, Unprocessed Box, January 24 to April 1, 1913, Cruce File, State Archives.

⁷See also Cruce to J. A. Davis, March 22, 1913, *ibid.*; Daily Oklahoman, February 5, 1913.

entire harmony with the principle that has prevailed in this state of creating an army of officials to do the work that ought to be done by half that number of men."⁸

Governor Cruce once more vetoed the Muskogee State Fair bill, as he had done two years before. This time his objection was the use of the "sacred" name of "Oklahoma" by a private corporation for promotional purposes only.⁹ A few days previously he had conducted a hearing on this measure attended by a hundred interested participants and spectators. At that time he had again expressed his dislike for political maneuvering, and lectured on sectionalism:¹⁰

When I come to act upon this bill, I shall not consider the welfare of either Oklahoma City or Muskogee, but the best interests of the taxpayers of the state. You can throw my political fortunes to the four winds, but I shall do what I think is justice to the people. Too much has been injected here between the eastern and the western part of the state. I am from the eastern section, and those people are my people and my friends, but I will say that to every dollar of the state's money that has been expended on the western side, three dollars have been spent on the eastern side of Oklahoma.

Announcement of the governor's veto of bills passed in the regular session was followed a day later by his disapproval of a measure much closer to the pocketbooks of individual legislators--a \$50,000 travel allowance appropriation. Cruce, ever mindful of financial consequences, had earlier been told "by some of the members" that in the event of the extraordinary session, the legislators would not claim the ten cents per mile provided by the Constitution

⁸Daily Oklahoman, April 2, 1913. ⁹Ibid.

¹⁰Ibid., March 27, 1913.

for travel between their homes and the state capitol. The chief executive now pointed out that the Legislature had adjourned regular session on March 17, 1913 and convened into special session the next day; consequently, very few of the members had traveled to and from their homes overnight. The governor waved aside any technical argument that it was the Constitution's intent for the Legislature always to have a mileage allowance. Nor should consideration be given to their low remuneration or the "financial loss" being sustained by many of the legislators. Rather, the governor urged, they should set an example of strict economy for other public officials.¹¹

Many legislators who had voted for the bill explained they had done so without intending to collect mileage for themselves but to enable those who had actually gone home to collect what was due them. Others felt that the Constitution made the allowances available to the Legislature and it was up to the individual legislator to decide whether he was entitled to it. More importantly, a number of legislators feared the governor was attempting to assume the Legislature's prerogative to judge the legitimacy of its own expenditures. The House of Representatives, already a "wrathful assembly" after the governor's veto of the sixteen measures passed by the regular session, speedily passed the mileage allowance bill over the governor's veto, as did the Senate five days later.¹²

Harlow's Weekly commented that the mileage veto had brought

¹¹House Journal, Fourth Leg., Ext. Sess., pp. 166-67.

¹²Harlow's Weekly, April 5, 1913; Session Laws, 1913, pp. 279-80.

"to a very serious point" the governor's relationship with the Legislature.¹³ Both the Democratic Daily Oklahoman and the Republican Tulsa World praised the governor's courageous ability to overlook political ramifications in reaching his decisions.¹⁴ The vehement Tulsa Democrat, never friendly to the governor, stated:¹⁵

Governor Cruce is keeping up his reputation of being the most consummate failure as a governor that ever occupied such a position in these United States. His vetoes, many of them, are either dictated by ignorance, personal spite or selfish interests of those who will profit by those vetoes.

A week later, writing of the vetoed mileage bill, the Tulsa Democrat reminded its readers, "Gov. Cruce did not think of economy when he was permitting brother A. C. to put his hands in the state treasury to the elbows on more than one occasion." Both the Muskogee Times-Democrat and the Republican Muskogee Phoenix, angry over the governor's second veto of the Fair bill seized the opportunity to criticize A. C. Cruce's connection with the abortive sand and gravel lease in their section of the state. The Phoenix suggested a revision of the governor's veto power.¹⁶

The investigating committee undertook an interesting inquiry into E. W. Marland's oil and gas dealings with the School Land Commission, that had repercussions extending into Marland's successful campaign for governor of Oklahoma in 1934.¹⁷ In the summer of 1912, working closely

¹³April 5, 1913.

¹⁴Daily Oklahoman, April 4, 1913; Tulsa Daily World quoted in Harlow's Weekly, April 5, 1913.

¹⁵Quoted in Harlow's Weekly, April 5, 1913. ¹⁶Ibid.

¹⁷House Journal, Fourth Leg., Ext. Sess., pp. 133-51, 271-72, 1118.

with R. H. Lunsford, oil and gas agent for the School Land Commission, Marland obtained leases on 137,700 acres of school land for a total bonus of \$200.¹⁸ The Commission up to this time had no established policy relative to oil and gas leases and appears to have relied on Lunsford's recommendations.¹⁹ Marland's biographer describes the magnitude of the deal made by the future governor as "worthy of the Standard, the Pennsylvania Railroad, or the Mellons."²⁰

Governor Cruce was first alerted to the possibility of trickery, in a letter of nearly five pages received the following November, 1912 from Blackwell attorney D. S. Rose, who strongly suspected:²¹

That there is entirely too close a relation between R. L. Lundsford [sic] and Mr. Marlan [sic], who is a Pittsburgh, Pa., oil and gas man, whose presence in Oklahoma is to exploit the oil and gas fields of this State. . . . This man Marlan [sic] has disclosed quite enough of his innate disposition to our people here who have come in direct contact with him, to enable us to judge what manner of man he is, and his ways of doing business, which is enough like the way Standard Oil does business to justify that he is of them, or at least a close student of their methods. . . . It is too plain to leave room for mistake, and it looks morally certain that Lundsford [sic] is giving aid and comfort to Marlan [sic] that he may accomplish his aim.

The governor's reply assured attorney Rose that any misconduct would not be tolerated and asked for proof of the charges,²² which

¹⁸John J. Mathews, Life and Death of an Oilman: The Career of E. W. Marland (Norman: Univ. of Okla. Press, 1951), pp. 95-96.

¹⁹Lunsford to J. R. Williams, February 28, 1912, Box 1, FF-1d, Cruce File, State Archives.

²⁰Mathews, Life and Death of an Oilman, p. 96.

²¹October 31, 1912, Unprocessed Box, October 1, 1912 to January 23, 1913, Cruce File, State Archives.

²²November 6, 1912, ibid.

apparently was never forthcoming. However, the investigating committee criticized the governor and other officials of the School Land Commission for their unwise and possibly illegal handling of the Marland leases. They further recommended that the Commission accept a "tentative" offer by Marland to cancel the final blanket lease of 120,000 acres, and that R. H. Lunsford be dismissed from the School Land Department.²³ Lunsford's services were terminated;²⁴ but apparently the large blanket lease was never canceled.²⁵

Although the travel allowance veto may have been, as the governor indicated, his "first serious clash" with the Legislature,²⁶ its seriousness was exceeded by the second "clash"--the Granite Reformatory controversy. The stimulus was the report of the committee assigned to investigate conditions at the Reformatory. The governor's fury and the disturbance created among the legislators may be better understood if one notes the Daily Oklahoman interpretation of the report that:²⁷

Secret and unspeakable sins of Sodom and Gomorrah were commonly practiced on a wholesale scale among the inmates of the Granite institution; that boys sent there for reformation were subjected to the most depraved violence; that the inmates had communicated among themselves contagious venereal diseases to a great extent; that the institution was a pesthouse of filth and viciousness;

²³Daily Oklahoman, April 3, 1913; House Journal, Fourth Leg., Ext. Sess., pp. 133-51.

²⁴Harlow's Weekly, May 17, 1913.

²⁵Mathews, Life and Death of an Oilman, p. 98.

²⁶Daily Oklahoman, January 4, 1914.

²⁷Ibid., April 17, 1913; House Journal, Fourth Leg., Ext. Sess., pp. 366-74.

that these practices had been carried on with the knowledge and practical concurrence of Warden Clyde Reed and his deputy, John J. Hackett. . . .

The Board of Prison Control, composed of the governor, Attorney General Charles West, and President of the Board of Agriculture G. T. Bryan, was accused of incompetence and neglect in allowing such conditions to exist.²⁸

In a tumultuous session of the House of Representatives, Representative John H. Wright of Oklahoma City moved unsuccessfully for immediate proceedings against the Board of Prison Control, and possibly against Kate Barnard, Commissioner of Charities and Corrections. While the Legislature simmered and pondered its next step, angry Governor Cruce took the offensive the next day. At first he considered having the Board of Prison Control make its own investigation. However, he was advised by Attorney General West that the investigation should be conducted by the Commissioner of Charities and Corrections, as the Board lacked the power to subpoena witnesses. Forthwith, the governor assigned that project to the Commissioner.²⁹

The blistering message the militant chief executive sent to the Legislature on April 17, 1913 precipitated a state of "open war" between the two arms of state government.³⁰ He accused the Maxey investigating committee of using the Granite Reformatory matter as a starting point for a personal attack on him preparatory to impeachment proceedings. This move, the governor declared, was in retaliation for

²⁸Daily Oklahoman, April 17, 1913.

²⁹Ibid., April 19, 1913.

³⁰Ibid., April 18, 1913.

his part in preventing "iniquitous and outrageous" legislation-- namely, the Muskogee Fair Bill and the redistricting proposal. Although for the present he withheld an opinion on the fitness of Reformatory officials, he disputed charges that complaints of conditions at the Reformatory had been disregarded and doubted the accuracy of the figures relating to venereal diseases. Cruce further insisted if the Board was derelict in its duty, so also was the committee for failing to act on his two previous recommendations: 1) His message to the Legislature published the preceding November, suggesting a decision should be made as to whether the institution would be a reformatory or a prison,³¹ and 2) His message of March 18, 1913 recommending a revision of the Board of Prison Control's membership. In the latter message he had admitted that pressure of other activities prevented the present Board from adequately performing its duties pertaining to penal institutions.³²

Deploing the waste of taxpayer money, Cruce accused the Legislature and especially Speaker Maxey of deceiving him in requesting a special session. He had been informed a maximum of thirty days would be required to pass the necessary legislation, but to date only six bills had reached his desk. The governor then paused to remind the legislators, and the general public:³³

I have not attempted to play politics, I have not sought to create material upon which to make a campaign for some office; I have not indulged in loud protestations of honesty on my part

³¹Biennial Message, 1913, pp. 83-85; See also Harlow's Weekly, November 23, 1935.

³²House Journal, Fourth Leg., Ext. Sess., pp. 17-18.

³³Daily Oklahoman, April 18, 1913.

and corruption in all others; but I have, without regard to criticism, and without regard to the effect that it would have upon your body, attempted to . . . observe the obligation I took . . . , and all the ravings of dissatisfied and disappointed legislators who feel aggrieved at me because they could not coerce me into doing their bidding will not have the slightest effect upon my conduct in the future. If there ever was a time in the history of this state when the people of Oklahoma needed someone to stand as a sentinel at the treasury doors of Oklahoma and protect the people from useless, wasteful and extravagant appropriations, that time exists today, and there you will find me standing until the end of my administration.

He openly accused some committee members of creating rumors during the past year that he would be impeached. Failure to begin such proceedings he interpreted as an admission the committee could find no basis whatever for impeachment. He now called for a committee to investigate publicly the charges he had made and concluded his message:³⁴

. . . I do protest against an investigation conducted as this one has been conducted, and I shall not tamely submit to the imputations cast upon my official conduct and my personal integrity by the false, preposterous and malicious charges contained in this report.

If the members of this committee will heed the Bible injunction and cast the beam out of their own eyes, they can more clearly see the mote in the eye of others.

Legislative reaction to the governor's "message" was expressed in House Resolution No. 21, resolving that it "does not come within either the letter or spirit of the Constitution, but is intended for, and does make, a personal attack upon the Legislature as a whole, and especially one of the committees of this House."³⁵ After an all day debate, the House voted sixty-four to seventeen not to accept the message. The messenger delegated to return it to the governor found

³⁴Ibid. Oklahoma, April 20, 1913.

³⁵House Journal, Fourth Leg., Ext. Sess., p. 449.

³⁹Ibid., April 19, 20, 1913.

⁴⁰Ibid., April 21, 1913.

his office locked. The message finally found a resting place in the pocket of Representative E. P. Hill of the investigating committee, who announced he would retain it as a souvenir.³⁶

Only a small minority in the House came to the governor's defense, while its leaders castigated him as "an aristocrat with no sympathies for the poor and unfortunate," and "the protector of dishonored grafters and disgraced state officers."³⁷ Committee member H. H. Smith called the governor's message, "Such a clear misstatement of the truth that it needs no reply." He denounced the governor for being completely mistaken in his reference to the Muskogee Fair Bill and the Redistricting Bill as being the bases for the unfavorable Reformatory report. Smith said that Speaker Maxey and Representative J. E. Wyand, both from Muskogee, had written the report; however, they had voted against the two controversial bills.³⁸

For several days following publication of his Granite Reformatory rebuttal, the chief executive received numerous letters and telegrams upholding his stand.³⁹ While Republicans reveled in the controversy, State Democratic Chairman Tom C. Harrill visited the capitol in the interest of party harmony but met a cool reception by the House. The Daily Oklahoman interviewed "one prominent senator" who expressed the opinion that the House was in a potentially embarrassing position that could be remedied only by bringing sustainable impeachment charges against the governor.⁴⁰

³⁶Daily Oklahoman, April 20, 1913.

³⁷Ibid., April 19, 1913.

³⁸Ibid., April 18, 1913.

³⁹Ibid., April 19, 20, 1913.

⁴⁰Ibid., April 21, 1913.

With the encouragement of the chief executive, the House considered departing from its established schedule for investigating state officials and proceeding directly to the governor's office.⁴¹ That idea was abandoned, however, although the Legislature did appropriate funds for distribution of 5,000 copies of the Granite Reformatory report, in an obvious effort to woo public approval.⁴²

While the Maxey investigating committee turned to other tasks, the governor awaited the result of the Commissioner of Charities and Corrections' independent investigation of the Granite matter. Assistant Commissioner Estella Blair took charge of the investigation due to the illness of Commissioner Kate Barnard. Her interpretation, made public three months after the Maxey report, was essentially a restatement of the governor's indignant reply to the committee report. She blasted the Reformatory investigation as:⁴³

The verdict of an ignorant, unprincipled and biased committee made up of political upstarts, and pettifogging attorneys and brazen faced muckrakers who could not blush at garbled and one-sided testimony given by witnesses summoned by them for that very purpose.

If Miss Blair's report appeared prejudiced, which it undoubtedly was, the reason may be found in previous conflicts between Kate Barnard and Speaker Maxey and his committee resulting in removal of her department's attorney, Dr. J. H. Stolper.⁴⁴ Also, the committee had already

⁴¹Ibid., April 21, 23, 1913.

⁴²Ibid., April 20, 1913; House Journal, Fourth Leg., Ext. Sess., pp. 447-48.

⁴³Daily Oklahoman, July 20, 1913.

⁴⁴Ibid., February 15, 1913; May 11, 1913.

recommended abolishment of the Office of Charities and Corrections.⁴⁵

The general investigating committee rendered its long awaited report pertaining to the governor's office on June 28, 1913, only a week before the extraordinary session ended.⁴⁶ Any possibility of sustaining impeachment charges against the governor had been dismissed by that time, although he was reported to have escaped impeachment by only one or two votes in committee.⁴⁷ The new report consisted primarily of a review of accusations already well publicized. It dismissed one potential basis for the governor's impeachment--a charge of nepotism due to the Banking Board's retaining of Stuart and Cruce, the latter the governor's brother, for handling its legal affairs. Although the committee stated the circumstances did not warrant a charge of nepotism, it criticized the Bank Board, and the governor as ex-officio chairman, for not utilizing the services of the Attorney General's staff.⁴⁸

State Bank Commissioner J. D. Langford had tried to present his version of the matter four months before, stating the Attorney General had informed him his staff was inadequate to handle the Banking Department's legal affairs. Subsequently, said Langford, after the Board had retained Stuart and Cruce, the Attorney General advised a

⁴⁵Ibid., June 24, 1913; House Journal, Fourth Leg., Ext. Sess., pp. 1079-87.

⁴⁶House Journal, Fourth Leg., Ext. Sess., pp. 1299-1312.

⁴⁷Tulsa Tribune, January 19, 1930; Harlow's Weekly, November 23, 1935.

⁴⁸House Journal, Fourth Leg., Ext. Sess., p. 1305, pp. 1048-65.

Board member his staff would be in a position to represent the Department. Langford did not explain why it was necessary to continue Stuart and Cruce's services for several months after Attorney General West had expressed a readiness to handle the Department's legal problems.⁴⁹

The general investigating committee's report condemned both the Legislature and the governor for their respective parts in the "Grandfather Clause" cases. This matter had its origin in the Third Legislature, when \$15,000 was appropriated to provide legal counsel, to be selected by the governor, for defense of state election officials. In this instance, C. B. Stuart of Stuart and Cruce had promoted the appropriation through his friends in the Legislature. According to Governor Cruce, the Legislature knowing of Cruce's regard for Stuart's legal ability, must have anticipated Stuart would be selected to defend the "Grandfather Clause" cases. In the committee's opinion, however, the fee was extortionate and circumstances indicated a number of attorneys had been involved in "cutting a melon at the expense of the tax payers." The committee found no evidence to support charges of nepotism but thought the chief executive exercised poor judgment by employing his brother's law partner.⁵⁰

The committee questioned the governor's judgment again for submitting to the Attorney General, rather than directly to the Legislature, certain derogatory information concerning the State Auditor

⁴⁹Ibid., pp. 1048-65; Daily Oklahoman, February 16, 1913.

⁵⁰House Journal, Fourth Leg., Ext. Sess., pp. 1305-06, pp. 515-29; Session Laws, 1910-1911, p. 367.

and Insurance Commissioner, who were later impeached.⁵¹ Reference was made to the practice of elected and appointed officials creating unlawful positions in their departments and paying the salaries from contingency appropriations. The committee believed that the governor with his objectives of economy and reform should have been more vigilant in outlawing this practice, which had been customary since statehood.⁵²

The major theme throughout the committee's report was its displeasure with the governor for refusing to accept recommendations for removal of several of his most important appointees. State Game and Fish Warden John B. Doolin, for example, was said to devote only two-thirds time to his office and had hired a secretary to perform most of his duties.⁵³ The committee praised E. B. Howard of the State Board of Affairs, but found Chairman Lon M. Frame and member Eugene M. Morris guilty of misconduct by channeling state business to the Oklahoma Brokerage Company, a firm "organized for the primary purpose of grafting on state contracts."⁵⁴

The Warden of Granite Reformatory was accused of "gross neglect of duty and incompetency," and the committee spoke of the governor's failure, as chairman of the Board of Prison Control, to prevent or later correct abuses at the Reformatory.⁵⁵ Commissioner of

⁵¹House Journal, Fourth Leg., Ext. Sess., p. 1302.

⁵²Ibid., pp. 1302-03, 1309-10. ⁵³Ibid., p. 1303, pp. 1069-72.

⁵⁴Daily Oklahoman, June 26, 1913; House Journal, Fourth Leg., Ext. Sess., pp. 1303-04, pp. 1180-1200.

⁵⁵House Journal, Fourth Leg., Ext. Sess., p. 1304.

Public Health J. C. Mahr was clearly derelict in the performance of his duties, the committee said.⁵⁶

The committee emphasized that the public officials it had criticized, including Warden R. W. Dick, had all been active in Lee Cruce's gubernatorial campaign. These campaign efforts, so the committee assumed, must have affected the governor's reaction to the committee's removal recommendations. In discussing this aspect, the committee made a patent effort to discredit the governor by referring to the \$40,000 he admitted spending in the 1907 campaign, without mentioning there was no limitation on campaign expenditures at that time. Passing on to the 1910 campaign, the committee detailed \$11,500 along with "other sums" collected by the governor's accused appointees. Although it did mention the legal limit for campaign expenditures was \$3,000, the committee was content to let the reader draw his own conclusions.⁵⁷

Actually, as Harlow's Weekly later pointed out, the committee had been eager to develop any tangible charge capable of sustaining impeachment. Therefore, it must have realized the \$3,000 limitation applied only to expenditures made by the governor or directly authorized by him. Apparently the committee did not feel it could prove the governor had directly authorized expenditures above the \$3,000.⁵⁸

The governor was commended for "his personal attention to the

⁵⁶Ibid., p. 1305, pp. 226-45; See also p. 189 supra.

⁵⁷House Journal, Fourth Leg., Ext. Sess., pp. 1306-08.

⁵⁸September 5, 1914.

duties of his office," and "his recommendations to the Legislature along the lines of retrenchment and reform."⁵⁹ But the committee regretted his lack of cooperation with the Legislature, and his tendency to take as a personal affront any findings of misconduct and any recommendations for removal of certain appointees.⁶⁰ The committee's appraisal of the governor's strength and weakness was summed up in one paragraph:⁶¹

The Governor's strength lies in his excellent private character; his weakness in his unfaltering reliance upon the advice of his personal friends when nearly everybody in the State, except himself, is convinced that many of his advisors, some in responsible public positions by his appointment, are concerned only with personal profiting out of the public treasury. It must be recognized that as the evidence against some of these men whom he regards as his personal friends grows stronger, the mantle of protection thrown around them grows wider.

Alluding to the governor's "lofty sentiments," eloquence and "glittering generalities" when he spoke of governmental reform, the committee observed the governor had "missed the opportunity of his life" by failing to accept the Legislature's own reform policies-- due to misplaced loyalty to his personal friends.⁶² The report concluded, "The governor has not measured up to the anticipation of the people," and then directed one final blow at his department heads:⁶³

The affairs of this State will never be placed on a proper basis until the class and character of men entrusted to the management of the great departments of the State are succeeded by the very opposite type from many of those now enjoying the confidence of the governor, and directing the public service.

⁵⁹House Journal, Fourth Leg., Ext. Sess., p. 1309.

⁶⁰Ibid., pp. 1309-11. ⁶¹Ibid., p. 1310. ⁶²Ibid., pp. 1310-11.

⁶³Ibid., p. 1311.

Governor Cruce had the last word. Only one day elapsed between publication of the committee's report and his reply.⁶⁴ To Cruce, the report was simply a synthesis of eight men's private opinions as to how the governor's office should be conducted. He noted that the people had made their selection for governor three years before at a time when the committee members were presumably available for that office. Now, by attempting to dictate the governor's appointments and policies through members of the investigating committee, the Legislature was far exceeding its authority.

Observing the committee's reference to his habit of relying on friends for advice, Governor Cruce assured the committee he would always listen to his friends rather than to his enemies. He accepted responsibility for the actions of his appointees and replied to several charges in the committee's report. He could see no evidence of wrongdoing by Lon M. Frame or Eugene M. Morris, who, along with E. B. Howard comprised the State Board of Affairs. In fact, the governor declared, it was "a cheap piece of politics" to praise Howard alone, when all three men participated in the Board's daily decisions. The activities or inactivity of State Fish and Game Warden Doolin and Commissioner of Public Health Mahr, which may have been difficult to rationalize, were not discussed by the governor.

He belittled the committee's findings in the Granite Reformatory matter as having been "thoroughly discredited." The distribution of 5,000 copies of the Granite report throughout the state

⁶⁴Daily Oklahoman, June 30, 1913.

at the taxpayers' expense was "an insult to the intelligence and decency of the state." As to the attorney fee in the "Grandfather Clause" cases, Cruce merely referred to the Legislature's resolution authorizing the governor to select counsel, and to the bill appropriating the \$15,000 fee. He reminded the committee that most Democratic members of the Legislature and probably Chairman Maxey of the committee had approved the resolution and the appropriation.

Governor Cruce indicated he did not understand the relevance of the committee reference to the \$40,000 spent in the 1907 campaign. He readily admitted the committee's accusation that his appointive positions had been filled by friends who supported his election. He would continue to choose friends over enemies. The \$3,000 campaign limitation was not discussed.

The governor acknowledged that honest differences existed in executive and legislative policies. He felt it was quite apparent, however, that his ideas of government went farther than those of the Legislature--if indeed the Legislature's policies were represented by the measures it had enacted. He contended the Legislature had not gone far enough in eliminating and consolidating offices or in adopting his recommended legislation. He still inflexibly maintained that sometime in the future, "The wisdom of every recommendation I have made to this legislature will be recognized by the people and the demands coming from the people will force their enactment into laws."⁶⁵

⁶⁵Ibid. Governor Cruce may have agreed with the poem entitled "Graft," in Freeman E. Miller's "Oklahoma Sunshine" column in Daily Oklahoman, February 23, 1913. The last two lines of each of the

Adjournment of the Legislature on July 5, 1913 left several bills in the governor's office awaiting disposition. These included the congressional districting bill,⁶⁶ and one intended to abolish the Highway Department and create the office of state highway engineer. Attempted abolishment of the Highway Department caused the governor once more to exercise the veto power. It was the clear intent of the bill, the governor wrote, to remove from office another of his appointees, Highway Commissioner Sidney Suggs, a long time friend and for many years the editor of the Daily Ardmoreite. The governor berated the Legislature's effort to remove Suggs and his subordinates and make no provision for payment of their accrued salaries or reimbursable expenses. He outlined Suggs' faithful service in developing interest in a good highway program in the face of innumerable obstacles. It ill befitted the state to treat an individual in this fashion, "Whatever his other faults may be." Cruce pointed out that by vetoing the bill he was complying with the wishes of thousands of people throughout the state.⁶⁷

several stanzas were repeated. Note the final stanza:

O, the dear, deluded people!

Hear this Sermon on the mount:

When a bill is up for passage,

It is only votes that count;

And you'd better watch the fellow

On the legislative raft

Who forever talks "retrenchment"

And then casts his vote for graft!

⁶⁶See pp. 147-50 supra.

⁶⁷House Journal, Fourth Leg., Ext. Sess., pp. 1397-99; Oklahoma State Good Roads Association to Cruce, July 5, 1913, Unprocessed Box, April to July, 1913, Cruce File, State Archives.

As could be expected, an inventory of legislation added to the statute books by the 1913 legislative sessions reveals the omission of several major items the governor had recommended. Conspicuous among these was his proposal for reduction of educational institutions. The governor found the school lobby thickly involved in every area of politics to the point that the various trades entered into, all with a basic purpose of continuing the present institutions, became "a positive hindrance to good government."⁶⁸

At one time, Cruce, realizing the impossibility of legislative action, had considered vetoing all school appropriation bills in an effort to persuade the Legislature to submit the school reduction question to the people.⁶⁹ He abandoned thoughts of veto, however, due to his reluctance to decide which schools should be abolished and after receiving assurance that the matter would be submitted to a vote of the people.⁷⁰ Despite the governor's optimism, his earlier assessment of the school lobby's power proved correct, preventing referral of the question to the voters.

The Legislature also had not seen fit to approve Cruce's other favorite proposals--strengthening prize fighting laws, granting the governor power to remove derelict public officials, or abolishing

⁶⁸Cruce to Prof. W. C. Jordan, April 23, 1913, Unprocessed Box, April to July, 1913, Cruce File, State Archives.

⁶⁹Cruce to Arthur DeBord, April 23, 1913, ibid.

⁷⁰Daily Oklahoman, April 25, 26, 1913; Cruce to J. L. Rappolee, April 28, 1913, Unprocessed Box, April to July, 1913, Cruce File, State Archives.

capital punishment. Nevertheless, several other proposals received recognition by future Legislatures. For example, a workmen's compensation act had failed to pass, which Cruce attributed to disagreement between labor organizations and employers;⁷¹ such legislation became law in 1915 (85 Okl.St. Ann. § 1). An expert legislative council, similar to that recommended by Governor Cruce was finally established in 1939 (74 Okl.St. Ann. § 1). Provision for a separate textbook commission became a constitutional amendment, Art. 13, Sec. 5, initiated in 1946. Authority to collect taxes was delegated to the powerful Oklahoma Tax Commission formed in 1931 (68 Okl.St. Ann. § 1). Governor Cruce himself summarized what he considered to be the major accomplishments of the Fourth Legislature, in a lengthy review published in the newspapers on January 4, 1914. Heading his list were the various bills consolidating and eliminating elective offices, followed by laws pertaining to prohibition and gambling. He realized the value of the gas conservation enactments and hoped even more effective restraints could be accomplished by future law-making bodies. He praised the "navigable streams" measure and the potential revenue it would afford the state. The expenditure-reporting requirements for public officials was also an important enactment, along with improvements in eleemosynary institutions and strengthening of banking laws.⁷²

⁷¹Cruce to Wallace D. Yaple, June 30, 1913, ibid.

⁷²Daily Oklahoman, January 4, 1914.

In 1928, Walter M. Harrison, aggressive managing editor of the Daily Oklahoman, asked Lee Cruce to express his opinion on "What is the legislation needed to improve conditions in this State?" The former governor's reply was reminiscent of his experiences fifteen years before. The Legislature should undertake a thorough non-partisan investigation of state departments, he suggested. Stressing the significance of the "non-partisan" approach, he emphasized that the results of the investigations, favorable or unfavorable, should be well-publicized. He warned that needless appropriations should be avoided and closed his letter with an admonition to all legislators, "Do not use the time that belongs to the people playing partisan politics."⁷³

⁷³Cruce to Harrison, December 7, 1928, Box 77, Cruce Coll., Univ. of Okla. Library.

three million dollars of expanding warrants.⁴ Direct taxes levied in 1910 had provided less than one-third of the state's expenses. The new governor had advocated economy during the 1911 legislative session and exemplified this attitude by vetoing more than a million dollars in appropriations.

CHAPTER XV

THE FOURTH YEAR

Governor Cruce started the last year of his term with a lengthy statement defending his administration, setting forth his philosophy of government and stressing accomplishments of the Democratic Party.¹ The year 1914 being a statewide election year, his discourse was correctly labeled a campaign document by some state newspapers.² Despite the political overtones, the governor could justifiably praise one accomplishment of his administration--improvement of the state's financial position.

At the time Cruce took office conditions obviously warranted sober reflection as to the state's financial future. Oklahoma, in the governor's words, had been "imbued with the Oklahoma spirit of 'dare and do,'" often leading to the incurring of unnecessary obligations.³ In each of the first three years of statehood, state government had functioned at a deficit, which in 1911 totaled nearly

¹Daily Oklahoman, January 4, 1914.

²McAlester News Capital, quoted in Harlow's Weekly, January 10, 1914.

³Cruce "To the Excise Boards of the State," December 1, 1911, Box 34, FF-3, Cruce File, State Archives.

three million dollars in outstanding warrants.⁴ Direct taxes levied in 1910 had provided less than one-third of the state's expenses.⁵ The new governor had advocated economy during the 1911 legislative session and exemplified this attitude by vetoing more than a million dollars in appropriation bills.⁶

He was now determined that state revenues should match expenses, and sought means of attaining that goal. Early in his administration, he had resolved to do what he could to see that real property was assessed at its true value in accordance with state law. He noted particularly that Indian Territory counties regularly assessed their property at a higher value than did those counties in "old Oklahoma." Every effort should be made, he thought, to equalize all property values throughout the state. At the same time, he realized that "The State Equalization Board will make itself very unpopular in certain sections where the people have been shirking their public burdens."⁷

As a member of the Equalization Board which met in the summer of 1911 to review assessed valuations submitted by the counties, Cruce used his influence to increase valuations by an average of

⁴Daily Oklahoma, January 4, 1914.

⁵Cruce to Mrs. Edgar Bryan, February 9, 1912, Box 24, FF-2, Cruce File, State Archives.

⁶Cruce to D. D. Doty, November 20, 1911, Box 34, FF-2, Cruce File, State Archives; House Journal, Third Leg., Reg. Sess., pp. 379-80.

⁷Cruce to D. H. Middleton, May 2, 1911, Box 14, FF-3, Cruce File, State Archives.

nearly fifty percent.⁸ Announcement of the Board's decision, which included a two mill increase in the tax levy,⁹ provoked a series of "indignation meetings" around the state as property owners contemplated a fifty percent increase in their taxes.¹⁰ They complained that the governor was responsible for a tax that equated "to a practical confiscation of property."¹¹ Cruce replied that the state must rely on taxation to pay its debts and taxes could be reduced only by the exercise of economy in both state and local government. He reminded the taxpayers that ninety percent of their taxes was levied by local, not state, government and was for local purposes.¹²

The chief executive found it necessary to emphasize repeatedly that local taxing authorities had misconstrued the intent of the Equalization Board. The fifty percent increase in assessed valuations should not be applied against each individual's assessment; rather, it should be distributed to those taxpayers who had failed to report their property at its true value. This process would result in absorption of the fifty percent increase by each locality without hardship on those who had truthfully reported their property values.

⁸Cruce "To the Excise Board of the State," December 1, 1911, Box 34, FF-3, ibid.

⁹Harlow's Weekly, September 15, 1914.

¹⁰Tulsa Daily World, July 27, 1911, August 18, 1911; Pete Hanraty wire to Cruce, July 29, 1911, Cruce File, State Archives.

¹¹Cruce "To the Excise Boards of the State," December 1, 1911, Box 34, FF-3, Cruce File, State Archives.

¹²Ibid.

Despite the governor's explanation, it appears that few local taxing authorities were inclined to undertake a reassessment of their neighbors' property--especially when such action practically accused the neighbor of perjury.¹³

Undoubtedly, many taxpayers who had already reported their property at its fair value were required to remit a disproportionately higher tax when local assessors took the easier alternative of applying their locality's increased assessment percentage without regard to the property's true value.

Dissatisfaction with Oklahoma property values established by the State Board of Equalization in 1911 is understandable when one compares the values with those of other states. For example, assessments in Oklahoma County had been raised from \$64,100,000 to \$130,000,000.¹⁴ Oklahoma City, whose population in 1910 was 64,205, contributed a total of \$95,173,333 to that valuation. C. E. Denison & Co., bond brokers of Boston and Cleveland, furnished Governor Cruce with statistics comparing Oklahoma City's assessment with others. Only one city--Springfield, Mass., with a population of 88,926, exceeded Oklahoma City's valuation. Dallas had a population of 92,104 and a \$74,728,800 valuation. In a letter to Cruce, the bond brokers observed that the comparisons raised a "suspicion of boom figures" in Oklahoma.¹⁵

¹³Perry A. Monroe to Cruce, October 30, 1911, Box 22, FF-3, ibid.

¹⁴Cruce to J. W. Lee, June 18, 1912, Box 30, FF-6, ibid.

¹⁵Denison to Cruce, November 21, 1911, Box 34, FF-2, ibid.

The governor insisted that Oklahoma values were not inflated. Previous assessments had covered only one-fourth cash value, he said, rather than being based substantially on full cash value as required by the state's Constitution. He expressed doubt that officials in other communities were complying with laws requiring assessment at full cash value and informed the brokers of his own philosophy:¹⁶

Different men in official life have different ideas as to the meaning of an oath and what their duty is. I have always thought that when a man took an oath that he would faithfully execute and obey the laws, that it was incumbent upon him to make an honest effort in that direction.

Increased assessments and tax levies accompanied by the governor's consistent pleas for economy had enabled the state's income finally to match its expenditures. Thus, as his term neared an end, the state's second governor could proudly state that Oklahoma's debt had not increased "one farthing" during his term. Moreover, all funds controlled by state officials were now earning interest and the three million dollar deficit incurred in the first three years of statehood had been funded by long term bonds. Most important for future growth of the young state, its credit had been improved. Only three years before its warrants customarily sold at a discount; now they sold at par value.¹⁷

The firm methods used by the governor for placing the state on a sound financial footing were not calculated to please the rank and

¹⁶Cruce to C. E. Denison, November 17, 1911, *ibid.*

¹⁷*Daily Oklahoman*, January 4, 1914, July 15, 1914, September 28, 1914; *Harlow's Weekly*, September 15, 1914.

¹⁸*Ibid.*, February 12, 1914.

¹⁹*Harlow's Weekly*, May 2, 1914.

file of state citizens whose pocketbooks were directly affected. As a member of the State Equalization Board, Governor Lee Cruce was rightly charged with having been the prime mover in a general increase in state taxes during a period of serious crop failures and "world-wide financial stringency."¹⁸ Obviously, Oklahoma's improved financial status had not been accomplished without severe scars being inflicted upon the political future of the state's chief executive.

In February, 1914, state labor leaders, claiming to represent 40,000 laborers, recorded their disapproval of any ambition the governor may have had for the United States Senate. Condemning his veto of labor measures such as the full crew bill, nine-hour law for women, semi-monthly pay law and the hospital bill, they considered him "the constant, continuous and consistent enemy of the laboring classes and their organizations."¹⁹

Despite Labor's disapproval, the Cruce administration had hoped the 1914 campaign year would produce a new governor unequivocally endorsing Cruce policies. It became evident, however, that general dissatisfaction among the voters rendered it politically unwise for any candidate to come out squarely in favor of the Cruce administration. Even J. B. A. Robertson, supposedly entitled to Cruce support in 1914 in return for his withdrawal from the 1910 race, could endorse the governor's personal honesty but withheld a blanket endorsement of his administration.²⁰

¹⁸Daily Oklahoman, January 4, 1914.

¹⁹Ibid., February 12, 1914.

²⁰Harlow's Weekly, May 2, 1914.

Gubernatorial candidate Robert L. Williams appeared to follow a middle of the road attitude toward the Cruce administration. Nevertheless, in one obvious affront to Cruce, he asserted he would appear in court himself rather than pay legal fees to outside attorneys.²¹ Williams tempered his approval of capital punishment by acknowledging honest differences of opinion on the subject.²² He provoked a vitriolic reply from the governor, however, in a speech accusing Cruce and his appointees of forming a political combination in favor of Robertson's candidacy. The angry Cruce's reply signified a strong disapproval for the private life of the crusty, somewhat uncouth Williams, and challenged him to debate the acts of the Cruce administration. Cruce disavowed having recommended any candidate to his supporters.²³

In the face of the governor's fiery attack, Williams displayed prudent restraint. Perhaps in deference to the unknown number of Cruce adherents, he blamed the Cruce outburst on erroneous information furnished the governor by his advisers and Robertson cohorts.²⁴ The Daily Oklahoman, still friendly to Cruce but leaning toward Williams, observed that Cruce had been too hasty in chastising Williams. The Oklahoman editorialized regarding Williams: "Perhaps he is not quite so straight-laced as the governor; but we are selecting a candidate for governor in this campaign, not a superintendent of the

²¹Daily Oklahoman, July 13, 1914.

²²Ibid., July 3, 1914.

²³Ibid., July 25, 1914.

²⁴Ibid., July 26, 1914.

Sunday School."²⁵

The 1914 election campaign was marked by another breach in the Cruce administration. State Examiner and Inspector Fred Parkinson, a Cruce appointee now campaigning to remain in office, suddenly made headlines by advising the governor to investigate the School Land Department for favoritism and injustice in making loans. The irate governor accused Parkinson of exceeding the boundaries of his office by assuming the title of "State Examiner and Advisor," in an effort to further the interests of "a certain candidate for governor,"²⁶ presumably Robert L. Williams. Notwithstanding his outburst, Cruce authorized Parkinson to conduct a complete audit of the School Land Department and instructed the Department's full cooperation even to the extent of neglecting other matters.²⁷ The governor himself launched a review of the value of land collateralizing loans made by the Department.²⁸ Apparently, the Parkinson charges were never supported by conclusive evidence. It seems, however, that Parkinson made the right move politically, as he was re-elected.

After Williams' narrow victory over Robertson in the primary election, Democrats were still doubtful as to the course Governor Cruce would pursue in the general election. A few days after the

²⁵Ibid., July 25, 1914.

²⁶Harlow's Weekly, July 18, 1914.

²⁷Cruce to J. R. Williams, July 17, 1914, Unprocessed Box, 1914 to 1915, Cruce File, State Archives.

²⁸L. P. Cloud to Cruce, October 6, 1914, Box 1, FF-1b, ibid.; County Commissioner to Cruce, October 15, 1914, ibid.

primary, Cruce called on Attorney General Charles West to investigate numerous charges of election fraud and excessive expenditures by "certain gubernatorial candidates."²⁹ He declined to attend an important Democratic strategy meeting, pleading a prior engagement to play golf.³⁰ As the Attorney General himself had been a candidate for governor, Cruce later relieved him of the responsibility of investigating the gubernatorial campaign.³¹

In view of the governor's previous attitude, when he arose to address the State Democratic Convention held in September, 1914, an apprehensive audience awaited his remarks. Their fears were soon allayed by a speech conducive to party harmony, wherein the governor stressed the financial progress made by his administration.³² Preceding the November general election, he embarked on a series of campaign speeches in behalf of party candidates, which also afforded opportunities to defend his own administration.³³

Asked to explain his support of Robert L. Williams, in the face of his earlier opposition, Cruce admitted preference for "another candidate" in the primary but now the choice was between two candidates only--Williams and Republican John Fields. Between the two candidates, he asserted, the charges made by Williams against the Cruce administration

²⁹Daily Oklahoman, August 15, 1914, September 4, 1914.

³⁰Harlow's Weekly, August 22, 1914.

³¹Daily Oklahoman, September 4, 1914.

³²Harlow's Weekly, September 12, 1914.

³³Daily Oklahoman, October 21, 29, 1914.

were "mild" in comparison to the flagrant misstatements being made by Fields. Cruce explained he was ordinarily opposed to a governor making political speeches, but it becomes necessary for him to do so, "When his administration is called in question and the affairs of the people as administered by him are being misstated, his state maligned and slandered. . . ."34

In the November, 1914 general election, Williams defeated Fields by only 5,000 votes, with the Socialist Fred W. Holt receiving more than twenty percent of the 253,687 votes cast. The small margin of victory indicates that had Governor Cruce chosen to promote Democratic party discord or even remain silent throughout the campaign, Williams could have been defeated.

One of the more pleasant experiences in the last year of Governor Lee Cruce's tenure took place on July 20, 1914. On that day he plunged a silver pick into the red earth of northeast Oklahoma City to initiate construction of the state capitol building.³⁵ "It has been said," the governor remarked in his dedication address, "that the foxes have their holes and the birds their nests, but the state of Oklahoma has no place to rest its official head." He attributed the state's "homeless" condition to the machinations of "scheming politicians and enterprising and desiring cities of Oklahoma."³⁶

³⁴Ibid., November 1, 1914.

³⁵Ibid., July 21, 1914; Harlow's Weekly, July 25, 1914.

³⁶Daily Oklahoman, July 21, 1914.

It was indeed true that the beginning of actual construction had finally marked the end of a history of rivalry over the seat of government extending back to the "Run of 1889."³⁷ Following a special election on June 11, 1910 approving the capitol's removal from Guthrie to Oklahoma City, Governor Haskell's surprising nighttime maneuver had immediately made Oklahoma City the state capitol.³⁸ A subsequent special session of the Legislature approved a proposal made by a group of Oklahoma City citizens functioning as the State Capitol Building Company for location of the capitol building on its present site.

The agreement designated 650 acres of land valued at \$1,400,000 to be platted and sold by the Building Company until the state had been paid one million dollars from the net proceeds. At that point all payments to the state would cease. The company furnished a \$100,000 bond, guaranteed by thirty-one Oklahoma City citizens, assuring that the state's share would attain the million dollar figure. Payments of \$25,000 were to be made monthly beginning July 1, 1911.³⁹

As early as July, 1911 Governor Cruce went on record as doubting the feasibility of erecting a state capitol building within the confines of the contract with the Building Company.⁴⁰ The people

³⁷Harlow's Weekly, July 25, 1914. ³⁸Ibid.

³⁹E. S. Vaught, "A New Chapter in an Old Story," Chronicles of Oklahoma, XXXVII (Winter, 1959-60), pp. 405-10; Cruce to W. H. Born, July 9, 1912, Barde File, OHS Library; Daily Oklahoman, July 9, 1912.

⁴⁰Cruce to Dr. P. S. Mitchell, July 3, 1911, Box 18, FF-4, Cruce File, State Archives.

of Oklahoma, he believed, were financially able to select a location suiting their own convenience rather than attempt to secure a "free" capitol donated by real estate speculators.⁴¹ The governor also declared that "no responsible contractor" would ever undertake to construct a million dollar building under a payment arrangement contingent upon the sale of lots by the State Capitol Building Company.⁴²

He suggested that a more businesslike approach to the building of a state capitol would be to make it a project wholly financed and controlled by the state. Consequently, even before the first \$25,000 payment matured on July 1, 1911, he proposed to the State Capitol Building Company that it convey title to the 650 acres to the State of Oklahoma, and remit \$100,000 in cash to the state for the amount of the bond. In return, subject to legislative approval, the state would terminate the Building Company's obligation under the contract and proceed with the building, out of legislative appropriations. It was the governor's considered opinion that once the building was in progress with the full support of state government, the sale of surrounding land would provide the anticipated million dollars.⁴³

Probably still confident of a profit to be derived from the sale of adjacent land, the Building Company rejected the Cruce

⁴¹Cruce to H. A. Hedgepeth, May 31, 1912, Box 30, FF-4, ibid.

⁴²Cruce to J. R. Miller, July 15, 1912, Box 31, FF-2, ibid.

⁴³Cruce to H. A. Hedgepeth, May 31, 1912, Box 30, FF-4, ibid.; Cruce to W. H. Born, July 9, 1912, Barde File, OHS Library.

proposal. However, the effects of a statewide drought were severely felt in Oklahoma City in the summer of 1911, depressing the real estate market to the extent that the anticipated sale of the Building Company land did not materialize. After several weeks had passed, the Building Company found itself unable to make the required \$25,000 payments. Reluctantly, the company reversed its earlier position and accepted the governor's proposition.⁴⁴ The Building Company may have also been influenced by Guthrie's persistent efforts to regain the state capitol. It is conceivable that the publicity given the governor's support of the new arrangement may have helped defeat Guthrie in the state capitol election of November 5, 1912.⁴⁵

Legislative approval of the new contract was forthcoming in the 1913 session and appropriations were made for the building of the state capitol.⁴⁶

It should be noted that practically all property conveyed by the State Capitol Building Company at a 1911 value of \$1,400,000 remains intact and is still owned by the state. In addition, the state continues to receive oil revenue, which as long ago as the year 1945 had already amounted to nearly \$4,300,000.⁴⁷ Governor Lee Cruce appears to be entitled to a major share of the credit for

⁴⁴Cruce to W. H. Born, July 9, 1912, Barde File, OHS Library.

⁴⁵Wilson, Directory & Manual, p. 231.

⁴⁶Session Laws, 1913, pp. 264-68, 584-97.

⁴⁷E. S. Vaught, "A New Chapter in an Old Story," Chronicles of Oklahoma, XXXVII (Winter, 1959-60), p. 409.

proposing a revision of the original unstable agreement for the erection of the capitol building, thereby making available to the State of Oklahoma an income of millions of dollars continuing to the present day.

In the course of dedicating the state capitol building before a crowd of 5,000 people, it was typical of Oklahoma's Christian governor that he would make one more eloquent plea for honesty in government:⁴⁸

Let us all pray and hope that taint nor graft will ever be connected with this building while it is in progress of construction and that when the last workman has completed his task, packed his tools, removed his working clothes and passed out of the doors down the spanning walk into the open, out into old Lincoln boulevard that stretches as far as the eye can see to the north and to the south, when the employes of the state are busily engaged in their work of making up the records of the state and while state officials come and go, let us pray that not one of them shall be guilty of graft; that not one of them shall bear a taint of dishonesty.

It is in the power of voters to let no one but an honest man enter this capitol as an official of the state and I trust you will exercise your powers.

The Lee Cruce administration was now at an end--a fact relished by many Democrats and Republicans alike. "In a little while the mess will be dumped. A new era will be with us. The kitchen cabinet can retire and a thankful people will strive to forget," chortled the Cruce-hating Tulsa Democrat.⁴⁹

Had Governor Cruce been asked to do so, he could easily have

⁴⁸Daily Oklahoman, July 21, 1914.

⁴⁹Quoted in Harlow's Weekly, June 27, 1914.

⁵²Daily Oklahoman, October 11, 1914.

⁵³Ibid., November 12, 1914.

identified the source of the opposition voiced by the Democrat. He had the opportunity in December, 1914, when Governor-elect Arthur Clapper of Kansas asked him to relate some of his difficulties and accomplishments as governor of Oklahoma. The activities of professional politicians opposed to good government led Cruce's list of the problems he had encountered. Unfortunately, Cruce observed, the ordinary citizen remains silent while "the professional politician is loud in proclaiming his disapproval." Summarizing the accomplishments of his administration, the governor cited the formation of a State Board of Education as the most important enactment, followed by banking legislation, gambling laws, elimination of certain county and local offices, and removal of the Board of Agriculture from politics.⁵⁰

Probably the one political development affording the most satisfaction to Governor Cruce in his fourth year was voter approval of more stringent gambling laws.⁵¹ In the whirl of the 1914 general election campaign he perhaps over-enthusiastically proclaimed the new gambling laws to be "dearer to the people of Oklahoma than the saving of taxes."⁵² His 1914 Thanksgiving message indicated his belief that in a large measure, the goals of his "Righteous Crusade" had been achieved:⁵³

During the past twelve months the people of the state have advanced to a higher plane of Christian living and modern

⁵⁰Daily Oklahoman, December 22, 1914.

⁵¹State Questions No. 61 & 62, Wilson, Directory & manual, p. 233.

⁵²Daily Oklahoman, October 11, 1914.

⁵³Ibid., November 12, 1914.

enlightenment. By a majority vote certain laws have been made a part of our code, making Oklahoma a more desirable place in which to live, and giving hope and encouragement to those who long for the coming of a better day.

CHAPTER XVI

CONCLUSION

On January 7, 1915 Governor Lee Cruise addressed his final message to the Legislature. Here again he voiced his own experience in elective office when he warned his listeners "not to expect public praise nor to be disheartened by criticism."¹ His last official act as governor was to approve the minutes of the State Board of Equalization raising the assessed valuation of Texas Company and Gulf Pipe Line Company. Thus, up to the final moments he continued a policy that had caused much dissatisfaction with his administration.²

Loyal Ardmoreites celebrated the homecoming of their most illustrious citizen with a banquet in his honor, which departed from the announced format to become a grand eulogy of the ex-governor.³ Alfalfa Bill Murray refers to this occasion in his Memoirs, quoting a remark supposedly made by the toastmaster: "Everybody in Ardmore is glad Lee has come home. In truth, I think the whole State is glad."⁴

¹Daily Ardmoreite, January 8, 1915.

²Ibid., January 12, 1915.

³Ibid., February 2, 1915.

⁴Vol. III, p. 222. Although this anecdote may have expressed the sentiments of many at the time, the authenticity of the latter portion is doubtful. Only the most brash toastmaster would have made such a statement in the presence of the sensitive ex-governor.

Despite rumors that Cruce would accept a position with a syndicate of New York bankers at the then princely salary of \$10,000,⁵ or that he would become president of Oklahoma A & M College,⁶ he settled in Ardmore to stay, as he put it, "just 90 years."⁷ Prior to

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Due to the delicate health of his only daughter, Cruce spent the greater part of the next twelve years in retirement with her in Tucson, Arizona. He nevertheless remained in touch with state politics

⁵Daily Ardmoreite, January 14, 1915.

⁶Harlow's Weekly, April 24, 1915.

⁷Daily Ardmoreite, January 19, 1915.

⁸To C. C. Akin, March 8, 1911, Box 7, FF-1, Cruce File, State Archives; To W. N. Mitchell, September 30, 1912, Box 30, FF-1, ibid.

⁹Newspaper clipping, St. Louis Post-Dispatch, March 2, 1913, Barde File, OHS Library.

¹⁰Harlow's Weekly, January 21, 1933; Interview with Lorena Cruce Norris, August 19, 1971.

and in 1924 state newspapers discussed the possibility of his candidacy for the United States Senate, which did not materialize.¹¹ A Cruce public statement in 1925 indicated some interest in the upcoming gubernatorial contest, if his services were needed "in order that the expenses of this state could be kept down." At the same time he expressed a hearty dislike for politics.¹² However, he wisely refrained from adding his name to the list of ten Democratic candidates.

The 1928 presidential election brought out Cruce's intense notion that one should vote for the party and not the individual. His adherence to the Democratic party platform caused him to support actively the candidacy of Governor Alfred E. Smith, the "wet" candidate for president. In accord with his attitude while governor, he now felt the people should be given an opportunity to change the prohibition law, which apparently could not be enforced.¹³ He abhorred religious prejudice due to Smith's affiliation with the Catholic Church and stated in a nation-wide radio speech introducing Smith, "I would be false to the teachings of my mother if I did not hail the Catholic Smith as a brother."¹⁴

¹¹Harlow's Weekly, February 23, 1924; Interview with Lorena Cruce Norris, August 19, 1971.

¹²Harlow's Weekly, April 25, 1925, quoting the Ardmore Press.

¹³Tulsa World, November 1, 1928; Interview with Lorena Cruce Norris, August 19, 1971.

¹⁴Mrs. A. M. Lockward to Cruce, September 25, 1928, Box 7, Cruce Coll., Univ. of Okla. Library. The sixty-five-year-old Cruce must have retained his political eloquence--a radio listener of Worcester, Mass., wrote that her elderly father, a Catholic, "actually cried as he listened to you." Unsigned letter, September 21, 1928, Box 77, ibid.
The prosecuting attorney of Hope, Arkansas declared that Cruce

Finally, in 1930 when the former governor was sixty-seven years old and in poor health, friends persuaded him to make the race for United States Senator. Cruce supporters must have thought Muskogee voters, after seventeen years, had forgiven his veto of their State Fair proposals, as that city was chosen for his opening campaign speech. Devoting much of the address to the cause of party unity, he alluded to his consistent support of the Democratic ticket, saying, "If this be a sin, I am the state's greatest sinner." He advocated reduction of immigration quotas and changes in tariff legislation to benefit the farmer.¹⁵

His platform included a proposal for elimination of wartime profiteering--a universal draft in which all civilians received the same salary, food and clothing as did the soldiers.¹⁶ This idea may have been placed in the Cruce platform at the suggestion of popular Josh Lee, later Congressman and United States Senator. Vowing his support in a letter to Cruce, Lee had suggested,--"Draft wealth as well as men."¹⁷

Among the criticisms directed at Cruce by the Republican press during the campaign was his "too regular" support of the

had made "the best introductory speech that I have ever heard from any candidate," and complimented his handling of "violent" religious prejudice. Steve Carrigan to Cruce, September 25, 1928, *ibid.*

¹⁵Harlow's Weekly, May 24, 1930, quoting Tulsa Tribune.

¹⁶Ibid. in Harlow's Weekly, August 9, 1930.

¹⁷March 18, 1930, Box 77, Cruce Coll., Univ. of Okla. Library.

²²Cruce to Arthur Grunert, December 8, 1931, Box 77, Cruce Coll., Univ. of Okla. Library.

Democrats, and especially his support of Alfred E. Smith, who had lost to Herbert Hoover by more than 170,000 votes in Oklahoma.¹⁸ The July, 1930 primary election found Lee Cruce finishing fourth in a field of ten candidates led by former Senator Thomas P. Gore.¹⁹

The Frederick Leader noted lack of Cruce's "old-time fighting spirit," and theorized he had entered the race "to satisfy his admirers." The Leader concluded, "It really looks like here is one man who shunned a senatorial toga."²⁰ The former governor's daughter believed he had mixed feelings about becoming a United States Senator. One consideration: Washington, D. C., was too far from his grandchildren in California.²¹

In 1931, Oklahoma's Governor Alfalfa Bill Murray, dissatisfied with legislative disapproval of a portion of his program, went directly to the people in his so-called "Firebells" campaign. Professing a long friendship with Murray and support of his candidacy for governor, Cruce nevertheless strongly opposed most of the measures advocated at that time. He believed the campaign was aptly named, as "Firebells are rung when destruction of property is threatened and where people are apt to suffer loss from the ravages of the fire fiend. . . ."²² Although in ill health and confined to a wheel chair, Cruce

¹⁸Harlow's Weekly, January 4, 1930.

¹⁹Wilson, Directory & Manual, p. 171.

²⁰Quoted in Harlow's Weekly, August 9, 1930.

²¹Interview with Lorena Cruce Norris, August 19, 1971.

²²Cruce to Arthur Grunert, December 8, 1931, Box 77, Cruce Coll., Univ. of Okla. Library.

summoned the strength to make a number of radio speeches denouncing the Murray program.²³

While on one of his frequent visits to the home of his daughter in California, Lee Cruce suffered a stroke leading to his death on January 16, 1933 at the age of sixty-nine. Of the nine Oklahoma governors up to that time, he was the first to be taken by death. His funeral was conducted a week later at the First Presbyterian Church in Ardmore by Reverend Charles C. Weith, a friend and pastor for thirty-three years. Reverend Weith delineated an outstanding attribute of the life of Lee Cruce, in reference to his stormy tenure of the governor's office: "His enemies have accused him of many things, but they have never accused him of anything that was not clean and fine and manly. His integrity was never doubted, never brought into question."²⁴

It is obvious that the source of many of Governor Lee Cruce's troubles lay with his refusal to "play politics" in the accepted manner. He himself readily admitted he was not a "practical politician." Yet, his political experience consisted of serving two years as Ardmore alderman, participating in lively Indian Territory politics, seeing politics at its worst while serving on the University of Oklahoma Board of Regents, campaigning for Constitutional Convention delegates, and engaging in two lengthy gubernatorial elections. It is probably error, therefore,

²³Interview with Lorena Cruce Norris, August 19, 1971.

²⁴Daily Oklahoman, January 23, 1933.

²⁵Interview with Lorena Cruce Norris, August 19, 1971.

to blame his difficulties on lack of experience in politics.²⁵ Rather, they were due to his disinclination to engage in partisan politics.

An aspect of Cruce's aversion to partisan politics was his refusal to let it determine his own direct appointments, or persuade him to influence appointments controlled by others. An admirable attitude in theory, this policy had its drawbacks from a practical standpoint. Possibly in the long run he could have accomplished more in the way of worthwhile legislation had he participated in some of the "give and take" typical of legislation by the democratic process.

The Muskogee State Fair bill is illustrative of where the governor's cooperation might have prevented disagreements with the bill's powerful proponents in the Third and Fourth Legislatures. The bill was a serious matter with them--it became the first measure introduced in the 1915 legislative session and finally became law in the 1917 session.

Part of the problem was the governor's own obstinacy. After adopting a course of action he seldom saw the need to change it. An indication of this trait was his refusal to remove even one appointee considered unfit by the legislative investigating committees. Surely, someone was entitled to dismissal. Perhaps at times he was subjected to undue influence by his friends and advisers. In the words of his daughter, "In spite of everything, he was a trusting soul."²⁶

²⁵See Edward Everett Dale and Gene Aldrich, History of Oklahoma (Edmond: Thompson Book & Supply Co., 1968), pp. 327-28.

²⁶Interview with Lorena Cruce Norris, August 19, 1971.

His jealous protection of the governor's prerogatives also reflects obstinacy as well as a refusal to indulge in partisan politics. As noted, he would not submit to legislative encroachment on his right of appointment, or on his right to evaluate the abilities of his appointees. When he thought the judiciary had acted to nullify his proclamation in the Delaware county seat controversy, he retaliated promptly through his adjutant general. On the other hand, he felt the Legislature should freely make decisions without undue coercion from him, although he did consider it the governor's duty to recommend needed legislation. He had great faith in the soundness of his own judgment, and perhaps exceeded the bounds of propriety by readily criticizing the legislative and judicial departments when they differed with him.

Governor Cruce's disregard for political consequences was strongly manifested in his attitude toward redistricting the state for congressional purposes. He refused to call a special legislative session to accomplish the redistricting, despite the fact his own poll showed that a majority of the legislators favored the session. He sincerely believed its expense could not be justified, especially if the anticipated hassle evolved to prolong the deliberations. Even aside from political considerations his refusal to convene the Legislature is open to question. Therefore, had he wished to honor the expressed preference of the legislative majority, he easily could have rationalized a decision to convene the Legislature. The latter course would have smoothed his future relationship with the more influential legislative leaders.

In another facet of the redistricting issue--his opposition to gerrymandering--he exhibited a statesmanlike quality. His public utterances and use of the veto power made clear that he would not tolerate redistricting for party purposes alone.

Governor Cruce failed completely in his effort to eliminate several state educational institutions. Undeniably there was an excess of such institutions in the state's formative years, but the localism that produced them joined forces to withstand the governor's assault. Here again he manifested the mark of a statesman as he battled for economy against the invincible institutional bloc. Though unsuccessful in reducing the number of institutions, by resorting to his appointive power he made progress in removing them from the influence of partisan politics.

This was truly an appropriate age in the state's history for the advent of a governor endowed with financial ability and an appreciation for economy in government. Previous Legislatures had already established the essential physical facilities and departments necessary for operation of state government. Now was the time to pause and take stock of the state's financial situation and place the budget on a sound basis. Cruce's contribution in this respect was one of the most significant in his career.

Although one may be impressed by the governor's conscientious scruples against capital punishment, it appears certain that his exercise of the pardoning power was contrary to the intent of the state Constitution. Rather, as Justice Henry Furman pointed out, the

⁴Henry v. State, 136 P. 982 (1913).

granting of pardons was reserved for acts of mercy justified by unique circumstances.²⁷ If carried to the extreme, a chief executive's exercise of unbounded discretion in behalf of his conscience could practically nullify a state's criminal laws. Thus, to some extent at least, by his capital punishment policy Governor Cruce prevented enforcement of the state laws he so dogmatically supported in other areas.

Despite singularity where capital punishment was concerned, Cruce felt intensely an obligation to enforce the law. Unfortunately, he lacked the authority to carry out this duty to the extent he would have preferred. But with the powers at his command, i.e., the state enforcement officer, attorney general, adjutant general and the state militia, he achieved some success. Though his primary motivation was his duty as governor to enforce the law, it seemed that after becoming governor he experienced a growing conviction that laws enforcing prohibition, preventing gambling and the more violent features of prize fighting, and requiring Sunday closing, would make Oklahoma a better state in which to live.

It may be said, then, that the outstanding features of Lee Cruce's administration were the following: 1) Refusal to engage in partisan politics, either in his appointments, his relationship with other departments, or the pacification of local interests 2) Insistence on economy in the operation of state government 3) Virtual veto of Oklahoma's law allowing capital punishment, and 4) Determination to

²⁷Henry v. State, 136 P. 982 (1913).

enforce Oklahoma's moral laws.

One may observe in the foregoing principles a common denominator emphasizing the outstanding personal characteristic of Lee Cruce--his devotion to the precepts of Christianity. Always it was his desire never to do anything that he could not lay unashamedly before the Almighty in his regular ten o'clock evening prayers.²⁸ His administration was indeed a "Righteous Crusade."

²⁸Interview with Lorena Cruce Norris, August 19, 1971.

Oklahoma Historical Society. Library. Fred S. Barde File.

University of Oklahoma. Library. Western History Collection. Lee Cruce, Cruce, Cruce, & Sleasmore Collection.

University of Oklahoma. Library. Western History Collection. Charles L. Daugherty Collection.

Government Publications

Journal of the Proceedings of the House of Representatives of the Third Legislature--Regular Session, State of Oklahoma. Oklahoma City: Warden Printing Co., 1911.

Journal of the House of Representatives of the Regular Session of the Fourth Legislature of the State of Oklahoma. Oklahoma City: The Harlow-Ratliff Printing Co., [1913].

Journal of the House of Representatives of the Extraordinary Session of the Fourth Legislature of the State of Oklahoma. Oklahoma City: Harlow-Ratliff Printing Co., 1913.

Journal of the Proceedings of the Senate of the Regular Session of the Third Legislature of the State of Oklahoma. Oklahoma City: Warden Printing Co., 1911.

Journal of the Senate of the Fourth Legislature of the State of Oklahoma. Oklahoma City: Warden Printing Co., [1913].

Oklahoma Statutes Annotated (1958). Title 21.

(1966). Title 68.

(1965). Title 74.

(1952). Title 85.

Regular Biennial Message of Governor Lee Cruce to the Legislature of
1913, Oklahoma. Vinita: Leader Printing Co., 1913.

BIBLIOGRAPHY

Manuscript Collections

Oklahoma Department of Libraries. Division of Archives and Records.
Governor Lee Cruce Administrative File, Series B. 1913.

Oklahoma Historical Society. Library. Fred S. Barde File.

University of Oklahoma. Library. Western History Collection. Lee
Cruce, Cruce, Cruce, & Bleakmore Collection.

University of Oklahoma. Library. Western History Collection.
Charles L. Daugherty Collection.

Government Publications

Journal of the Proceedings of the House of Representatives of the
Third Legislature--Regular Session, State of Oklahoma.
Oklahoma City: Warden Printing Co., 1911.

Journal of the House of Representatives of the Regular Session of
the Fourth Legislature of the State of Oklahoma. Oklahoma
City: The Harlow-Ratliff Printing Co., [1913].

Journal of the House of Representatives of the Extraordinary Session
of the Fourth Legislature of the State of Oklahoma. Okla-
homa City: Harlow-Ratliff Printing Co., 1913.

Journal of the Proceedings of the Senate of the Regular Session of
the Third Legislature of the State of Oklahoma. Oklahoma
City: Warden Printing Co., 1911.

Journal of the Senate of the Fourth Legislature of the State of
Oklahoma. Oklahoma City: Warden Printing Co., [1913].

Oklahoma Statutes Annotated (1958). Title 21.

Oklahoma City Times (1966). Title 68.

Oklahoma Tribune (1965). Title 74.

Oklahoma Tribune (1952). Title 85.

Regular Biennial Message of Governor Lee Cruce to the Legislature of 1913, Oklahoma. Vinita: Leader Printing Co., 1913.

State of Oklahoma, Session Laws of 1910-1911. Guthrie: Leader Printing Co., 1911.

State of Oklahoma, Session Laws of 1913. (n.p.): (n.p.), 1913.

Wilson, Basil R. (comp.). Directory and Manual of the State of Oklahoma. Oklahoma City: State Election Board, 1967. 19, 1971.

Gillis, Albert S., Sr. Forward, Oklahoma. Interview, June 10, 1970.

Court Cases

Choctaw Nation v. Oklahoma, 25 Lawyers' Edition 2d. (1970).

Ex Parte Crump, 135 Pacific Reporter. (1913). Chief

T. C. Fluke et al. v. Frank M. Canton, Adjutant General, 123 Pacific Reporter. (1912).

Henry v. State, 136 Pacific Reporter. (1913).

State ex rel. Pope, Co. Atty. v. Tillotson, 143 Pacific Reporter. (1914).

The Carnegie Foundation for the Advancement of Teaching: Third Annual Report of Newspapers and Periodicals New York: Privately printed, October 1908.

Daily Ardmoreite (Ardmore).

Daily Oklahoman (Oklahoma City). Co., 1968). History of Oklahoma. Edmond:

Daily Law Journal-Record (Oklahoma City). Pioneer Judge: The Life of Robert Lee Williams. Cedar Rapids: The Torch Press, 1958.

Guthrie Daily Leader.

Harlow's Weekly. Nathaniel Haskell. Oklahoma City: Boles Printing Co., 1931.

Lawton Constitution.

Muskogee Times-Democrat.

Norman Transcript.

Oklahoma City Times.

New-State Tribune (Muskogee).

Shawnee Daily Herald.

Tulsa Daily World.

Tulsa Tribune.

Weekly Oklahoman (Oklahoma City).

Personal Interviews

Norris, Lorena Cruce. Pasadena, California. Interview, August 19, 1971.

Gillis, Albert S., Sr. Norman, Oklahoma. Interview, June 10, 1970.

Books

Bittle, William E., and Geis, Gilbert. The Longest Way Home: Chief Alfred C. Sam's Back-to-Africa Movement. Detroit: Wayne State University Press, 1964.

Bryant, Keith L., Jr. Alfalfa Bill Murray. Norman: University of Oklahoma Press, 1968.

Bynum, Ernest T. Personal Recollections of Ex-Governor Walton. Oklahoma City: [Author], 1924.

The Carnegie Foundation for the Advancement of Teaching: Third Annual Report of the President and Treasurer. New York: Privately printed, October, 1908.

Dale, Edward Everett, and Aldrich, Gene. History of Oklahoma. Edmond: Thompson Book & Supply Co., 1968).

Dale, Edward Everett and Morrison, James D. Pioneer Judge: The Life of Robert Lee Williams. Cedar Rapids: The Torch Press, 1958.

Fowler, Oscar Presley. The Haskell Regime: The Intimate Life of Charles Nathaniel Haskell. Oklahoma City: Boles Printing Co., 1933.

- Gibson, Arrell M. Oklahoma: A History of Five Centuries. Norman: Harlow Publishing Corp., 1965.
- _____. A Student's Guide to Localized History. New York: Teachers College, Columbia University, 1965.
- Harlow, Victor E. Harlow's Oklahoma History. Oklahoma City: Harlow Publishing Co., 1961.
- Hurst, Irvin. The 46th Star: A History of Oklahoma's Constitutional Convention and Early Statehood. Oklahoma City: Semco Color Press, 1957.
- Mathews, John Joseph. Life and Death of an Oilman: The Career of E. W. Marland. Norman: University of Oklahoma Press, 1951.
- McReynolds, Edwin C. Oklahoma: A History of The Sooner State. Norman: University of Oklahoma Press, 1954.
- McRill, Albert. And Satan Came Also. Oklahoma City: Britton Publishing Co., 1955.
- Morris, John W. and McReynolds, Edwin C. Historical Atlas of Oklahoma. Norman: University of Oklahoma Press, 1965.
- Murray, William H. Memoirs of Governor Murray and True History of Oklahoma. 3 vols. Boston: Meador Publishing Co., 1945.

Articles

- "A Business Man for Governor," Sturm's Oklahoma Magazine, March and April, 1907.
- Indian Territory T. P. A. Magazine. Vol. II (May, 1906).
- "Prohibition Movement in Oklahoma," Sturm's Oklahoma Magazine, December, 1907.
- Vaught, Edgar S. "A New Chapter in an Old Story," Chronicles of Oklahoma, Vol. XXXVII (Winter, 1959-60).

Theses and Dissertations

- McCool, Elizabeth. "Impeachments in Oklahoma in 1913." Unpublished Master's thesis, University of Oklahoma, 1935.

Parkhurst, Guy Harold. "Uses and Legal Questions of Martial Law in Oklahoma." Unpublished Master's thesis, Department of Government, University of Oklahoma, 1935.

Scales, James Ralph. "Political History of Oklahoma, 1907-1949." Unpublished Ph.D dissertation, Department of History, University of Oklahoma, 1935.

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