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THE UNIVERSITY OF OKLAHOMA

GRADUATE COLLEGE

THE NEGRO IN OKLAHOMA TERRITORY, 1889-1907: A STUDY IN RACIAL DISCRIMINATION

A DISSERTATION

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THE NEGRO IN OKLAHOMA TERRITORY, 1889-1907:

A STUDY IN RACIAL DISCRIMINATION

APPROVED BY

DISSERTATION COMMITTEE

PREFACE

This study attempts to show the extent of racial discrimination during the Oklahoma territorial period, which began with the "Run of 1889" and ended with Statehood in 1907. Undoubtedly one of the prime reasons Negroes migrated to Oklahoma was to escape racial discrimination. The opening of the Oklahoma District in 1889 paved the way for the migration of Negroes to a land where they thought an opportunity existed to enjoy those basic American rights which were denied them in most states of the American Union.

From the extensive Negro migration to Oklahoma came an attempt by E. P. McCabe to establish a Negro state in Oklahoma Territory. He advocated reducing white political power in the territory by importing Negro immigrants in such numbers that eventually they would outnumber the whites. In 1892 he went so far as to predict that within a few years Congress would have two Negro senators from Oklahoma.

Another result of the extensive Negro migration was the establishment of at least twenty-seven all-Negro towns and one colony in Oklahoma and Indian territories. These towns were an outgrowth of the legal, social and political discrimination encountered by the Negroes in the Twin Territories as well as in the South generally.

When it became apparent that the all-Negro state plan would fail, Oklahoma Negroes sought to use the Republican Party as a vehicle to

achieve their objectives. This study attempts to show how this party exploited the Negro voters but generally failed to promote and protect Negro interests.

The rise of racial discrimination leading to the adoption of Jim Crow laws both before and after statehood is discussed. The position of Negroes, whites, Republicans, Democrats, Frank Frantz, Charles N. Haskell, and Theodore Roosevelt are given on racial discrimination.

This study closes with a report of the reactions of Negroes to Oklahoma's first Jim Crow law after statehood. Oklahoma Negroes fought these laws in the courts until 1914, when they concluded that to obey the law was in the best interests of both races. Racial discrimination extended after statehood with the adoption of the "grandfather clause" in 1910. After a series of conflicting state and federal court decisions regarding the constitutionality of the law, the United States Supreme Court ruled in 1915 that the Oklahoma "grandfather clause" was unconstitutional.

The writer acknowledges sincerely the timely and helpful advice of his advisor, Dr. A. M. Gibson, and the assistance received from the staffs of the Library of Congress, National Archives, University of Oklahoma Library, Oklahoma State University Library, North Texas State University Library, Howard University Library, Oklahoma Historical Society, and the Oklahoma State Library.

Finally the writer expresses many thanks to his brother, Dr. Melvin B. Tolson, Jr., for his critical readings, and gratitude to his wife, Roslyn Louise, for her assistance through the years.

Dedicated to my mother and father who twenty-two years ago suggested an idea to their three sons and inspired us onward.

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THE NEGRO IN OKLAHOMA TERRITORY, 1889-1907: A STUDY IN RACIAL DISCRIMINATION

CHAPTER I

THE OKLAHOMA DISTRICT

Although slavery was abolished by the Emancipation Proclamation of 1863 and the Thirteenth Amendment, adopted in 1865, it continued to exist in Indian Territory until 1866 when the United States government signed treaties with the Five Civilized Tribes. During the next twenty years, central Oklahoma was under consideration as a prospective home for the freedmen of the Indian Tribes.[1] This was because the federal government was uncertain as to what extent the tribes would observe their pledges to extend tribal rights to their former slaves.[2]

The United States acquired the area known as the Oklahoma District or Unassigned Lands from the Creeks and Seminoles. It was the intent of the government to use the Oklahoma District as a settlement zone for freedmen of the Five Civilized Tribes and Indian tribes from Kansas and other Western states and territories.[3]

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[1]Berlin B. Chapman, "Freedmen and the Oklahoma Lands," Southwestern Social Science Quarterly, XXIX (September, 1948), 150.

[2]United States v. Payne, 8 Fed. R., 891 (1881).

[3]Price to Sec. Int., July 5, 1882, S. Misc. Docs., IV (1996), No. 117, p. 5.

For the next two decades the question of removing Indian freedmen to the Oklahoma District lingered on.[4] Choctaw and Chickasaw leaders appealed to the United States Secretary of the Interior and Congress in the 1870's that their former slaves be settled there, but no action was taken.[5] By 1879 the idea of colonizing Indians and tribal freedmen into the Oklahoma District was overshadowed by Boomer agitation for opening the area to the homesteaders.[6]

This led Negro leaders across the nation to attempt to have the Oklahoma District set aside as a resettlement zone for Negroes from the South and the nation generally. The best-known spokesman for this cause was Hannibal C. Carter, who helped establish the Freedmens Oklahoma Immigration Association in Chicago on March 15, 1881.[7]

Carter said he would colonize twenty or thirty thousand freedmen on the Creek portion of the Oklahoma District in time to make a crop that

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[4]Chapman, op. cit., 153.

[5]Ibid., 153-154.

[6]Carl C. Rister, "Free Land Hunters of the Southern Plains," Chronicles of Oklahoma, XXII (Winter, 1944-1945), 399.

[7]Articles of Incorporation, No. 2076, Office of the Secretary of State of Illinois, Springfield, Illinois, 1-3. The association was finally certified in Chicago by Henry D. Dement, the Secretary of State, on December 15, 1881, in accordance with the provisions of "An Act concerning Corporations," approved on April 18, 1872. The managers of the association, composed of five directors to be elected annually, were Hannibal C. Carter, Edward Shaw, John E. Carter, James H. Purdy, and Robert M. Mitch, who appeared personally before Henry M. Wicks, a Notary Public, on December 12, 1881. The objective for which the association was formed stated that it sought:

> To unite in bonds of fraternity aid and protection of all acceptable colored persons of good character, steady habits and reputable calling to improve the condition of its membership materially by securing to them lands and homes in the unoccupied Territories of the United States.

year.[8] James Milton Turner of Missouri, a Negro colonization leader,[9] remarked that thousands of Missouri freedmen were making preparations to enter the Oklahoma District during the early spring months of 1881.[10]

Regarding Turner's scheme, one newspaper reported:

> The Freedmen's Oklahoma Association has been formed in St. Louis. The association promises every freedman who will go to Oklahoma 160 acres of land free, and it is said too that agents have been sent into the Southern states to start an emigration movement to the Indian Territory among the colored people. The Freedmen's association bases its claim to entry on the lands of the Indian Territory on the treaties of 1866, made by the government with the Creeks and Seminoles.[11]

The Freedman's Oklahoma Immigration Association sent out a circular from St. Louis during 1881 addressed to the freedmen of the United States. It declared that the federal government, anticipating the necessities of the Negro, had, in 1866, secured by treaties with the

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[8]Chapman, op. cit., 155.

[9]Irving Dilliard, "James Milton Turner: A Little Known Benefactor of His People," Journal of Negro History, XIX (October, 1934), 372.

During his lifetime of seventy-five years, this virtually forgotten benefactor made at least three distinct contributions to the achievement of his people. In order of their performance these were: first, his commencement and furtherance of Negro education in Missouri immediately after the Civil War; second, his service as Minister Resident and Consul General in Liberia under President Grant; and third, his successful representation of the claims of freedmen of the Cherokee Nation in 1886. During his latter years he spent much of his time in Ardmore, Oklahoma, where he died on November 1, 1915. See also "James Milton Turner," Dictionary of American Biography, XIX (1936), 66-67, and Richard Bardolph, The Negro Vanguard (New York: Random House, 1961), 96-97.

[10]Chapman, loc. cit. The writer was informed by the Office of Civil Archives, National Archives, that the correspondence of Carter and Turner to Senator John A. Logan and MacVeagh, respectively, filed as Letter No. 5246 (1881), was withdrawn from the files on March 18, 1932, and has not been returned.

[11]Missouri Republican, April 23, 1881.

Creek, Seminole, and Chickasaw Indians a cession of 14,000,000 acres on which to locate other Indians and freedmen.[12]

When the Secretary of the Interior, Samuel J. Kirkwood, had his attention called to this circular, he said that the project had the appearance of a revival of the illegal Oklahoma movement of recent years under a new form. He asked the Commissioner of the General Land Office, Curtis W. Holcomb, to examine the situation and report what rights if any freedmen had under the Indian treaties of 1866.[13]

This official answered that "there are no lands in the Indian Territory open to settlement or entry by freedmen or by any other persons, under any of the public land laws of the United States."[14] He pointed out that the freedmen referred to in the treaties as having land settlement and use rights in the Indian Territory, including the Oklahoma District, were the former slaves of the Indian tribes:

> The treaty stipulations, as uniformly understood and construed, have no application to any other freedmen than the persons freed from Indian bondage. They relate exclusively to friendly Indians and to Indian freedmen of other tribes in the Indian Territory whom it was the desire of the United States to provide with permanent homes on the lands ceded for that purpose.
>
> The 'freedmen of the United States' are not comprehended within the policy or intention of the treaty provisions, and said lands have accordingly not 'been purchased for the use and occupation' of the colored people of any of the States.[15]

The Commissioner warned prospective settlers that:

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[12] Chicago Daily Tribune, April 19, 1881.

[13] Ibid.

[14] Holcomb to S. J. Kirkwood, April 25, 1881, S. Ex. Docs., 47th Cong. 1 Sess., V (1990), No. 111, 2.

[15] Ibid.

> The present attempt to make use of the colored people of the country in the same direction, by deluding them with fictitious assurances that new and congenial homes can be provided for them within this Territory, deserves special reprobation, since its only effect must be to involve innocent people in a criminal conspiracy, and to subject them to disappointment, hardship, and suffering.[16]

Holcomb's position regarding the migration of freedmen to the Oklahoma District was substantiated by Federal Judge Isaac C. Parker at the Fort Smith District Court. He maintained during 1881 that "colored persons who were never held as slaves in the Indian country, but who may have been slaves elsewhere, are like other citizens of the United States, and have no more rights in the Indian country than other citizens of the United States."[17]

Notwithstanding this decision, a Negro convention met at Parsons, Kansas, on April 27, 1882, for the purpose of agitating the Oklahoma District question. The group consisted of forty-five delegates, led by Reverend A. Fairfax, Edward W. Dorsey, and Richard Stafford, and claimed to represent some 60,000 Negroes. The principal work of the Parsons convention was to send a memorial to Congress asking that every third section of land in the Oklahoma District be set for the occupancy of colored emigrants from the South.[18]

Petitions were also sent from other states to Congress asking that Negroes be allowed to settle in the Oklahoma District of Indian

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[16] Ibid.

[17] United States v. Payne, op. cit., 883 (1881).

[18] U. S., Congressional Record, 47th Cong., 1st Sess., p. 4656. See also Herbert Aptheker (ed.), A Documentary History of the Negro People in the United States (New York: Citadel Press, 1951), 684-685.

Territory. Senator Henry W. Blair of New Hampshire on June 16, 1882, introduced a bill for such a purpose, asking "to permit freedmen to enter certain public lands in the Indian Territory."[19] Blair also wrote the Secretary of the Interior, H. M. Teller, concerning the matter.

About a month later, on July 5, the Commissioner of Indian Affairs, Hiram Price replied:

> The most liberal construction that could be placed on these treaty stipulations would not, in my opinion, justify such a scheme or procedure as, the colonization of the colored people from Kansas or other States or the Territories on the Creek and Seminole ceded lands or any other lands in the Indian Territory, and any action inaugurated to carry such a scheme into effect should receive the prompt and unqualified condemnation of this department.[20]

In a communication to Hannibal C. Carter, President of the Freedmens Oklahoma Association, Commissioner Price later wrote it was clearly set forth in the proceedings of the Indian Councils of 1866 that only their own freedmen were to be provided for and protected.[21]

Nevertheless the matter was still one of official governmental concern for several years as agitation continued for settling Southern freedmen in the Oklahoma District. In a letter written in 1886 to the Secretary of the Interior, Commissioner I. D. Atkins took the position of his predecessors regarding freedmen:

> It has been held by this Department that the language used in both these treaties (the Creek and Seminole treaties of 1866) has reference to freedmen formerly held as slaves by the Indians in

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[19] U. S., Congressional Record, ibid., p. 4994. See also Roy Gittinger, The Formation of the State of Oklahoma, 1803-1906 (Norman: University of Oklahoma Press, 1939), 149.

[20] Price to Sec. Int., S. Misc. Docs., op. cit., pp. 2-5.

[21] Commissioner H. Price to Hannibal C. Carter, August 16, 1882. Office of Indian Affairs, L. Letter Book, National Archives, vol. 100, 234-243.

> Indian Territory or colored persons residing therein at the date of the treaties named, and not to freedmen formerly held in slavery in the Southern States.[22]

Meanwhile, throughout the 1870's and 1880's much of the western half of Indian Territory was leased by ranchmen. Large herds grazed in the Oklahoma District. The ranchmen who occupied these Indian lands erected semi-permanent improvements including fences, corrals, dipping vats, shelter for their riders and other necessary ranching facilities.[23]

Land-hungry farmers coveted the privileges of the ranchmen as the march of settlers reduced the amount of desirable farming land west of the Mississippi River. As each year passed, the demands of the home-seekers clamoring for the opening of the Indian lands were heard with increasing volume.

During the 1880's small parties of Boomers attempted to settle the Oklahoma District without success. However, their work under the leadership of David L. Payne resulted in a wide advertising of the area which they sought to settle.[24] Thus members of Congress became interested when letters began to pour onto their desks urging them to open the Oklahoma District to settlement.[25]

Between 1885 and 1888 a number of bills were introduced in Congress providing for the opening of this area to settlement. When

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[22]Commissioner Atkins to Sec. Int., March 22, 1886, Office of Indian Affairs, L. Letter Book, National Archives, vol. 146, 111.

[23]Gaston Litton, History of Oklahoma (New York: Lewis Historical Publishing Company, Inc., 1957), I, 354.

[24]Everett E. Dale and Morris L. Wardell, History of Oklahoma (New York: Prentice-Hall, Inc., 1948), 240.

[25]James S. Buchanan and Edward E. Dale, A History of Oklahoma (New York: Row, Peterson and Company, 1924), 198.

Congress met for its short session in December, 1888, a determined effort was made to enact a law opening the Oklahoma District.[26]

Early in 1889 the United States commissioners reached an agreement with the Creek and Seminole Nations by which they were paid for their claims in the district. A rider to the Indian appropriation bill providing for the opening of the area to settlement passed both houses of Congress on March 2, 1889, and was approved by President Grover Cleveland.[27]

President Benjamin Harrison issued a proclamation stating the public lands in the Oklahoma District would be opened to settlers at twelve o'clock, noon, on April 22, 1889.[28] There was boundless jubilation among those who had waged a fight for so many years to secure the opening of these lands to settlement.[29]

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[26]Dale and Wardell, op. cit., 241.

[27]Ibid., 244.

[28]U. S., Statutes at Large, XXV, pp. 757, 1004.

[29]Hamilton S. Wicks, "The Opening of Oklahoma," Chronicles of Oklahoma, IV (1926), 128.

CHAPTER II

THE NEGRO MIGRATION

Interest in Negro relocation has had a long history. This method of solving the race problem was most popular in periods when the outlook for the Negro seemed the most discouraging. Particularly was this apparent during the decade preceding the Civil War,[1] when several emigration conventions indicated a sort of Negro nationalist movement.[2]

Of all the measures relating to the Negro, the ones that dominated President Lincoln's thinking were compensated emancipation and colonization.[3] Although he did not succeed with his relocation plan he discussed it throughout the war as a possible solution for the race problem.[4]

After the Civil War, Negroes in small numbers traveled back and forth between the United States and the West Indies, but there was no

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[1]Some ten thousand Negroes went to Liberia and several thousand went to Haiti before the Civil War. Gunnar Myrdal, An American Dilemma: The Negro Problem and Modern Democracy, (New York: Harper and Brothers Publishers, 1944), 186.

[2]August Meier, Negro Thought in America, 1880-1915: Racial Ideologies in the Age of Booker T. Washington (Ann Arbor: University of Michigan Press, 1963), 63.

[3]Benjamin Quarles, Lincoln and the Negro (New York: Oxford University Press, 1962), 101.

[4]Life and Works of Abraham Lincoln (New York: Current Literature Publishing Co., 1907), V, 164.

large-scale emigration of any kind, for most Negroes were unwilling to leave America. Emancipation did not result in the integration of the Negro into American society, so colonization and migration schemes were considered in many quarters as a solution to the Negro question.

President Andrew Johnson advanced the idea that emancipation could never be tolerated without immediate colonization.[5] Like Lincoln, he hoped for extinction of the race problem through colonization. As far back as 1845 Johnson favored the admission of Texas, because such a state would "prove to be the gateway out of which the sable sons of Africa are to pass from bondage to freedom."[6] After Johnson became president, his public remarks seemed to carry the implication that colonization or separate Negro communities might well prove the ultimate solution of the Negro problem.[7]

Although integration of the Negro into American society was the expressed Congressional policy of the Reconstruction period, whites, particularly in the South, continued racial discrimination and encouraged attitudes favoring group separatism. At no time were Negroes free from white prejudice and racial discrimination.

Faced by an antagonistic white world, Negroes tried to create their own segregated institutions and to justify their existence.[8] The

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[5]Claude G. Bowers, The Tragic Era: The Revolution After Lincoln (Cambridge, Mass.: Riverside Press, 1929), 32.

[6]Ibid., 34.

[7]Lawanda Cox and John H. Cox, Politics, Principle and Prejudice, 1865-1866: Dilemma of Reconstruction America (New York: Free Press of Glencoe, 1963), 153.

[8]Meier, op. cit., 13.

consequence was the subordination of the Negro and the resultant emergence of a bi-racial social order in which the Negro was segregated in community institutions.[9]

The post-war migration of Negroes from the southern United States to the West and the North generally followed a similar pattern.[10] But a few Negroes had experienced such freedom before, many were unable to comprehend its meaning. To most former slaves, freedom meant, first of all, the right to move, the right to leave the old habitats where they had been held in slavery and go to other areas without having to ask permission to do so.[11]

The early movements of the ex-slaves prior to 1870 involved a temporary instead of a permanent change of residence. Such movements were not preceded by a deliberate comparison of home conditions with those of other places on the part of these wanderers. Rather the newly freed Negroes wandered aimlessly from place to place, testing their freedom.[12] They were not, as with the later migrations, motivated by the desire to obtain a higher standard of living or escape racial discrimination.

By 1870 southern Negroes were peculiarly open not only to the suggestions of some of their leaders, who wanted to ameliorate their

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[9]H. J. Walker, "Changes in the Status of the Negro in American Society," International Social Science Bulletin, IX (1957), 439.

[10]Myrdal, op. cit., 182.

[11]Henderson H. Donald, The Negro Freedman: Life Conditions of the Early Years After Emancipation (New York: Henry Schuman, Inc., 1952), 9.

[12]Ibid.

condition by moving, [13] but also to the persuasions of emigration agents.[14] Contemporaneously with the events leading to the Run of 18[illegible] and eventual statehood, a number of plans were proposed as a means of resolving the bi-racial conflict. As one editor observed:

> The Negro Question we have long held to be the most important and complex and difficult problem before the American people . . . and we have no social question which more deserves, and demands, careful study than this.[15]

In this same connection, another writer noted:

> During the past decade, newspaper and magazine articles galore, and not a few books, have been written on what is called the 'Race Problem,' the problem caused by the presence in this country of some ten millions of black and variously-shaded colored people known as Negroes.[16]

Numerous were those who sympathized with the Negro at home and abroad as they suggested that he migrate from the South. John Brown, Jr., believed that the great Northwest could be a haven for the entire Negro population as well as for the discontented poor whites of the South.[17] The London Times went so far as to advocate the interposition of the United States Government to insure the Negro protection and equal justice.[18]

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[13] Hattie M. Rice, "The Negro as Portrayed in the Boston Evening Transcript, 1901-1907" (Unpublished Master's Thesis, Dept. of History, Howard University, 1951), 53.

[14] James H. Blodgett, "The Negro of the United States," Liberia Bulletin, IV (1894), 33.

[15] "The Negro Question," Yale Review, V (1896), 316-317.

[16] Quincy Ewing, "The Heart of the Race Problem," Atlantic Monthly, CIII (April, 1909), 389.

[17] Isabelle Charlotte Jackson, "The Policy of the Hayes Administration toward Negroes, Indians and Chinese" (Unpublished Master's Thesis, Dept. of History, Howard University, 1949), 26.

[18] Ibid.

The first post-Civil War migration occurred during 1879-1880 and was known as the Great Negro Exodus to Kansas. This movement had all the elements of a migration in its truest sense because it was a permanent departure of colored people from the South. In this migration, many Negroes left Texas, Louisiana, Mississippi, Tennessee, Kentucky and South Carolina, the land of their birth, seeking political, economic, and social opportunities elsewhere.[19]

Many left to escape white supremacy, which had become the political axiom of the white people of the South. To the Southerner, generally, all whites were potentially on a plane of equality. In fact white supremacy was considered among them to be a practical doctrine which enabled Southerners to live in contact with large numbers of Negroes without the loss of their cultural heritage and their racial identity.[20] Such a doctrine did much to disillusion and demoralize many Negroes throughout the South for they were its direct victims.

Mozell Hill declared that after the Civil War:

> The South passed through an economic and social upheaval. The whole 'cake of custom' had been broken.

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[19]Glen Schwendemann, "Negro Exodus to Kansas: First Phase, March-July, 1879" (Unpublished Master's Thesis, Dept. of History, University of Oklahoma, 1957), 1. See also Walter L. Fleming, "Pap Singleton, the Moses of the Colored Exodus," American Journal of Sociology, XV (1909-1910), 61-82, and Roy Garvin, "Benjamin, of 'Pap' Singleton and His Followers," Journal of Negro History, XXXIII (January, 1948), 7-23.

[20]Charles W. Collins, Whither Solid South? A Study in Politics and Race Relations (New Orleans: Pelican Publishing Company, 1947), 40. Guion G. Johnson does not confine the doctrine to the South during this period. According to him, white supremacy had come now to be accepted as an absolute and had found respectable advocates in the North as well as in the South, in Europe as well as in the United States, in scholarship and in public opinion. See his article entitled "The Ideology of White Supremacy, 1876-1910" in The James Sprunt Studies in History and Political Science, Fletcher M. Green, ed. (Chapel Hill: University of North Carolina, 1949), 155.

> The Negroes were caught up in this general discontent and restlessness. Whippings, burnings, discriminations, and disfranchisements initiated and carried on, what seemed to the newly freed, a reign of terror of such brutality and vindictiveness that they began to feel the presence of a desperate impasse.
>
> Thus, it was within such a setting of social unrest, that Negroes began exploring the possibility of 'a new home'--a land of freedom and opportunity--a Utopian society.[21]

Earl E. Thorpe suggests in The Mind of the Negro that a major reason for the western migration of Negroes was in response to the post-war promotion of that region:

> Some freedmen who left the Southeast to go West did so because they had heard tall tales of easy livelihoods to be made in Arkansas, Texas, or Oklahoma, where it was reputed that cotton and corn required no tending, white potatoes grew as big as watermelons, and cotton grew as tall as man.[22]

Carter G. Woodson found that the Negro moved from the South in order to escape political injustice and persecution. He declared that "the abridgment of the Negroes' rights had affected them as a great calamity."[23]

Pap Singleton, the "Father of the Exodus" to Kansas in the 1870's, encouraged Negroes to migrate in order to improve their economic lot:

> The conviction grew upon Singleton that the negroes must be segregated from the whites. In the South, after the failure to acquire land, the situation of the race was, he thought, precarious.

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[21]Mozell C. Hill, "The All-Negro Society in Oklahoma" (Unpublished Ph. D. dissertation, Dept. of Sociology, University of Chicago, 1946), 19.

[22]Earl E. Thorpe, The Mind of the Negro: An Intellectual History of Afro-Americans (Baton Rouge, Louisiana: Ortlieb Press, 1961), 268-269.

[23]Carter G. Woodson, A Century of Negro Migration (Washington, D. C.: The Association for the Study of Negro Life and History, 1918), 126.

> The only remedy, he decided, was for the blacks to quit the South and go to a new country where they would not have to compete with whites.[24]

Nathaniel J. Washington sums up several reasons for the migration in his Historical Development of the Negro in Oklahoma:

> One of the foremost was the lure of the West, which had also called the white man. The prevalent idea was that in the west the land was free.
>
> Another reason was the fact that the Negro was denied the spoils of the Civil War.
>
> The credit system of the South also tended to drive out many Negroes.
>
> Still another reason why the Negro left the South in great numbers might have been his desire to get away from the unfair criticism he found there.[25]

One of the many Negro migration schemes came to light in 1888:

> Col. A. A. Jones, of the state auditor's office, Indianapolis, Indiana, who is connected with the latest proposed exodus of the negroes from the southern states to South America, talks freely about the scheme. He is an active friend of all movements for the improvement of the condition of his race, and was engaged in the first exodus in 1879. He said:
>
> 'We hope to accomplish by the exodus, first and foremost, protection.
>
> 'Why, do you know that in the last fifteen years 18,000 black people have been killed in the south for their political opinion and nothing has been done to remedy the matter? There is no other remedy; so we propose to pull out.'[26]

Congressional attention was given to the Negro question in 1889 when Senator Mathew C. Butler from South Carolina introduced his Negro Emigration Bill.[27] Its object was to distribute the blacks among the states and territories of the Northwest. Butler felt that this would

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[24]Fleming, op. cit., 63-64.

[25]Nathaniel J. Washington, Historical Development of the Negro in Oklahoma (Tulsa, Oklahoma: Dextar Publishing Company, 1948), 35-36.

[26]National Republican, January 27, 1888.

[27]New York Times, December 25, 1889.

solve the economic and social problems confronting them. Senator John T. Morgan of Alabama, during the same session, introduced a resolution that was a more radical measure for the deportation of the Negro race from the country.[28]

Meanwhile, Congress authorized the opening of the Unassigned Lands in central Indian Territory. On the morning of the opening, April 22, 1889, about 50,000 people were gathered on the various borders of the Oklahoma District.[29] The great majority were whites although some were Negroes.[30] A newspaper in Vinita, Indian Territory, presented the following vivid scenes of this epic day:

> The new Territory of Oklahoma was opened April 22. There was an unprecedented rush of homeseekers, immense numbers seeking the vicinity of Guthrie and Lisbon (Kingfisher).
>
> Fifteen thousand homeseekers are camped on the grassy upland of Guthrie, the pioneer city of Oklahoma. Their camp fires gleam in the darkness, and their tentaloom [sic] athwart in the sky like an army in a bivouac. Guthrie heretofore an insignificant station in a wild and uninhibited country remote from civilization, has more than a population of 15,000.[31]

Among the Negroes who participated in the land run of April 22, 1889, was Mrs. Lizzie Robinson, from Memphis, Tennessee. The following relates some of her experiences on the Oklahoma frontier:

> My parents were Mr. and Mrs. Leo Forte. My father died and mother married Nathan Smith. They chartered space on a train from

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[28] Ibid.

[29] Buchanan and Dale, op. cit., 206; see Dale and Wardell, op. cit., 254.

[30] "Oklahoma Population," Norman Transcript, March 8, 1890, reported that the entire Negro population in the Oklahoma District did not exceed 1,800 persons.

[31] "Oklahoma Territory," Indian Chieftain, April 25, 1889, and "Oklahoma Rush," Ibid.

Memphis, Tennessee, and came to Oklahoma in 1889, with a whole train load of colored folk. All of them secured claims in Blaine, Canadian and Kingfisher counties.

Most of them built dugouts and small log houses to live in. They lived hard. Sometimes the women would go to El Reno and get a few days work and the men would stay at home and grub out the black jacks so that they could have more land to farm.[32]

Another Negro pioneer who participated in the Run of 1889 recalled that he:

. . . was born in Sumter County, South Carolina, near the little village of Sumter on September 28, 1860, the son of Langdon C. Davis and Matilda Davis.

In 1887, or when he was twenty-seven years of age he left South Carolina and came to Wichita, Kansas. He worked at odd jobs, receiving small wages for his labor, but during this time he met another colored boy, Peter Oliver Flinn, and his mother who influenced him to come along with them to Oklahoma for the Opening of 1889.

On April 22, 1889, De'Leslaine Davis and Peter Oliver Flinn were on horseback on the line located north of the Canadian River among the thousands of others who participated in the Run. He made the race for land and succeeded in driving his stakes on a claim joining the North Canadian River four miles northeast of El Reno in Canadian County. Peter Oliver Flinn located on a claim joining the Davis claim on the north. They are the only two negroes who made the run for land in Canadian County in 1889.[33]

A tale of suffering among the Negroes who pioneered in Oklahoma Territory is told by Mrs. Willis Monroe:

I was born in New Orleans, April 19, 1872, and moved from there with my parents to Omega, Louisiana, where we continued to live until 1880, at which time we moved to Topeka, Kansas, and lived there until 1889.

My father came to Oklahoma Territory for the opening and filed on a place east and north of Kingfisher, after which I came with mother and the rest of the family to the new home in the fall of 1889. We lived in a dugout the first year, then built a log cabin of three rooms.

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[32]An interview with Mrs. Lizzie Robinson, The Grant Foreman Collection, Indian Pioneer History, Oklahoma Historical Society, Oklahoma City, Oklahoma, vol. 98, 48.

[33]An interview with De'Leslaine R. Davis, ibid., vol. 53, 89-90.

I remember my father and I went to Guthrie to meet the walking train and it was terrible how those people had suffered to get to the homes they did not own. Some had died on the way. There are only a few left who took part in those times and they do not wish to mention it, they were so disappointed.[34]

Wilson Randle of Henry County, Tennessee, recalled:

My parents, Ben and Emily Randle, were both slaves. I went down to the river at Memphis, Tennessee, and saw the crowd of about six-hundred negroes leave to find free homes in Oklahoma. It took about three trips of the ferry-boat to take them all across the river. Many of their relatives did not want to see them leave and there was much praying, shouting and shedding of tears.

I waited two years before coming to Oklahoma. I got a place that was covered with blackjacks near Emanuel the colored settlement west of Greenfield six miles.

I found my place; no one wanted it because there was so much better land without so much timber on it as there was on my place. I made a dugout on the place and grubbed out the trees whenever I could find time. I had no horses and had to dig up the land with a grubbing hoe and plant peas, corn and melons.[35]

During July, 1889, W. L. Eagleson, a Kansas colored politician, urged Negroes to come to the newly-opened Oklahoma District. He organized an emigrant company with headquarters in Topeka, Kansas, and had agents in all the principal cities of the South. He said that many letters were received from people in the South inquiring about Oklahoma and how to get there. In an address to "The Colored People of the South," published in July, 1889, he said:

There never was a more favorable time than now for you to secure good homes in a land where you will be free and your rights respected. Oklahoma is now open for settlement. The soil is rich, the climate favorable, water abundant and there is plenty of timber. Make a new start. Give yourselves and children new chances in a new land, where you will be able to think and vote as you please. By settling there you will help open up new avenues of industry, your boys and

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[34]An interview with Mrs. Willis Sidney Monroe, ibid., vol. 108, 364-365.

[35]An interview with Wilson Randle, ibid., vol. 113, 206-207.

girls will learn trades and thus be able to do business as other people. Five hundred of the best colored citizens of Topeka have gone there within the last month.[36]

The response to Eagleson's appeal was reported in one newspaper:

A party of about 50 colored men, with their families, have started from here for Oklahoma. They will cross the Cherokee country, and expect to reach the neighborhood of Guthrie about the 22nd, where they will form a settlement and invite others to join them. S. H. Scott, a prominent colored attorney of this place, is the moving spirit, and has unbounded confidence that his scheme of colonizing will be a success.[37]

Negroes continued to migrate to Oklahoma during the latter part of 1889 as is indicated by the Norman Transcript:

Colonies of colored people from Topeka, Kansas, and also from points in the state of Georgia, are settling in the vicinity of Kingfisher, Oklahoma, at a rapid rate and judging from present indications the colored brother is destined to play an important part in the future of Oklahoma.

The exodus negroes from Topeka, Kansas, are building themselves up a town near Kingfisher, Oklahoma, I. T., and calling it Lincoln. The leaders are the same that led the exodus to Kansas within the memory of man.[38]

Near the end of the year, conditions for some of the colored immigrants became unbearable:

Eight colored families went north on the Rock Island Friday night bound for Topeka. They were homesteaders from the neighborhood of Kingfisher, who became afflicted with homesickness and concluded to get out of the country before severe weather sets in. One of them informed a citizen of this city that the colony was

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[36]"The Emigration Scheme of a Kansas Colored Politician," Washington Bee, July, 1889. The Fred S. Barde Collection, Oklahoma Historical Society, Oklahoma City, Oklahoma.

[37]"Negroes Going to Oklahoma," Newspaper Clipping, April 12, 1889. The Fred S. Barde Collection, ibid.

[38]Norman Transcript, November 9, 1889, and ibid., December 7, 1889.

> thinning out considerably and it is very likely that half the original colonies will not prove up their claims even if the time is commuted to two years.[39]

Several writers have given statistics concerning the number of Negroes in Oklahoma Territory in 1890. Mozell Hill in his "The All-Negro Society in Oklahoma," agrees with a statement made by Edwin P. McCabe, which was said to have been printed on the front page of the New York Post in 1892, "that when Oklahoma was thrown open to settlement, 10,000 Negroes crossed the border to get a foothold in the new country."[40] This statement is contrary to a report made by a contemporary newspaper editor, whose views were quite well-known to the settlers in the region:

> When it asserts that there are 10,000 negroes in Oklahoma, The Topeka Capital only proves to thinking people that such statements are rashly made, and entirely untrue. It is a well-known fact that nearly one-half of the men who entered Oklahoma at the date of its opening up to settlement, failed to secure a claim here because there was not enough to supply the eager horde of home-seekers. The negro in the rush stood but little show and only secured the portions refused by white men as unfit for claiming, a small tract known as the blackjack region. On these lands the Oklahoma negroes are settled and the entire population does not exceed 1,800 persons. Oklahoma is not a negro paradise but the happy home of tens of thousands of prosperous white people any report to the contrary notwithstanding.[41]

Washington, in his Historical Development of the Negro in Oklahoma states that "In 1890 Negroes made up 8.4 per cent of Oklahoma's total population, 7.0 per cent in 1900."[42] However, a re-examination of his source shows there were actually 2,973 Negroes in the Oklahoma

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[39] Ibid., December 28, 1889.

[40] Hill, "The All-Negro Society in Oklahoma," op. cit., 26.

[41] Norman Transcript, March 8, 1890.

[42] Washington, op. cit., 48.

District by 1890.[43] This indicates that the Negro population was less than 4.1 per cent of the total population. To be more precise, there were approximately 1,643 colored men and 1,365 colored women who had settled in the area within a year following the Run of 1889.[44] The distribution by counties was as follows:[45]

NEGRO POPULATION BY COUNTIES, 1890

County	Males	Females	Total
Canadian	105	85	190
Cleveland	9	7	16
Greer	2	0	2
Kingfisher	691	613	1304
Logan	408	328	736
Oklahoma	376	284	660
Payne	52	48	100
TOTAL	1643	1365	3008

The white and Indian population in the meantime was 62,000 and 13,177 respectively.

Gaston Litton in his History of Oklahoma commented that "This Negro population increased until 1900 when there were 55,684 Negroes in Oklahoma Territory."[46] Yet the census for that year states that there

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[43]Table 13, "Population as Native and Foreign Born and White and Colored, by Counties: 1890, 1880, and 1870," Compendium of the Eleventh Census: 1890 (Washington, D. C.: U. S. Government Printing Office, 1892), I, 503.

[44]Ibid., 639.

[45]Ibid.

[46]Litton, op. cit., 25.

were 18,831 Negroes,[47] 367,524 whites and 11,945 Indians in the area.[48] Furthermore, Negroes represented 4.7 percent of the population while whites represented 92.3 percent. Because of the small number of Negroes who had settled in the Oklahoma District by 1890, there were no colored teachers and pupils attending school.[49] Among whites there were seventeen teachers and 579 pupils.[50]

Eleven years following the Run, the total Negro population in Oklahoma Territory was about 18,719, and about one-third were concentrated in Logan County which had 6,102 Negroes.[51] In addition to the original seven counties, fifteen others had been created by 1900 with a total Negro population of 5,923. The county distribution was as follows: Beaver, 18; Blaine, 1,106; Custer, 190; Dewey, 74; Garfield, 368; Grant, 92; Kay, 276; Lincoln, 2,158; Noble, 448; Pawnee, 192; Pottawatomie, 815; Roger Mills, 2; Washita, 7; Woods, 167; and Woodward, 10.[52] While the intense prejudice of many white immigrants discouraged Negroes from settling in

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[47]"White, Negro, and Indian Population, by Counties: 1880-1900," Twelfth Census of the United States: 1900, Population (Washington: United States Census Office, 1901), I, 553. Obviously Litton included some 32,753 of the 36,965 Negroes who resided in Indian Territory in 1900.

[48]Ibid.

[49]Table 8, "Public Common Schools of Oklahoma Reported to August 31, 1890," Eleventh Census of the United States, Population (Washington, D. C.: Government Printing Office, 1897), Part II, 86.

[50]Ibid.

[51]Table II, "Negro Population, 1910, 1900, 1890, 1880, Decennial Increases, Proportion Negro, Land Area, and Negro Population Per Square Mile, by Counties, for Southern States," Negro Population, 1790-1915 (Washington: Government Printing Office, 1918), 786-787.

[52]Ibid.

the new country some Negroes did make the Run of 1889, and others followed thereafter when new areas were opened to settlement.

CHAPTER III

RACIAL DISCRIMINATION: 1889-1907

Prior to the Civil War there had been little or no effort to invoke the authority of the federal government in the protection of the right to the security of the person. Indeed the United States Constitution seemed to afford no legal basis for such an intervention. Possibly one might predicate federal power upon the Bill of Rights, expressed in the first ten amendments, but the Supreme Court held in 1833 that these imposed restrictions upon the federal government rather than upon the state or local governments.[1]

The Civil War itself made clear that the Negro was a national issue, since race could not be separated from the slavery controversy. As soon as the war was over it became apparent that the South wanted no action guaranteeing social ~~or~~ political rights for Negroes, while the North and West generally opposed Congressional appropriations for giving Negroes special land and educational privileges.

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[1]Thomas Emerson and David Haber, Political and Civil Rights in the United States (Buffalo, New York: Dennis and Co., Inc., 1952), I, 16. The opinion was delivered by Chief Justice John Marshall, appearing in his last case. He said that "We are of the opinion that the provision in the fifth amendment to the Constitution, declaring that private property shall not be taken for public use without just compensation, is intended solely as a limitation on the exercise of power by the government of the United States, and is not applicable to the legislation of the States." Barron v. Baltimore, 7 Peters 243; 8 L. Ed. 673 (1833).

There came before the 39th Congress some 140 different proposals to meet post-war problems by providing for several changes in the Constitution of the United States.[2] Over half of these affected the status of the newly freed Negroes. An attempt was made by President Andrew Johnson to settle the Reconstruction question quickly by executive action, but Congress refused and appointed a Joint Committee of Fifteen.

Congress, during this era, was dominated by the Radical Republicans who were convinced that "Johnson's private views were never completely emancipated from his heritage of Southern racial attitudes."[3] As a consequence, Congress passed the Thirteenth Amendment, which was ratified on December 18, 1865:

> Section 1. Neither slavery nor involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.[4]

Despite this, eight Southern states between 1865 and 1867 proceeded to virtually reenact the slave codes of the pre-Civil War era.[5] These were known as the Black Codes, which represented the Southern solution to "the Negro problem,"[6] and, according to one writer, were in reality legal sanction adopted to enforce a wide variety of group

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[2] W. E. B. DuBois, "The 13th, 14th, and 15th Amendments: Negroes and Civil Rights," Lawyers Guild Review, IX (Spring, 1949), 93.

[3] Cox and Cox, op. cit., 153.

[4] U. S., Constitution, Art. 13.

[5] Pauli Murray, "Historical Development of Race Laws," Journal of Negro History, XXII (1953), 12.

[6] James M. Smith and Paul L. Murray (ed.), Liberty and Justice: A Historical Record of American Constitutional Development (New York: Alfred A. Knopf, 1958), 214.

judgments.[7] John Franklin made the following remark concerning them in his book, Reconstruction:

> . . . the 'black codes' enacted within a year following the Civil War were the greatest concern of the Southern legislatures. They forecast, to a remarkable degree, the future attitude of former Confederates toward the place of the Negro in the South and in American life.[8]

Thus systematic racial discrimination was begun against Negroes throughout the South, and this discrimination eventually emerged in the form of segregation. Stringent laws were passed relating to apprenticeship, labor contracts, vagrancy, voting restrictions, and the incompetency of Negroes to testify in court, each a deliberate attempt to nullify the Thirteenth Amendment.

To offset this, another amendment was proposed to make clear what was implicit in the Thirteenth Amendment, if the Negro was really going to be free. The Committee of Fifteen drafted the Fourteenth Amendment, that was ratified on July 21, 1868.[9] It provided that:

> Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the States wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life; nor deny to any person within its jurisdiction the equal protection of the laws.[10]

During the third session of the 40th Congress, the Radical Republicans adopted the Fifteenth Amendment, which was ratified on

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[7]Carey McWilliams, "Race Discrimination and the Law," Science and Society, IX (1954), 1.

[8]John H. Franklin, Reconstruction: After the Civil War (Chicago: University of Chicago Press, 1962), 48.

[9]DuBois, op. cit., 95.

[10]U. S., Constitution, Art. 14.

March 30, 1870:

> Section 1. The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.[11]

Congress submitted these amendments[12] for the purpose of defining Negro rights and thwarting the southern Black Codes. They were enhanced by the Enforcement Acts of May 31, 1870, and February 28, 1871, the Ku Klux Klan Act of April 20, 1871, and the Civil Rights Acts of 1866 and 1875. The broad purpose of these Acts was the nationalization of all civil rights of individuals.[13] Thus the aftermath of the Civil War witnessed the invoking of federal power for the protection of rights and security of the person.[14]

Between 1877 and 1889 white Southerners attempted to carry out their own program of reconstruction as the United States Supreme Court in a number of well-known decisions rendered in the Slaughter House Cases, April 17, 1873,[15] the Cruikshank Case, March 27, 1876,[16] the Civil Rights Cases, October 15, 1883,[17] and the Harris Case of 1889,[18] nullified several

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[11] Ibid., Art. 15.

[12] "The Reconstruction Amendments-the Thirteenth, Fourteenth, and Fifteenth-involved the first formal changes in the text of the Constitution for over sixty years, comprising the only alterations made between 1804 and 1913." Smith and Murphy, op. cit., 262. See also Carl B. Swisher, American Constitutional Development (Boston: Houghton Mifflin Co., 1943), 329.

[13] Collins, op. cit., 126.

[14] Emerson and Haber, op. cit., 17.

[15] 16 Wall. 36-130.

[16] 92 U. S. 542.

[17] 109 U. S. 3.

[18] Carey McWilliams, Brothers Under the Skin (Boston: Little, Brown and Co., 1946), 266.

attempts by Congress to enforce the provisions of the 13th, 14th, and 15th Amendments insofar as these pertained to civil rights of the Negro.[19] It was in this atmosphere of compromise and reaction that the question of race was turned back to the states for solution as the Supreme Court narrowed the word protection to include state action only.[20] Furthermore it ruled that the regulation of the conduct of private persons with reference to racial discrimination was a matter for the local states to determine.

These decisions opened the door for the Southern states to pass segregation and racial discrimination laws, which were enacted on a wide scale for the first time in America's history. The consequence was a biracial pattern of race relations in which the dominance of white over colored was assured, for it was observed in 1877 that "The negro will disappear from the field of national politics. Henceforth the nation, as a nation, will have nothing more to do with him."[21]

The inauguration of Republican Rutherford B. Hayes on March 4, 1877, as the nineteenth President of the United States, marked the formal end of reconstruction, but not the final solution of the racial problems created by the war and its aftermath. Since his administration began with the restoration of home rule in the South, Hayes has been accorded some responsibility for permitting such a situation to develop, although

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[19]Louis B. Boudin, "The Supreme Court and Civil Rights," Science and Society, I, No. 3, 302.

[20]Murray, op. cit., 13.

[21]"The Political South Hereafter," The Nation, XXIV (April 5, 1877), 202; see Paul H. Buck, The Road to Reunion, 1865-1900 (Boston: Little, Brown and Co., 1937), 283.

he had made a bargain with the Southerners to secure the peaceful acknowledgment of his election victory. He was essentially a statesman, one of the sanest of American statesmen, and as such he was singularly lacking in personal prejudice,[22] for he did not believe that the Negro could benefit by the maintenance of federal troops in the South.

In his inaugural address, President Hayes set forth the principles upon which he would conduct his affairs with regard to the southern question:

> With respect to the distinct races whose peculiar relations to each other have brought upon us the deplorable complications and perplexities which exist in those States, it must be a government which guards the interests of both races carefully and equally. It must be a government which submits loyally and heartily to the Constitution and the laws-the laws of the nation and the laws of the States themselves-accepting and obeying faithfully the whole Constitution as it is.
>
> Let me assure my countrymen of the Southern States that it is my earnest desire to regard and promote their truest interests, the interests of the white and of the colored people, both and equally, and to put forth my best efforts in behalf of a civil policy which will forever wipe out in our political affairs the color line.[23]

The subsequent reaction to this policy of pacification of the South was one of deep concern among the Negro leaders regarding the fate of their people.[24]

In his annual message of 1880, Hayes spoke of the violations by the southern states of the Fifteenth Amendment, and he said it was the duty of the President to prosecute all engaged in depriving citizens of

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[22]H. J. Eckenrode, Rutherford B. Hayes: Statesman of Reunion (New York: Dodd, Mead and Company, 1930), 247.

[23]Charles R. Williams, The Life of Richard Birchard Hayes (Boston: Houghton Mifflin Company, 1914), II, 7-8.

[24]Jackson, op. cit., 10-11.

their constitutional rights.[25] However, despite his promises and apparent concern for the rights of Negroes, he generally did little to support his statements, for his extending of aid to the Negro was usually restricted to the high-sounding phrases of his speeches.[26]

To further substantiate the claim that the era from 1877 to 1907 was a period of bi-racial accommodation,[27] Merland Turner, in his "The Negro as Portrayed in Harper's New Monthly Magazine, 1877 to 1901," observed that "From the articles presented in Harper's one could surmise that the Southerners who preached the doctrine of the New South were successful in convincing Northerners to agree with their ideas,"[28] and Betty Jordan stated in "The Negro as Portrayed in the North American Review, 1877-1900" that "The general impression engendered by the Review upon the removal of the Federal troops by Hayes in 1877, was one of compliance. Then, too, the viewpoint of the Southern Democrats received wide attention in the Review and this fact greatly aided their cause."[29]

Hayes' successor, James A. Garfield declared in his inaugural address of March 4, 1881:

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[25]James D. Richardson (ed.), Messages and Papers of the Presidents, 1789-1897 (Washington, D. C.: Government Printing Office, 1898), VII, 601.

[26]Jackson, op. cit., 23-24.

[27]Charles F. Marden and Gladys Meyer, Minorities in American Society (New York: American Book Company, 1962), 230.

[28]Merland M. Turner, "The Negro as Portrayed in Harper's New Monthly Magazine, 1877 to 1901" (Unpublished Master's Thesis, Dept. of History, Howard University, 1949), 104-105.

[29]Betty R. Jordan, "The Negro as Portrayed in the North American Review, 1877-1900" (Unpublished Master's Thesis, Dept. of History, Howard University, 1949), 173.

> The elevation of the negro race from slavery to the full rights of citizenship is the most important political change we have known since the adoption of the Constitution of 1787. No thoughtful man can fail to appreciate its beneficent effect upon our institutions and people.
>
> No doubt this great change has caused serious disturbance to our Southern communities. This is to be deplored. . . . But those who have resisted the change should remember that under our institutions there was no middle ground for the negro race between slavery and equal citizenship.[30]

President Chester A. Arthur made no mention of the race question in his inaugural address of September 22, 1881, but Grover Cleveland declared in his of March 5, 1885, that "He who takes the oath to-day to preserve, protect, and defend the Constitution of the United States only assumes the solemn obligation which every patriotic citizen should share with him."[31]

Despite such statements, the national toleration of racial discrimination encouraged white supremacy in the West, including Oklahoma

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[30]Richardson, op. cit., VIII, 8.

[31]Ibid., 301. It is significant to note the general response of the Negro to President Cleveland eight years later according to a prominent colored newspaper, Washington Bee, March 11, 1893:

> President's Inaugural Address
>
> The inaugural address of President Cleveland was a sound document.
>
> It was such a paper that the American people cannot help appreciating.
>
> Notwithstanding the criticisms of the radical press of this country, Mr. Cleveland wants it understood that he wants all classes of citizens protected irrespective of color or condition. Mr. Cleveland has in his power to bring about a more friendly relation between the races in the south and it is hoped that he will devote a little of his time in that direction. We commend the message as a fair and wise one, to which no fair-minded journalist can take exceptions.

Territory.[32] This occurred in spite of the Oklahoma Organic Act,[33] which required that the territorial government could make no distinction in civil or political rights on account of race or color.[34] Therefore, the unmistakable intent of Congress was to give Negroes the same civil and political rights as those possessed by whites,[35] regardless of the Supreme Court's decisions and the racial discrimination laws of the Southern states.

Benjamin Harrison, the twenty-third President, who opened the Oklahoma District to settlement on March 22, 1889, appeared to be the man of the hour to many Negroes. He had spoken freely to both colored and mixed audiences, in the North and in the South.[36] Harrison was solicitous of the Negro's legal welfare, for he said that the community which denied to a portion of its members their rights under the law severed the only safe bond of social order and of prosperity.[37]

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[32]Arnold Rose, The Negro in America (New York: Harper and Brothers, 1946), 64.

[33]Ollie B. Hatcher, "The Development of Legal Controls in Racial Segregation in the Public Schools of Oklahoma, 1865-1952" (Unpublished Ph. D. dissertation, Dept. of Education, University of Oklahoma, 1954), 69-72.

[34]Oklahoma Statutes, 1908, Enabling Act, sec. 3, 66; see also U. S., Statutes at Large, XXXIV, 269.

[35]Hatcher, op. cit., 74. The judicial decision in United States v. Buntin, 10 Fed. Rep. 735 (1882), emphasized:

> The Negro, under the national constitution and laws, is invested with precisely the same rights that are possessed by the white race, and subject to the same duties, obligations and liabilities.

[36]Odessa Frances Richardson, "The Negro in Republican Politics, 1888-1892" (Unpublished Master's Thesis, Dept. of History, Howard University, 1949), 45.

[37]Richardson, op. cit., IX, 6.

Evidence of Harrison's popularity among the colored people is found in a resolution presented by a convention of Negroes at Des Moines, Iowa, on December 19, 1889:

> BE IT RESOLVED, by the colored voters in mass meeting assembled in the City of Des Moines, that we approve heartily every sentiment expressed by President Harrison in his message to Congress regarding the Colored people of the United States: and be it further,
>
> RESOLVED, that the calling the attention of Congress to the educational, social, political and other conditions of our race inspires within us new hope, and as a mark of our appreciation a copy of these resolutions be forwarded to President Harrison.[38]

In Oklahoma Territory, the influence of the President was significant because he exercised appointive powers in choosing the leading territorial officials, especially the governor. The latter was bound by oath to protect the constitutional rights of all persons regardless of color. This was evident to many Negroes during this period, for whenever acts of racial discrimination occurred, leaders of this race appealed to the territorial governor.

The genesis of trouble for the Negro in Oklahoma dates from the Run of 1889 and was due in part to white resentment at efforts by Negro leaders to colonize masses of their race in the new territory. Thus less than a year following the Run of 1889, many local newspapers reported that the Negro had little to show for his efforts, belittled the Negro plan of colonization and claimed that Oklahoma was not a Negro paradise.[39] Throughout the territorial period, Democratic papers charged that Republicans were colonizing the western Oklahoma counties with Negroes.

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[38]Presidential Papers, Benjamin Harrison, Library of Congress, Washington, D. C.

[39]Norman Transcript, March 8, 1890.

Racial bias was so strong by 1892 that according to reports there was not a single Negro in County G,[40] and a mob at Lexington ran Negroes out of town.[41] It was claimed that there was not a colored man in Blackwell,[42] and Negroes reportedly were hounded by whites in Ponca City.[43]

The Indians opposed Negro migration to the territory, too. In response to demands by Osage leaders, United States marshals ordered all Negroes out of the Osage country, because that tribe considered Negroes objectionable.[44] Osage opposition to Negroes was manifested by the following orders: "The Osage Indians have decided to evict all colored people from their reservation,"[45] and "The Attorney General issued a proclamation notifying all negroes on the Osage Indian reservation to leave the premises before July 1, 1895."[46]

By 1896 violence was resorted to as a means of expelling Negroes from those portions of the territory where racial discrimination was very strong. The Indian Chieftain reported:

> Whitecappers are expelling negroes from the southern part of this territory. Not a colored resident remains in Norman. Last night eight whitecappers whipped an old Lincoln county negro and his two sons and ordered the three out of the country. The

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[40] Ibid., May 21, 1892.

[41] Oklahoma Guide, October 3, 1901.

[42] Oklahoma Eagle, December 29, 1893.

[43] Oklahoma Guide, loc. cit.

[44] Blackwell Rock Record, November 16, 1893, and Purcell Register, November 17, 1893.

[45] Beaver Herald, June 27, 1895.

[46] Edmond Sun-Democrat, June 28, 1895.

> same aggregation of whitecappers numbering about a dozen, warned a white man named Scott with many negro tenants that all the latter must leave. The same work is going on extensively.[47]

With the intensification of racial bias against Negroes throughout the South, there was a corresponding increase in the vehemence with which they were attacked in Oklahoma Territory.[48]

Anti-Negro demonstrations at Tecumseh during 1897 caused colored leaders to appeal to Governor Cassius M. Barnes for protection. They claimed their people had been warned by the "white caps" to leave the country.[49]

In 1898 when Negroes were being run out of Pottawatomie County, Governor Barnes sent an agent into the area of disturbance to investigate.[50] Barnes declared that Negroes were American citizens and had to be protected.[51]

During 1899, it was common knowledge that at Billings and other towns in Oklahoma Territory Negroes were not allowed to locate at all.[52] One Negro editor protested other discrimination as follows:

> Oklahoma is making a serious blunder, and one for which those who are the most responsible will some day be made to feel and smart for keenly.

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[47] Indian Chieftain, September 24, 1896. See also Kingfisher Free Press, September 24, 1896, and the El Reno News, September 25, 1896.

[48] El Reno News, April 30, 1897, and Edmond Sun-Democrat, ibid.

[49] Stillwater Gazette, May 27, 1897; see also El Reno News, June 4, 1897.

[50] Oklahoma Guide, October 3, 1901.

[51] Ibid.

[52] Krebs Eagle, December 29, 1899.

> It is a mistake for Oklahoma to cold shoulder and indirectly attempt to keep the Negro in the background to prevent his success, to rob him of equal opportunities to develop and grow along side others, and to curtain him from the view of the world beyond.[53]

Another racial disturbance occurred in Stroud, Oklahoma Territory, where it was reported during 1901:

> A mob of gamblers and toughs organized last night and ran all negroes out of town. Two houses were torn down, in which negroes lived. The contents of the building were burned. The trouble started when a negro drew a revolver on a white man.[54]

As the racial crisis deepened, Negro newspapers became more critical of territorial officials for their alleged failure to do their duty to protect colored citizens. Chief spokesman for the Negro cause was the Oklahoma Guide, published at Guthrie. In 1901 its editor inquired "WHAT IS THE MATTER WITH GOVERNOR JENKINS?" He found it curious that with so much racial violence occurring within forty-three miles of the Governor's office over a thirty day period, the Governor had failed to act.[55]

During the spring of 1902, Comanche County authorities wired Governor Thompson B. Ferguson, the sixth Territorial governor, that private proclamations had been posted at Lawton warning all Negroes to leave town.[56] In response to a request for aid by the territorial militia Ferguson promised that troops would be sent there to protect the colored citizens. The Lawton disorders were vividly described by the Oklahoma Guide:

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[53] Oklahoma Guide, August 8, 1901.

[54] Indian Chieftain, August 29, 1901.

[55] Oklahoma Guide, October 3, 1901.

[56] Alva Review, April 10, 1902.

Senator Stevens wired Governor Ferguson tonight that the town of Lawton, Comanche County, was in the throes of a race war and asked the executive to have troops in readiness to be sent there. When the Kiowa country was opened to settlement a large colony of Negroes were located there. Their numbers were augumented in December by emigration agencies in Mississippi and other Southern states, who shipped them by the car load to Lawton. In the recent municipal campaign the preponderance of Lawton Negroes was used as a campaign issue by the Democrats.

The feeling against the Negroes has been tense for weeks. It culminated today in several street fights between blacks and whites. Information which came to the governor from Lawton says the whites are in arms and threaten to drive every Negro out of Lawton before sunrise before Monday morning. Upon receiving Steven's message, Governor Ferguson communicated with Colonel Hoffman of the First Regiment and Adjutant General Bruligame. Company orders were also notified, but no mobilization orders have yet been issued. The governor assured Mr. Stevens he would have peace maintained if all the soldiers in Oklahoma were necessary to enforce it.[57]

The Oklahoma Guide added that on the morning of April 5, 1902, one of its editors conversed with a Negro from the embattled town:

The editor went into Portwood's barber shop, and Mr. Portwood called my attention to the fact that he was shaving a man that had been run out of Lawton. I then asked what was the trouble, he said he hardly knew. That some days ago notices were tacked on the colored peoples houses, warning them to leave. They never went and then this little innocent no harm proclamation was issued, ordering them to leave before April 6, 1902. He said they appealed to Heck Thomas, the City Marshal of Lawton. He told them they had to go, and don't stand on the order of going but go at once.

They went to Sheriff W. W. Painter and he told them it was best for them to go [since] he could not protect them. At this time crowds of hoodlums were following around jeering and abusing them. He said that [he] himself and about thirty others left Friday, the greatest number stopped at Chickasha and he came to Guthrie. I advised Portwood for the young men to get up a committee of representative young men and go to the Governor. I also told Messrs. Sadler and H. R. Pierson that something should be done. Six hundred Negroes filed on claims in the new country and nearly everyone has been driven away from his claim or forced to sell it, in most cases for a mere pittance.

If the Negroes around Langston were to drive the whites off their claims, the authorities would find the guilty Negroes.

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[57] Oklahoma Guide, April 10, 1902.

> Gentlemen this modus operandi caused proud Rome to fall after 300 years of greatness and persecution of other races.[58]

Anti-Negro riots spread across Oklahoma Territory during 1902. Aside from the Lawton outbursts, the most serious disturbance was at Shawnee:

> Mob law reigned in Shawnee of a few hours Thursday night. The colored population of the city suffered the brutal assaults of a crowd of whites of the lower class, who, when daylight comes hide away. The damage done was sustained wholly by the colored element, who in the majority of cases were unprepared to protect themselves. One negro woman and one negro man were shot by the mob, the latter being in a serious condition and several more negro men were more or less beaten up. The mob was organized about 8 o'clock Tuesday evening in front of D. P. Sparks' restaurant on Main Street, and he as leader marched down to the south part of town where the negro quarters are located and proceeded to satisfy what they no doubt thought was a grievance. The night's action was occasioned by some trouble between one of the Sparks' boys and a negro out at the fair-ground during the game of ball between the Baners and Clerks. The boy reported the case to his father in the evening and the mob was organized[59] They then went down to the negro quarters south of the railroad.[59]

The virus of racial discrimination erupted in other Oklahoma Territory towns. The white citizens of Blackwell said that they would not tolerate Negroes,[60] notices were posted on all roads leading to Lawton and Norman,[61] and the unwritten law in Greer County was that no Negroes could enter there.[62]

In 1903 it was reported that the chiefs of the Sac and Fox Indian tribes were rejecting all bids made by Negroes on the Indian lands

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[58] Ibid.

[59] Oklahoma Guide, June 23, 1902.

[60] Daily Chieftain, July 17, 1902, and Indian Chieftain, July 31, 1902.

[61] Indian Chieftain, ibid.

[62] Mangum Star, November 20, 1902.

which were being sold,[63] and whites near Marshall declared they did not want any Negroes to stop there..[64]

In some respects it is necessary to consider Indian Territory, the eastern half of present-day Oklahoma, in this study. There was an interaction of white, Indian, and Negro groups in the Twin Territories--Oklahoma Territory and Indian Territory. This extended to the race question. Negroes in Indian Territory were subjected to racial discrimination by Indians as well as whites, who, after the Civil War, settled in great numbers on the lands of the Five Civilized Tribes. Although some all-Negro towns were founded long before the Oklahoma District was opened to settlement, racial discrimination against the Negroes in Indian Territory led to the establishment of twenty-three separate all-Negro towns. This pattern of all-Negro towns was followed to a degree in Oklahoma Territory. In addition, the anti-Negro demonstrations in Oklahoma Territory had spread to Indian Territory during the 1890's.

At Sapulpa in the Creek Nation a white mob in 1901 ordered all Negroes to leave town. When the Negroes refused, they were driven from their homes.[65]

The next year, a race riot broke out at Braggs, Indian Territory, when the whites, who had been suffering from a series of petty thefts by Negroes, caught one and horsewhipped him. The Negroes retaliated by marching on the white settlement with the intention of getting revenge.

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[63] Daily Oklahoman, April 14, 1903.

[64] Oklahoma Guide, July 7, 1904.

[65] Daily Oklahoman, August 25, 1901, and the Daily Chieftain, August 27, 1901.

In the ensuing fight, one white and five Negroes were wounded. When further trouble was expected, a force of deputy marshals was dispatched to the town.[66]

The Indian Territory town of Holdenville was the scene of strife during 1904 when a dispute arose over the use of a local hotel:

> . . . the trouble has reached that stage that Marshal Bennett has sent one of his best men there and the attorney for the district has been sent to the spot to settle the trouble if possible. Holdenville is a white town. It is in the heart of a country where the colored population is dense. Negroes were not allowed to remain overnight and merchants began to suffer a loss of trade. So they resolved to change things and a number of them backed up a proposition to establish a hotel for negroes. The house was started and a few nights later it was raided by irate whites who are opposed to negroes, and all the furniture was thrown into the streets. A number of the leading men have asked the officers here to interfere and they left for Holdenville this afternoon. Holdenville has 2,000 people but no negroes.[67]

The affair ended when federal officers were sent to protect the Negroes. The agitators were arrested by United States Attorney, William Mellette, who issued a statement in which he said that he wanted the people of Holdenville to understand that they could not run Negroes out of town or keep them from coming there if they desired to do so.

The Negro press commended Mellette for his stand against racial discrimination:

> The stand taken by the U. S. Attorney, Honorable Wm. Mellette in the Holdenville affair, and his support by the balance of the court officials, is commendable and shows that the officials in this Western District from Judge to constable, are in favor of enforcing the law and are in favor of justice and right.[68]

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[66] Daily Chieftain, May 13, 1902.

[67] Oklahoma Guide, July 26, 1904, and Muskogee Cimeter, August 4, 1904.

[68] Muskogee Cimeter, ibid.

Meanwhile in Claremore, Indian Territory, a Negro and a white man were wounded in an effort by the whites to run two Negroes out of town.[69] Finally in 1907, the year of statehood, the vigilance committee of the citizens of Waurika posted notices to Negroes to vacate the community within twenty-four hours.[70]

Thus, for eighteen years Oklahoma Negroes struggled to gain equal rights. As statehood approached, it appeared that a dark future faced this race.

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[69] Cherokee Messenger, May 5, 1905.

[70] Beaver Journal, April 4, 1907.

CHAPTER IV

THE NEGRO STATE

Throughout the 1880's and 1890's, there was considerable discussion regarding the advisability or practicability of forging an all-Negro state somewhere in the South, a project advanced earlier by Martin Delany, Sojourner Truth and other Negro leaders.[1] The legalization of racial discrimination in the towns and states of the South made Negro leaders become even more concerned with the possibilities of establishing such a state. They felt that the newly-opened Oklahoma Territory constituted the best area for the attempt. When Senator Butler's Negro Emigration Bill of 1889, whose object was to distribute the blacks among the states and territories of the Northwest, did not receive Congressional approval, the Negroes in Oklahoma Territory proceeded to propose to make a Negro state out of it.

One of the most renowned Negro leaders who labored energetically for an all-Negro state was Edwin P. McCabe,[2] former Kansas State Auditor and later a prominent member of the Republican Party in Oklahoma Territory. McCabe, said to be almost a white man in appearance and highly

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[1]Aptheker, op. cit., 648.

[2]Mozell Hill, "The All-Negro Communities of Oklahoma: The Natural History of a Social Movement," Journal of Negro History, XXXI (1946), 260-261.

intelligent, had been cast out of the party when he asked for a second term of office in Kansas. Disappointed and ostracized at Topeka, he decided to attempt to found a Negro state in Oklahoma Territory.

He came to Oklahoma during the Run of 1889 and was elected the first treasurer of Logan County. In 1897 he was appointed Deputy Auditor by Governor Cassius M. Barnes, and he served in the same capacity under Governor William M. Jenkins. He was an astute businessman and a competent accountant.[3]

In the beginning of the all-Negro state movement, many white settlers tended to ridicule it,[4] but were soon aware of its implications when they realized that it was being managed with great skill. McCabe called to his side the most intelligent of his race and began to organize into colonies those Negroes who had participated in the Run of 1889. Many of them came from the southern states.

To help his cause McCabe established a newspaper, The Langston City Herald, at Langston, the most publicized all-Negro town in the territory. This paper was distributed throughout the South and did much to stimulate widespread interest in the cause. There were agents in Navasota and Denison, Texas; Memphis, Pulaski, Knoxville, and Boliver, Tennessee; Little Rock, Arkansas; Poplar Bluff, Missouri; Pensacola, Florida; and Shreveport, Louisiana.[5] The paper attempted to get more Negroes to migrate to Oklahoma Territory and advanced the plan of dispossessing the whites of political power.

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[3]Oklahoma Guide, December 12, 1901.

[4]Hill, "The All-Negro Communities in Oklahoma," op. cit., 19.

[5]Langston City Herald, August 11, 1894.

McCabe founded Langston City on October 22, 1890. Calling it "The Only Distinctively Negro City in America," he urged Negroes to settle there. In promoting it he wrote:

> Do you ask why? We will tell you. Langston City is a Negro City, and we are proud of the fact. Her city officers are all colored. Her teachers are colored. Her public schools furnish thorough educational advantages to nearly two hundred children. The country is as fertile as ever was moistened by nature's falling tears, or kissed by heaven's sunshine. A land of diversified crops, where there need be no such thing as a total failure.[6]

A clue as to why McCabe promoted the all-Negro state movement so vigorously was revealed in 1890:

> It is reported here that the Kansas radicals are trying to work a scheme to coax the negroes of that state to emigrate in a body to Oklahoma. The principal part of this scheme is the appointment of a man name McCabe, who was formerly auditor of the State of Kansas, Governor of Oklahoma, when the bill passes Congress erecting that region into a territory. The belief of the Republican bosses is that if a negro is appointed Governor of Oklahoma, the negroes will flock there not only from Kansas, but other parts of the country and try and capture that country and make it a Negro State.
>
> It is no secret that their object in supporting him, is to get him out of the State, and at the same time they are hoping that a good portion of the negroes will follow him to Oklahoma and erect that region into a negro commonwealth.[7]

Senators John J. Ingalls and Preston B. Plumb of Kansas lent their influence to the movement. Plumb was especially active. Several members of the United States House of Representatives were warm supporters of the proposed Negro state. Identifying themselves with the movement were General Kelly and E. H. Funstan, who gave assistance to Negroes in

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[6] Ibid., November 17, 1892.

[7] "A Negro Commonwealth: Plans to Make Oklahoma the Home of the Colored Brother," Newspaper Clipping, February 13, 1890. The Fred S. Barde Collection, loc. cit.

Washington seeking to settle in Oklahoma Territory.[8] Additional support came from a group of wealthy Washington Negroes, who used their money as well as their influence to aid the movement.

McCabe had an interview with President Harrison in 1890. When the President asked why the black race did not try to people a Southern state, McCabe replied:

> We desire to get away from the associations that cluster about us in the Southern states. We wish to remove from the disgraceful surroundings that so degrade my people, and in the new territory in Oklahoma, show the people of the United States and of the world that we are not only loyal citizens but that we are capable of advancement. We are willing to abide by that decision, but in a new country, on new lands, with a climate suited to our race, we desire to show you that we are men and women capable of self-government.[9]

Although President Harrison did not express an opinion, he seemed to be favorably impressed with McCabe's explanation. Two days later, the St. Louis Globe-Democrat made the following comment on this matter:

> . . . it is stated that while there he [McCabe] had a very satisfactory conference with the President in relation to Oklahoma matters. He is endorsed by many leading Republicans and is bringing strong local influence to bear. His candidacy for Governor is supported by the various colored colonies that settled in Kansas and Oklahoma and by Republicans generally in this State, who argue that while there is no such thing as setting apart any given territory for any class of citizens, black or white, yet the appointment by the President of a representative colored man as Governor of Oklahoma would create such an immigration of colored people from the North and South to that Territory as to very soon give them absolute political control, and give the colored people an opportunity to show to

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[8] San Francisco Examiner, March 3, 1890. See also Wilhemina Irene Barnett, "The American Negro, 1878-1900, as Portrayed in the San Francisco Examiner," (Unpublished Master's Thesis, Dept. of History, Howard University, 1948), 31-32.

[9] Ibid.

> the world their ability in building up a new State, in filling its offices and directing its political destinies.[10]

The movement continued to gain momentum. During 1890 it was reported that 300 families from North Carolina and 500 families from South Carolina had reached Oklahoma and were comfortably situated.[11] One of McCabe's agents, a Mr. Jarrett, associated with the Immigration Association in Washington, hoped to relocate 5,000 families from the southern states before September 1, 1890.[12]

McCabe had political ambitions in the new territory, if not that of governor, then one of the lesser positions. This was revealed in a news story appearing in the San Francisco Examiner during March, 1890:

> Mr. McCabe, despairing of securing an appointment as Governor of the new Territory, will ask recognition for his race in his appointment as Secretary of the Territory. In the demand he will be supported by the Grand Brotherhood, which claims nearly one-half of the population of Oklahoma for the black in point of numbers.[13]

He encountered strong opposition from certain Republicans, who, it was claimed, thought it unwise to recognize the Negro in such a manner. In his reply to his critics, McCabe said:

> Those Washington rumors tending to come from Iowa and Illinois Republicans are simply idle gossip and partake of the character of a bluff. President Harrison is too level-headed to pay any attention to such stuff. If I should be appointed Governor I would administer the laws of the United States without fear or favor to white and black alike. I don't believe it was a Republican that made the

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[10]"Oklahoma Colonization: Views of the Colored Candidate for Governor, 1890," St. Louis Globe-Democrat, March 5, 1890. The Fred S. Barde Collection, loc. cit.

[11]San Francisco Examiner, loc. cit.

[12]Ibid.

[13]Ibid.

> threat, as Kansas and Iowa don't produce that kind of Republicans. I expect it was one of the gentlemen whose fondest hope was to make Oklahoma a Democratic State.[14]

McCabe's colonization scheme attracted national attention, and it caused considerable concern in the Twin Territories. One local paper reported that "There is an attempt by the negroes throughout the U. S. to make Oklahoma a negro state, occupied and governed by negro people. Agitators are going about in different states persuading negro immigration to Oklahoma."[15]

McCabe's scheme originally was to distribute Negro settlers in such a manner as to assure a majority of black voters in each representative and senatorial district of the proposed state. His tactic was to house one of his managers in every cabin or house that became vacant in the Territory.

Among other exponents of the all-Negro state idea was Murat Halstead. In discussing its feasibility, he advanced the following argument:

> It would afford the colored people a rallying point, a land of actual liberty and equality, a place where they could develop according to their capacity, where there would be none to molest and make them afraid; and there is no question of the importance of the popularity of the movement.
>
> It is not only possible, but probable, that this is the beginning of a solution of the question of the races, the most important and dangerous of questions for the people of the United States. The boundaries of Oklahoma, if they should prove insufficient for the rush of the black population, would no doubt be enlarged by the action of the general government, with the concurrence of the States immediately interested. With a black state, populous, prosperous, enlightened and

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[14]St. Louis Globe-Democrat, loc. cit.

[15]"Oklahoma," Indian Chieftain, March 6, 1890.

> honored, there would be an added dignity to the colored citizen, an increase of self-respect, and an end to the sense of subordination, injustice and helplessness which has been so injurious to the race.[16]

In 1889 some support was given to the idea of an all-Negro state by certain Republican leaders who suggested that there should be such a state "as a means of satisfying the negroes of the desire of the white people to advance them."[17]

On March 11, 1890, the leading Negro citizens in Little Rock, Arkansas, received circulars from the Republic Bureau, a publicity agency of the Republican Party located in Washington, D. C., urging them to act in presenting the claims of Edward P. McCabe for appointment by President Harrison as Governor of Oklahoma. It was emphasized that if McCabe was to be successful in his endeavors he must have the loyal support of his people.[18]

However, some skepticism was expressed among some of the prominent Republicans regarding the all-Negro state movement:

> 'What do you think of making a great Negro state under this government, as a way out of the race trouble?' We think nothing of it; if the two classes cannot live in this country as they are, they certainly cannot live in such relations as must necessarily result from any such plan.[19]

Meanwhile, the Oklahoma colonization plan continued to operate as R. F. Foster, traveling in the South during 1890 for the Oklahoma

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[16]"A Negro State," Newspaper Clipping, March 9, 1890. The Fred S. Barde Collection, loc. cit. See also the San Francisco Examiner, loc. cit.

[17]Ibid.

[18]"Mr. McCabe and Oklahoma," St. Louis Globe-Democrat, March 11, 1890. The Fred S. Barde Collection, loc. cit.

[19]Aptheker, op. cit., 648.

Immigration Society, said that 10,000 colored people would start from Alabama on July 1 to settle in Oklahoma.[20] The Indian Chieftain received a letter from Atlanta, Georgia, stating that 1,700 Negroes had already left that place for Oklahoma and that more would follow.[21]

For the next eleven years the promotional activities of the Oklahoma Immigration Society and especially those of McCabe and his supporters urged more Negroes to come to Oklahoma Territory.[22] It was apparent to many Negro leaders by the end of 1890 that Negroes were not immigrating in large numbers into the Oklahoma District.

Commissioners appointed by President Harrison had meanwhile been working among the Indian tribes of Western Indian Territory, trying to get them to sign allotment agreements. After an allotment of land was assigned each Indian, the remainder of the reservation was opened to settlers as a part of Oklahoma Territory.[23] Hence the Sac and Fox, Iowa, and Shawnee-Pottawatomie lands, which were opened on September 22, 1891,[24] added about 868,414 acres of land to Oklahoma Territory.[25]

McCabe and his workers spread the news of this new area to be opened. Their efforts were reported by the Norman Transcript:

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[20] Ibid.

[21] "Oklahoma Immigration Society," Indian Chieftain, April 24, 1890.

[22] Ibid.

[23] Muriel H. Wright, Our Oklahoma (Guthrie, Oklahoma: Cooperative Publishing Company, 1939), 258.

[24] Buchanan and Dale, op. cit., 214.

[25] Wright, op. cit., 259.

> A Negro secret order at Langston City, near Guthrie, has 850 agents in southern states advising Negroes to come and join them in obtaining homes as a colony in the new territory to be opened--by force if necessary. They care for families arriving awaiting any opening of lands and are armed.[26]

The Kingfisher paper reported that McCabe planned to have 15,000 Negroes at Langston City ready to seek homesteads in the Sac and Fox country.[27] The situation reached a crucial stage on the morning of the opening when it was related by the Norman Transcript that:

> Governor Steele this morning, September 22, received a telegram from J. H. Bewford, receiver of the land office at Oklahoma City, calling for assistance to protect his office.
>
> Couriers from Langston City, the negro colony came in this morning and purchased twenty carbines and hastened back to the front. They report that the entire townsite is covered with tents of emigrants and that they are determined to protect themselves from any attempts on the part of the whites to keep them from the lands in the Cimarron valley.[28]

Negroes were successful in establishing homes on the Sac and Fox, Iowa and Shawnee-Pottawatomie lands, which were organized respectively by 1900 as Lincoln and Pottawatomie counties. Lincoln County in 1900 had a Negro population of 2,158, representing 8 per cent of the total population, and Pottawatomie had 815 Negroes, who constituted about 3.1 per cent of the total population.[29] Therefore the total number of Negroes who participated in the Run of 1891 was not as large as had been predicted by the Negro leaders. Thus the trend toward a bi-racial society

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[26] "Langston City Land Opening," Norman Transcript, August 29, 1891. See also "Colored Homeseekers," ibid.

[27] "Territorial Talk," Kingfisher Free Press, September 17, 1891.

[28] "On to Oklahoma," Norman Transcript, September 26, 1891.

[29] Table 19, "White, Negro and Indian Population by Counties: 1880-1900," Twelfth Census of the United States, 1900 (Washington: United States Census Office, 1902), I, 553.

in Oklahoma Territory continued. With the passage of time, racial discrimination against Negroes became more severe.[30]

Negro participation in the Cheyenne-Arapahoe Opening of 1892 was even smaller. Six counties were organized in this region by 1900 with a total of 1,379 Negroes and about 65,069 whites. Table 1 below gives the total Negro-white population in the Cheyenne-Arapahoe area.[31]

TABLE 1

ESTIMATED NEGRO-WHITE POPULATION FOLLOWING THE CHEYENNE-ARAPAHOE OPENING OF 1892

County	Negro	White
Blaine	1,106	8,628
Custer	190	11,772
Dewey	74	8,514
Ellis (Took portion of Day County in 1900)	0	13,947[a]
Roger Mills (Took portion of Day County in 1900)	2	6,104
Washita	7	14,682
Total	1,379	63,647

[a]Table 6, "Population of Oklahoma and Indian Territory, 1907," Bureau of the Census, Bulletin 89 (Washington: Government Printing Office, 1907), 14.

[30]Negroes were confronted by racial bias in Stroud and Chandler, Lincoln County, in 1901, see Oklahoma Guide, October 3, 1901, and in Pottawatomie County generally in 1898, ibid.

[31]Table 1, "Composition and Characteristics of the Population

In 1893 during the opening of the Cherokee Outlet, Negro participation and migration into the area was small. Seven counties were organized in the area, which in 1900 had 1,553 Negroes and about 127,239 whites. Table 2 notates the Negro-white population by counties in this region.[32]

TABLE 2

ESTIMATED NEGRO-WHITE POPULATION FOLLOWING THE CHEROKEE OUTLET OPENING OF 1893

County	Negro	White
Garfield	368	21,704
Grant	92	17,181
Kay	276	21,782
Noble	448	12,680
Pawnee	192	11,628
Woods	167	34,807
Woodward	10	7,457
Total	1,553	127,239

The next area opened for settlement was the Kickapoo Reservation in 1895. Its lands were merely added to those counties adjoining the reservation.[33]

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for the State and for Counties," Thirteenth Census of the United States, 1910 (Washington: Government Printing Office, 1913), III, 467-479.

[32] Thirteenth Census, loc. cit.

[33] Dale and Wardell, op. cit., 264.

Following the opening of Greer County by a United States Supreme Court decision on March 16, 1896, the number of Negroes who entered the area was exceedingly small. Only nine Negroes settled there,[34] while the white population was 8,491.[35]

The opening of the Kiowa, Comanche, and Wichita-Caddo lands occurred in 1901. Kiowa, Comanche and Caddo counties were erected out of this area. In 1900 these reservations had approximately 92 Negroes and 2,207 whites.[36] However, seven years later Kiowa County had 211 Negroes and 21,561 whites, Comanche County had respectively 641 and 29,796, and Caddo County had 1,148 and 27,652.[37] As in other parts of Oklahoma Territory, racial discrimination was an ever-present threat confronting the Negroes.[38]

In 1904 the tribal lands of the Ponca, Otoe, and Missouri reservations were allotted in severalty and attached to the counties adjoining them. In 1906 the grazing lands set aside for the Kiowa-Comanche and Wichita-Caddo Indians were sold at auction to qualified homesteaders. During the same year the lands of the Osage and Kaw reservations were distributed among the Indians of these tribes with each Osage receiving over 500 acres. The Osage lands in 1900 had nineteen Negroes and 5,164 whites, while the Kaw lands had one Negro and five hundred and twenty-seven

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[34]Thirteenth Census, op. cit., 470.

[35]Gittinger, op. cit., 170.

[36]Twelfth Census, loc. cit.

[37]"Population of Oklahoma and Indian Territory, op. cit., 12-13, 16.

[38]Alva Review and the Oklahoma Guide, April 10, 1902.

whites.[39] The racial bias of the Osage Indians against the Negro was well-known throughout the region.[40]

Thus the number of Negroes who migrated into Oklahoma Territory during these ten openings, between 1889 and approximately 1906, probably was between seven and eight thousand rather than ten thousand some authorities said arrived in the region during the Run of 1889. Meanwhile the number of whites who participated was between two and, possibly as high as, five hundred thousand.[41]

McCabe and Halstead's plans for an all-Negro state therefore failed. The most significant reason being that the whites far outnumbered the Negroes in all of the important openings. Despite the appeals of Negro leaders, the sending of agents throughout the South, and the apparent support of certain influential whites in the Republican Party, the Negro state scheme was doomed to failure from its inception. Perhaps the most prominent factor involved was racial discrimination which limited the number of Negroes migrating into Oklahoma Territory, before, during, and after the openings. In fact, in the years following statehood, large numbers of Negroes began to leave Oklahoma in an attempt to escape racism.[42]

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[39] Twelfth Census, loc. cit.

[40] Beaver Herald, June 27, 1895, and the Edmond Sun-Democrat, June 28, 1895.

[41] See Table 3 on page 55.

[42] Boston Evening Transcript, February 8, 1911.

TABLE 3

ESTIMATED NEGRO-WHITE POPULATION DURING AND AFTER ALL OPENINGS, 1889-1906

Openings	Census Year	Negro	White
Oklahoma District, 1889	1889	1,800	48,200
Sac, Fox and Iowa, and Shawnee-Pottawatomie Opening, 1891	1900	2,973	20,000
Cheyenne-Arapahoe Opening, 1892	1900	1,379	25,000
Cherokee Outlet, 1893	1900	1,553	100,000
Kickapoo Reservation, 1895	----	---	---
Greer County Addition, 1896	1900	9	8,491
Kiowa, Comanche and Wichita-Caddo Opening, 1901	1900	92	13,000[a]
Ponca, Otoe, Missouri Reservations, 1904	----	---	---
Kiowa-Comanche and Wichita-Caddo Grazing Lands, 1906	----	---	---
Osage and Kaw Reservations, 1906	1900	20	5,691[b]
Total		7,826	220,382

[a]Gittinger, op. cit., 173. More than 150,000 persons registered, but the number of the successful was limited to 13,000.

[b]Census year of 1900.

CHAPTER V

THE NEGRO TOWNS

In the last decade of the nineteenth century, the Negro had been rendered almost impotent politically. His constitutional rights, already severely diminished, virtually vanished with the repeal of the remaining Reconstruction laws in 1894.

Meanwhile many Negroes had tended to turn away from political activity and agitation for immediate integration and constitutional rights to ideologies of economic advancement, self-help, and racial solidarity. Easily the most striking thing in the history of the American Negro during this era was the ascendancy of Booker T. Washington,[1] as the most outstanding spokesman of this ideology.[2] By virtue of his enthusiasm, unlimited energy and perfect faith, Washington had been able to change what had been a by-path for his people into a way of American life.

In 1903 one writer said of him:

> To gain the sympathy and cooperation of the various elements comprising the white South was Mr. Washington's first task; and this, at the time Tuskegee was founded (1881), seemed, for a black man,

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[1]Daniel Walden, "The Contemporary Opposition to the Political and Educational Ideas of Booker T. Washington," Journal of Negro History, XXXXV (1960), 104. See also W. E. B. DuBois, The Souls of Black Folk: Essays and Sketches (Chicago: A. C. McClurg and Co., 1940), 41.

[2]August Meier, "Booker T. Washington and the Town of Mound Bayou," Phylon, XV (1954), 396-401.

> well-nigh impossible. And yet [more than] ten years later it was done in the word spoken at Atlanta: 'In all things purely social we can be as separate as the five fingers, and yet one as the hand in all things essential to mutual progress.' This 'Atlanta Compromise' is by all odds the most notable thing in Mr. Washington's career.[3]

The central theme in Washington's philosophy, enunciated so persuasively at Atlanta in 1895, was that through economic and moral advancement Negroes would attain their constitutional rights. His philosophy had a tremendous appeal among Negroes living in the Twin Territories. Washington visited Guthrie in 1905. Preceding his visit, the Oklahoma Guide urged "We would like to see 20,000 of his people in attendance, young men will you get busy and show your fathers how to honor a great man."[4]

Although Washington's general approach was one that would have enabled Negroes generally to reach an understanding with the Southern whites, the latter, while expressing almost unanimous approval of his Atlanta speech,[5] responded thereafter, not with racial cooperation,

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[3]DuBois, The Souls of Black Folk, op. cit., 42-43. For the full text of his famous speech of September 18, 1895, see Washington's Up From Slavery: An Autobiography (Garden City, New York: Doubleday and Company, Inc., 1901). 218-225, and also E. Davidson Washington (ed.), Selected Speeches of Booker T. Washington (Garden City, New York: Doubleday, Doran and Company, Inc., 1932), 31-36.

[4]Oklahoma Guide, November 2, 1905, Boley Progress, November 16, 1905, and Muskogee Cimeter, November 9, 1905.

[5]Walden, op. cit., 108. For example, "The Atlanta Constitution called it the 'hit of the day,' and added that it was the 'most remarkable address delivered by a colored man in America.' The New Orleans Picayune said: 'The Rev. Booker T. Washington . . . had given a most temperate address.' The Charleston News and Courier called him 'one of the great men of the South,' while the Memphis Commercial Appeal said that his speech evoked much applause and please both white and black.' Of great significance was "that President Grover Cleveland sent him a letter of congratulations." See Charles E. Silberman, Crisis in Black and White (New York: Random House, 1964), 128.

but with more racial discrimination than before.[6]

Following the legalization of racial discrimination in the towns and states of the South during the 1890's, a characteristic product of Negro emigration from that region and the Middle West were the all-Negro towns in several parts of the United States, most notably in the Twin Territories. Many of these Negro towns were not constituted as racial ghettos. Rather the Negroes of this era felt that this kind of isolation from the whites formed the only positive and workable solution to their difficulties.[7]

Furthermore racial discrimination against Negroes in its extreme form appeared as public exclusion or segregation; and according to this segregation principle as accepted in the North and South, they were compelled to spend their time with other Negroes, except when they were working for the whites.[8] Then, too, prejudice and hostility were intimately woven, because of the heat with which such prejudices were defended or attacked.[9] Therefore the Negro people embarked upon the founding of these towns with the feasibility of attaining self-fulfillment in a bi-racial society, and these towns were an attempt on the part of the Negro to develop fully as an American citizen.

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[6] Ibid., 107.

[7] William E. Bittle and Gilbert L. Geis, "Racial Self-Fulfillment and the Rise of an All-Negro Community in Oklahoma," Phylon, XVIII (1957), 248.

[8] Scott Nearing, Black America (New York: Vanguard Press, 1929), 171.

[9] Naomi F. Goldstein, "The Roots of Prejudice Against the Negro in the United States" (Unpublished Ph.D. dissertation, Dept. of Sociology, Boston University, 1944), 36.

Hill asserted that about twenty-five all-Negro towns were founded within Oklahoma.[10] However investigation reveals the establishment of twenty-seven towns and one colony. Approximately four of the towns and the colony were located in Oklahoma Territory, while twenty-three were located in Indian Territory. The oldest Negro town in Oklahoma Territory was Lincoln City, and the most publicized of these towns were Langston City, Oklahoma Territory, and Boley, Indian Territory.

The following all-Negro towns were founded in Oklahoma Territory Lincoln City, Langston City, Liberty, Wellston Colony, and Ferguson. Those established in Indian Territory were: Tullahassee, North Fork Colored, Arkansas Colored, Canadian Colored, Gibson Station, Wybark, Marshalltown, Overton, Lincoln, later renamed Clearview, Rentiesville, Red Bird, Boley, Taft, Bailey, Tatums, Wild Cat or Grayson, Foreman, Chase, Summit, Lewisville, Vernon, Bookertee, and Lima.[11]

Lincoln City was located about seven miles east and two miles south of Dover in what was known as the Blackjack Hills north of Kingfisher.[12] It was organized in August, 1889. The town had a population of about three hundred Negroes, many of them from the Southern states.[13]

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[10]Hill, "The All-Negro Communities of Oklahoma," op. cit., 264.

[11]Monroe N. Work lists 30 towns and 13 settlements in America founded by Negroes. In Oklahoma there was a town called Mantu with a population of 100, whose existence the writer was not able to substantiate. Monroe N. Work, Negro Year Book, 1912 (Tuskegee, Alabama: Tuskegee Normal and Industrial Institute, 1912), 165-166. According to the Pittsburgh Courier, February 10, 1962, "As late as 1919, there were over 60 towns and communities in America settled and governed by Negroes."

[12]Oklahoma Historic Sites Committee, Oklahoma Historical Sites Survey (Oklahoma City, Oklahoma: Oklahoma Historical Society, 1958), 14.

[13]Marion T. Rock, Illustrated History of Oklahoma (Topeka, Kansas: C. B. Hamilton and Son, 1890), 182-183.

The mayor was R. Hamilton, who, with a council, managed its affairs in a wise and economical manner. Its first postmaster, John D. Young, assumed his duties on December 14, 1889.[14] He was followed by Matthew A. Williams.[15] After September 22, 1894, all packages were sent to Wanamaker.[16]

Langston City was founded on October 22, 1890, by Edwin P. McCabe, as "The Only Distinctively Negro City in America."[17] It was named for John Mercer Langston, a Negro Congressman, who was born on a plantation located three miles from Louisa County Courthouse, in Louisa County, Virginia, on December 14, 1829.[18] One writer characterized him as a man of medium size with a good figure and the air of a gentleman.[19] He served in the Fifty-first Congress as a Representative from Virginia.

In his paper, the Langston City Herald, McCabe published the following advertisement concerning Langston:

> Langston City is newly settled and is better adapted to the progress of the Negro race than any other city or place in the United States.

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[14]Post Office Department Records, Book No. 58 (Oklahoma, 1885-1930), National Archives, Washington, D. C., 250; ibid., Book No. 101, 395. Referred to hereafter as Records.

[15]Ibid.

[16]Ibid., 396.

[17]Plat Book, No. I, 7. Office of the County Clerk, Guthrie, Oklahoma. See also Arthur L. Tolson, "A History of Langston, Oklahoma: 1890-1950" (Unpublished Master's Thesis, Dept. of History, Oklahoma State University, 1952), 5, and the Langston City Herald. November 17, 1892.

[18]Fitzhugh L. Styles, Negroes and the Law (Boston: Christopher Publishing House, 1937), 117.

[19]Ibid., 118-119.

> Langston City restores to the Negro his rights and privileges as an American citizen and offers protection to themselves, families and home.
>
> Langston City is the Negro's refuge from lynching, burning at the stake and other lawlessness and turns the Negro's sorrow into happiness.[20]

Two white homesteaders were the original owners of the land on which the town is situated. The first was Mary Shea of Indiana, who made a homestead entry for 160 acres on June 19, 1889.[21] The second was Austin Swan from Vermont. He made a homestead entry for 160 acres on December 2, 1889.[22] Charles H. Robbins, a white man, bought the Shea and Swan land.[23] He had it surveyed and the town plot was filed with County Clerk H. H. Bockfinger. McCabe and James B. Robinson, a colored man, obtained the land from Robbins.[24]

The first colored postmaster of the town was Samuel G. Garrett, who began his duties on June 25, 1891. He was followed by John P. Cates and Jerry I. Hazelwood.[25] In 1907 the town's population was 274.

Extending his promotional and speculative activities, McCabe and his cohorts were engaged in another enterprise, which led to the founding of the all-Negro town of Liberty, located three miles north of Perry. The Santa Fe Railway built a depot on the site, that was to be settled by Negroes from Texas and Mississippi.[26]

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[20]Langston City Herald, June 15, 1893.

[21]Tolson, loc. cit.

[22]Ibid.

[23]Ibid., 6.

[24]Tolson, op. cit., 8-9.

[25]Records, Book No. 74, 405, and Book No. 90, 503.

[26]Daily Oklahoma State Capitol, September 27, 1893.

In October, 1893, McCabe was still working on his Liberty scheme and was trying to give an impetus to the growth of the older Negro town of Langston.[27] Nicholas D. Barrett served as Liberty's first postmaster. He was succeeded by Eli Barclay, John P. Matthews, W. E. Cecil, Samuel B. Williams, and Joshua B. Deardorff.[28] After January 5, 1904, all mail was sent to El Reno. McCabe's promotional activities continued and as late as November, 1898, immigrants were still arriving in Oklahoma Territory.[29]

Dissatisfaction with racial discrimination in Logan County caused a group of eighteen Negroes to set out for Liberia in 1898.[30] In the spring of the following year, two special coaches on the Santa Fe Railway brought one hundred colored people from Guthrie and other points to Oklahoma City where they joined the Cunningham Liberian Colony. The Negro migrants left for New York via rail where a ship awaited them. This group was described as a mixed and mottled aggregation of old and young men, women, and children, trunks, boxes, furniture, bedding, clothing, dogs, chickens, guns, axes, hoes, and shovels.[31]

Negroes at South McAlester, Indian Territory, sent a petition to Congress, requesting that they be deported to Liberia, because of racial discrimination.[32]

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[27]Guthrie Daily Leader, October 18, 1893.

[28]Records, Book No. 58, 258, Book No. 74, 371, and Book No. 90, 439-440.

[29]El Reno News, November 11, 1898.

[30]Ibid., December 9, 1898.

[31]Daily Oklahoman, March 11, 1899.

[32]Edmond Sun-Democrat, August 11, 1899, and Cleveland County Leader, August 12, 1899.

In the fall of 1900, a colony of about 300 Negroes purchased about 1,000 acres of land near Wellston and divided it into cotton patches. This town was located in Lincoln County near the lines of Logan and Oklahoma counties, in the scrub oak country.[33] Later the Oklahoma Guide reported that the first contingent of the colony arrived 150 strong, from Grimes County, Texas, to build homes on the land, and other members of the colony were on the way.[34] However, the existence of the colony was denied by the Wellston News, apparently in an attempt to discourage more Negroes from coming into the area. The News announced: "It is not true that a colony of negroes purchased a large tract of land near Wellston for cotton raising."[35]

Ferguson, situated in Blaine County, was the last all-Negro town projected in the Oklahoma Territory area. It was promoted by a group of Negroes living in Watonga, who had as one of their leaders the Reverend C. N. Moore. In the Watonga News, the following advertisement appeared:

> We, the Colored Townsite Board have arranged to open up a Colored Town at Ferguson. The Townsite is located on the Rock Island railroad 12 miles North of Watonga, the county seat of Blaine county. Here is an opportunity for the Negro to build a great town in western Oklahoma.
>
> Oklahoma is the best country in the United States for the Southern Negro. I am speaking of the liberty loving Negro of Tennessee, Mississippi, Texas and Louisiana. If you want to breathe pure freedom come to Ferguson in Blaine county Oklahoma. If you are a business man, come to Ferguson, Oklahoma, and buy business lots and get ready for doing business.[36]

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[33]Cleveland County Leader, November 15, 1900.

[34]Oklahoma Guide, November 15, 1900. See also Indian Journal, November 16, 1900.

[35]Cleveland County Leader, November 29, 1900.

[36]Western Age, July 26, 1907.

The two postmasters who served the town during 1909 were Andrew W. McBride and James D. Johnson.[37]

Regarding the all-Negro towns in Indian Territory, some twenty-three were founded. Tullahassee located in Wagoner County near the Verdigris River, is considered the oldest Negro town in Indian Territory.[38] Its existence can be determined as early as 1850 when the Creek Indians built a school there.[39] In December, 1880, the Tullahassee school was destroyed by fire. The Chief called a convention and it was decided to locate the new building in an Indian neighborhood and turn what remained of the old plant to the freemen, who had lost their boarding school when the United States reoccupied the agency in 1879. Three Negroes, Henry C. Reed, judge of Muskogee District, Snow Sells, chief of Arkansas Town, and Sugar George, were appointed as the trustees of the colored school, which opened in the fall, 1883.[40] Wilson R. Redus was postmaster of the town in 1905.[41]

As early as 1869 Creek freedmen had organized three colored towns: North Fork Colored, Arkansas Colored, and Canadian Colored. By 1891 they had a population of 789, 1,970, and 1,444 respectively.[42]

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[37]Records, Book No. 101, 16.

[38]The Creeks accepted the justice of Lincoln's Emancipation Proclamation and agreed to colonize their negroes or--with the consent of their chiefs, any negroes--in a special section of their country, where they would remain under Creek law. They ceded to the United States the triangle of land between the Arkansas and their northeastern boundary.

[39]Angie Debo, The Road to Disappearance (Norman: University of Oklahoma Press, 1941), 120. See also John W. Morris and Edwin C. McReynolds, Historical Atlas of Oklahoma (Norman: University of Oklahoma Press, 1965), 23.

[40]Debo, op. cit., 249. [41]Records, op. cit., 211.

[42]Debo, op. cit., 192, 333.

Gibson Station's existence can be traced to 1870, when it was a vicious little tent town, a rail construction camp, where the scum of the frontier collected.[43] It is situated about seven miles south of Wagoner on the Arkansas Valley Railroad Line.[44] In 1879 R. E. Reaser was postmaster, followed by William L. Hailey, 1886, John F. Schaffer, June, 1889, Ebenezer E. Weldon, November, 1889, and Charles G. Davis, 1907.[45]

Wybark, located about ten miles north of Muskogee at the junction of the Missouri, Kansas and Texas, and Missouri, Kansas and Oklahoma railway lines,[46] had William Lamb as its postmaster in 1890.[47] It was a town which the Daily Oklahoman observed "A white man is not allowed to stop there after sunset and the negroes have everything their own way."[48]

A few miles north of Muskogee in the Coweta District was the Negro settlement of Marshalltown, which lay in what was called the "Point" between the Arkansas and Verdigris rivers.[49] It was a thoroughly vicious community as the horse and cattle thieves plied their vocations unmolested.

The Cleveland County Leader reported the existence of an all-Negro town called Overton, which had about five hundred persons. In 1900,

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[43]Ibid., 197.

[44]See excellent map by George Rainey entitled "Fifty Years: Oklahoma: 1889-1939," Oklahoma Historical Society, Oklahoma City, Oklahoma, and Morris and McReynolds, op. cit., 37.

[45]Records, op. cit., 210.

[46]Daily Oklahoman, July 5, 1904.

[47]Records, loc. cit.

[48]Daily Oklahoman, loc. cit.

[49]Debo, op. cit., 253.

all city officials including the postmaster, mayor and town marshals were Negroes.[50]

Two years later, Lincoln, later renamed Clearview, described as "A Town for the Negroes Only," was founded near Okmulgee in Okfuskee County:

> Lincoln is the name of a new town on the Ozark and Cherokee Central railroad twenty-five miles west of Okmulgee. It is designed exclusively for Negroes. Negroes will own the land and all the business including stores, gins, banks, mills, and shops. They will have their own mayor, city council, and everything else. The price of lots is $18.[51]

The town had its own newspaper, the Lincoln Tribune which proclaimed that "Lincoln is the only Negro town in the Indian Territory, that attempts to support a newspaper. It speaks for a progressive community to have an organ to present its views to the public. That's us."[52] To demonstrate the business acumen of the Negro, the Abe Lincoln Trading Company, a private corporation, was organized at Lincoln on February 13, 1904.[53] The town's name was changed to Clearview in 1903.[54] In 1907 its population was 618: 174 whites, 437 Negroes, and 7 Indians. It supported the Clearview Tribune to 1911 and the Clearview Patriarch to 1914. Neva

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[50]Cleveland County Leader, January 13, 1900. The exact location of this town could not be confirmed by the writer.

[51]Daily Oklahoman, November 13, 1902.

[52]Lincoln Tribune, November 5, 1904.

[53]Ibid.

[54]The Clearview Tribune, August 6, 1904, said: "Clearview is an infant town only one year old, situated on the Ft. Smith R. R. midway between Ft. Smith, Arkansas, and Guthrie, Oklahoma Territory. It has a population of 250. Clearview was plotted on June 1, 1903." It is located on Section 30 of Lincoln Township. See Maps-Oklahoma Counties, op. cit.

B. Thompson and Noah H. Starks served as postmasters of the town between 1907 and 1909.[55]

Rentiesville, another all-Negro town, situated in northern McIntosh County about seventeen miles southwest of Muskogee on Dirty Creek west of Rattlesnake Mountain, was founded in 1903.[56] A vivid historical account of the town was given by N. A. Robinson, a Baptist minister. His address was delivered at the Townsite Company Meeting of which he was president on October 6, 1904:

> Twelve months ago this beautiful site was nothing more than a common grove, today it is a well-organized town. The townsite has been surveyed by the U. S. surveyor, and a blue print plat prepared, and the same is on record with other towns.
>
> The scheme of the organization of the town of Rentiesville was conceived by your humble servant on or about the first of October, 1903. I held a conference with I. J. Foster, W. D. Robinson, and William Rentie; all of whom concurred with me. The result was a call to meet at the new Paradise Baptist Church on the 20th day of October, 1903. During the meeting a resolution was adopted which carried with it the organization of a townsite company. Your humble servant was elected president; Reverend David Green, vice-president; William Rentie, secretary; W. D. Robinson, treasurer.
>
> THE WORK
>
> We then began to cast about for a suitable place. Mr. and Mrs. William Rentie kindly consented to set apart 20 acres of land for the beginning of a town, and Mrs. Phoebe McIntosh twenty making a total of forty acres.
>
> MERCANTILE DEPARTMENT
>
> After several conferences with Professor J. J. Hudson of Checotah, he finally consented to open business at this place. This was done about the first of February, 1904. We now have five business houses in the town, all of whom are doing a splendid business.
>
> POST OFFICE AND RAILWAY
>
> The post office in Rentiesville is a blessing to the town and community. Postmaster J. J. Hudson is in the right place. We are very grateful to Supt. J. W. Walton for making Rentiesville a flag stop. We now have the accommodation of passenger trains Nos. 1 and 2, and local freight trains Nos. 541 and 542 each day.

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[55]Records, Book No. 101, 158.

[56]Hill, "The All-Negro Communities of Oklahoma," op. cit., 35.

SCHOOL AND CHURCH

As we assemble in this splendid hall, it reminds us that education and high civilization is the watch word at Rentiesville. Our school is in splendid condition, with an enrollment of 81, and yet they are coming. The church is seeking to play its part as a religious organization, our aim is to do the bidding of the Master.

WATER FACILITIES

Good water is a blessing to any town or community. Rentiesville has that advantage. A good well of water can be obtained in most any part of the town.[57]

John J. Hudson served as postmaster from 1904 to 1914, and was followed by Buck C. Franklin.[58]

Red Bird, situated in Wagoner County southeast of Coweta on the Missouri, Kansas and Texas Railroad, had Alexander White as postmaster in 1902.[59] Two visitors from New Port, Arkansas, H. E. Frith and R. C. Waltoc, had this to say about the town three years later:

> We spent a day at Red Bird and found the location much better than it is advertised and will say that the Townsite Company has not gone far enough in advertising that town.
>
> We can say this is the best town in this country that I have seen for the Negro who wants to make money and get a home that will be a credit to himself and family. People are moving to Red Bird every day and we will say if you want to get in on the ground floor, come to Red Bird now, and see for yourself.[60]

In 1907 the town had a total population of 140. One hundred and twelve were Negroes and twenty-eight were whites.

The most famous of all the Negro towns in the Twin Territories was Boley, situated on the Fort Smith and Western Railroad about seventy-five miles east of Guthrie and twelve miles from the Oklahoma Territory

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[57] Muskogee Cimeter, October 6, 1904.

[58] Records, op. cit., 136.

[59] Ibid., 211.

[60] Muskogee Cimeter, December 28, 1905.

line. It was a rude, bustling, western town and was a characteristic product of the Negro migration from the South and Middle West.[61] Regarding the inception of Boley, there was a story told as to how it came into existence:

> One spring day, four years ago, a number of gentlemen were discussing, at Weleetka, the race question. The point at issue was the capability of the negro for self-government. One of the gentlemen, who happened to be connected with the Fort Smith Railway, maintained that if the negroes were given a fair chance they would prove themselves as capable of self-government as any other people of the same degree of culture and education. He asserted that they had never had a fair chance. The other gentlemen naturally asserted the contrary. The result of the argument was Boley. It was, it is said, to put the capability of the negro for self-government to the test that in August, 1903, seventy-two miles east of Guthrie, the site of the new negro town was established.[62]

The person mentioned in the preceding connected with the railroad was W. H. Boley, a Fort Smith and Western roadmaster. The idea of establishing a town, however, was introduced by the president of the Fort Smith and Western Townsite Company, Lake Moore, a white man.[63]

A year and a half after its founding, Boley had dry-goods, hardware, millinery, grocery, drugstores, shoe shops, restaurants, real estate offices, a six thousand dollar gin, a shingle mill, two saw mills, and a first-class hotel. There was a free school, a good school house about 40 x 24, with an enrollment of 150 pupils. Two teachers were engaged in instructing the colored youths of the community. There was also a colored station agent to look after the affairs of the railroad

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[61]Booker T. Washington, "Boley, A Negro Town in the West," The Outlook, vol. 88, 28.

[62]Ibid., 30.

[63]Hill, "The All-Negro Communities," op. cit., 32-33.

company, soon to occupy a new depot, which was being erected.[64] Its population was 824 in 1907.

Meanwhile, efforts were made to urge more Negroes to immigrate to the town so that it could be proved that such experiments provided a solution to the problem of racial discrimination. According to Booker T. Washington, Boley was:

> . . . backed up by the Fort Smith and Western Railroad Company and was organized to see whether the colored people are capable of governing affairs of their own.
>
> Great opportunities await the colored people here where their children can be educated and find an opening to execute the same. We have men and women of nearly every profession and still there is room for more.[65]

To Washington, Boley was another chapter in the long struggle of the Negro for moral, industrial, and political freedom.[66]

Taft, located about one and one-half miles south of the Arkansas River ten miles west of Muskogee and originally named Twine for one of its founders, was organized in 1903. In 1907, 225 Negroes, 21 whites, and 4 Indians resided in the town. The town's name was changed to Taft in the honor of President William H. Taft in 1908.[67] C. T. Rogers served as postmaster of Taft from 1906 to 1908, when he was followed by Jefferson L. Carver.[68]

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[64]Boley Progress, March 9, 1905.

[65]Ibid.

[66]Booker T. Washington, op. cit., 31.

[67]Hill, "The All-Negro Communities of Oklahoma," op. cit., 34-35, and the Oklahoma Safeguard, May 31, 1906.

[68]Records, op. cit., 149.

One of the most orderly towns in Indian Territory was said to be Bailey, located on Rush Creek in that portion of Chickasaw Nation which later became Grady County about 25 miles northeast of Marlow.[69] The Oklahoma Guide declared that the people of Bailey were able to solve their own problems, and when one arose the older people got together in a council and settled the matter.[70] On May 23, 1906, A. D. Todd was appointed postmaster.[71]

In what was formerly the Chickasaw Nation was located Tatums, in the northern part of present-day Carter County, of which Ardmore is the county seat. It was named for Mary Tatums, an early settler who became the town's postmistress.[72]

Wild Cat, sometimes called Grayson, located in McIntosh County, was described as "a coming town" in 1905.[73] One account stated that "The negroes who have located there are a progressive set of people and with Reverend Tyson and others are building up a prosperous and substantial community."[74] The Muskogee Cimeter declared in 1905 when Wild Cat had a population "of about 1,000 and schools and churches in proportion,"[75] that "Wildcat is still on the map and some of the property owners out

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[69] Maps-Oklahoma Counties, op. cit.

[70] Oklahoma Guide, September 22, 1904.

[71] Records, op. cit., 77.

[72] Hill, loc. cit.

[73] Muskogee Cimeter, January 12, 1905.

[74] Ibid.

[75] Ibid., February 2, 1905.

there will not trade for lots in proposed New Town. Better let well enough alone. The titles are good in Wild Cat. Is the hint sufficient?"[76] Two years later its population was down to 375: one Indian and 374 Negroes.[77] It was within two miles of a railroad station, and the land was productive with coal and other minerals reportedly found in abundance.

Foreman, located about fifteen miles north of Spiro was in the extreme southern portion of the Cherokee Nation on the Missouri Pacific Railroad in Sequoyah County.[79] It was named for Zack Foreman, a Negro merchant.[80]

The all-Negro town of Chase was founded in 1906. The Oklahoma Safeguard said that "the latest thing out is an attempt to open another negro town ten miles West of Muskogee, I. T. Mr. J. M. Louis a Mississippi boy is in the midst of the movement and thinks the thing is all O. K."[81] On February 29, 1908, Fred O. Ayers became postmaster.[82]

Summit, located in Muskogee County about seven miles south of Muskogee, was on the Missouri, Kansas, and Texas railway line.[83] On

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[76] Ibid., February 2, 1905.

[77] "Population of Oklahoma and Indian Territory, 1907," op. cit., 31.

[78] Records, op. cit., 136.

[79] Rainey, loc. cit.

[80] Emmet Starr, Encyclopedia of Oklahoma: Based on the 1910 Census (Claremore, Oklahoma: N. P., 1912), 48.

[81] Oklahoma Safeguard, March 8, 1906.

[82] Records, op. cit., 150.

[83] Hill, op. cit., 29.

August 10, 1908, Rupert D. Minter declined the postmaster position, which was accepted by August Robinson in May, 1909.[84]

The next all-Negro town of significance was Lewisville, located in Haskell County about eight miles east of Kinta on a branch of Beaver Creek. It was founded several years after statehood. J. E. Thompson was responsible for beginning the town's boom. Two visitors from Fort Worth, Kemp Workman and Miss Lizzie Alexander, said that they were pleased with the town and expected it to become a great Negro town in the future.[85] Two months later the Clearview Patriarch reported that "The establishment of a Baptist College somewhere in Oklahoma has been under discussion for some time. It has been decided to establish such an institution at Lewisville, Oklahoma."[86]

Vernon, located in McIntosh County about ten miles southeast of Dustin, an all-white town, contained several Negro businesses in 1913.[87] It was a rural farm community and the nearest town to it was Hanna, about three miles east of Vernon. The postmistress in 1914 was Ella Woods.[88]

Bookertee, on the St. Louis and Santa Fe Railway line in Okfuskee County, was situated about twenty miles northwest of Weleetka.[89] It was

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[84]Records, op. cit., 149.

[85]Ibid., March 30, 1911.

[86]Ibid., May 11, 1911.

[87]Interview with retired Professor of History, S. L. Hargrove, Langston, Oklahoma, on July 9, 1965.

[88]Records, op. cit., 137.

[89]Oklahoma County Maps, Oklahoma Historical Society, Oklahoma City, Oklahoma.

named for the great Negro leader of the 1890's, Booker T. Washington. The town's newspaper, Bookertee Searchlight was edited by Roscoe Dunjee, later editor of an Oklahoma City newspaper, the Black Dispatch, and Prusilla Dunjee Houston.[90] The paper's slogan was "FREEDOM FOR ALL FOREVER."

Lima, a little town on the Rock Island Railway line about eight miles west of Wewoka, was composed entirely of colored inhabitants. In 1919 it "had an exceedingly fine and well appointed brick school, with five teachers. Professor Jones appears to have able assistants, especially in the persons of Professor Rucker and Miss Cora E. Chandler. There are several thriving stores here that do good business."[91]

As of 1952 approximately 19 all-Negro towns were in existence. One was in the former Oklahoma Territory area and the others in Indian Territory. In the former area was Langston City with a population of 685 Negroes, while in the latter area were Tullahassee, 209; Gibson Station, 125; Wybark, 28; Clearview, 500; Rentiesville, 156; Red Bird, 411; Boley, 816; Taft, 541; Bailey, 25; Tatums, 150; Wild Cat, 147; Foreman, 40; Chase, 150; Summit, 260; Lewisville, 50; Bookertee, 100; Lima, 99; and Vernon, 600.[92]

However by 1962 four of the all-Negro towns, Wybark, Bailey, Foreman, and Bookertee, no longer existed. The surviving fifteen all-Negro towns had suffered a severe population loss during the intervening

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[90]Bookertee Searchlight, January 24, 1919.

[91]Ibid., February 7, 1919.

[92]Rand McNally Oklahoma Pocket Map (Chicago: Rand McNally and Company, 1952), 11-28.

years. These towns were Langston, 136 (population excludes 650 outside corporate limits); Tullahassee, 199; Gibson Station, 100; Clearview, 500; Rentiesville, 122; Red Bird, 310; Boley, 573; Taft, 386; Tatums, 300; Grayson, 142; Chase, 50; Summit, 200; Lewisville, 80; Lima, 87 (corporate name for New Lima); and Vernon, 150.[93]

In a society which had become industrialized and urbanized, these all-Negro towns remained predominantly rural farming communities. Although the majority of these towns came into existence as result of racial discrimination, they eventually offered no permanent solution for the Negro question. Rather, they served as temporary expedients for relieving racial tensions in a bi-racial society during the territorial era.

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[93] Ibid., 1962, 9-28.

CHAPTER VI

THE POLITICAL SITUATION

The political status of free and slave Negroes up to the Civil War was sharply restricted, if at all existent. However, as emancipation approached and President Lincoln initiated his plan of Reconstruction, Negro leaders attempted to assure their people that all the benefits of freedom would be accorded to them. The capstone of this ideology rested firmly on the theory of human rights expressed in the Declaration of Independence.[1] It declared that all men were created equal and endowed with certain inalienable rights which formed the basis for their claims to political recognition and status.

The Republican Party emerged from the Civil War as the champion and protector of the Southern Negro. It had emancipated and enfranchised the Negro and had provided him with constitutional guarantees of political and civil rights.[2] By joining hands with the Negro, the Republicans were able to achieve a temporary dominant political position in the South during the Reconstruction years, since one supplemented the other. The

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[1]Elsie M. Lewis, "The Political Mind of the Negro, 1865-1900," Journal of Southern History, XXI (May, 1955), 190.

[2]Vincent P. DeSantis, "The Republican Party and the Southern Negro, 1877-1897," Journal of Negro History, XLV (April, 1960), 71.

Republicans needed Negro votes while the freedman required protection of his political and social rights.

As a result of the Republican Party's position, it received the loyal support of many Negroes. Frederick Douglass, one of the most influential Negro leaders in that era, declared that he was convinced that the Republican Party was the Negroes' friend and merited support and loyalty.[3] Confirmation of such a belief came from some of the influential Republican Negro politicians, who expressed a sense of responsibility for carrying out the party's pledges and policies.[4] Negroes had been active as leaders in party campaigns since 1872.[5]

The 1870's were a trying period for the Negro in politics as he was increasingly beset by attempts to reduce him to a position approximating that of slavery. During the 1880's colored leaders began a general determined drive toward two major objectives: to build up a sense of Republican Party loyalty among their people, and to overcome racial discrimination in politics. To achieve the two goals, they gave widespread publicity to the control of patronage as a reward for political faithfulness. Such patronage was to extend from the smallest community to the federal government.[6]

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[3]Frederick Douglass, The Life and Times of Frederick Douglass (New York: Pathway Press, 1941), 649-650.

[4]Elbert L. Tatum, The Changed Political Thought of the Negro: 1915-1940 (New York: Exposition Press, 1951), 73.

[5]William F. Nowlin, The Negro in American National Politics (Since 1868) (Boston, Massachusetts: Stratford Company, 1931), 83. See also Tatum, op. cit., 83-84.

[6]Leslie H. Fishel, Jr., "The Negro in Northern Politics, 1870-1900," Mississippi Valley Historical Review, XXXXII (1955-1956), 471, 476.

Despite campaigns to enlist the active participation of Negroes in politics, the pattern of racial discrimination was not perceptibly affected before 1880 because it had little to work on politically. However, during the next twenty years the Negro matured, his leaders became wary, his organizations powerful, and his publicity more extensive. In Oklahoma Territory, the demand among Negroes for offices was an incessant one in the face of racism.

By 1889 the Republican Party controlled the presidency and both branches of Congress. A common feeling existed that it was incumbent upon the party to do something to secure political rights for the Negro.[8] This was considered necessary because racial prejudice existed among the territorial politicians of both parties as well as among the whites generally.

Guthrie, during this era, was a Republican-dominated town and the headquarters for the territorial Republican Party organization; therefore, Democratic politicians made the Negro and the Republican Party synonymous. In the summer of 1890, the first Territorial Governor, George W. Steele, shocked Territorial officials when he appointed a New York Negro as treasurer of Logan County.[9] In the following year, a Negro was the Logan County clerk.[10]

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[7] Ibid., "The North and the Negro, A Study in Racial Discrimination" (Unpublished Ph.D. dissertation, Dept. of History, Harvard University, 1953), 511.

[8] Edwin L. Godkin, "The Republican Party and the Negro," Forum, VII (May, 1889), 246. See also Ina Woestmeyer Van Noppen, The South: A Documentary History (New York: D. Van Nostrand Company, Inc., 1958), 372.

[9] Gerald Fores, Guthrie: Oklahoma's First Capital (Norman: University of Oklahoma Press, 1938), 11.

[10] Ibid., 21.

As the territorial political campaigns grew more bitter, the more widely spread were statements that Guthrie was a Negro town and fear was expressed of a possible Negro domination of territorial politics. Concerning such statements, the Oklahoma City Weekly Times-Journal commented later ". . . it is preposterous for any one to make a fuss over the dangers of negro domination in a state where there are ten white men to each negro."[11] The purpose of the Negro domination scare was designed, however, only to bring about greater support for the Democratic Party among the "weak-kneeded white republicans."[12]

With a Democrat, President Grover Cleveland in the White House following the election of 1892, there was a general repudiation of Republican policies. Nevertheless, because of the symbolic position of the President in American life, Negro leaders in Oklahoma Territory were still hopeful that Cleveland would use his appointive powers to name some of them to public offices in the Territory.

However, they were to be disappointed, as the Democrats were even less concerned with the political future of Negroes than were the Republicans. In fact, the third territorial governor, a Democrat, William C. Renfrow, who assumed his duties on May 7, 1893, was accused of having racist attitudes which militated against his giving fair treatment to colored citizens. The editor of the Langston City Herald said that Renfrow's heart was too narrow to see a man of equal worth under a

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[11]Oklahoma City Weekly Times-Journal, August 23, 1907.

[12]Oklahoma Guide, November 3, 1904.

skin of color.[13] Later in the year, the same editor said that the governor had not learned that a man is a man regardless of his color.[14]

The success of the Democrats in the 1892 election did not produce political advancement for the Negro, and colored Republicans again felt that their main hope was within the party that had freed them. Nevertheless, they were dissatisfied with the Republican Party's efforts in their behalf. Thus, on February 1, 1894, C. R. Renfro, chairman of the Guthrie Republican committee, and Edwin P. McCabe, secretary and one of the foremost Negro leaders in the Territory, said in a special meeting of the Party:

> The city republican central committee at its meeting adjourned to meet at 7:30 tonight in the U. S. court room and issued a call inviting all the republicans to meet there en masse to express their views on the steps which should be taken in the coming city campaign. Let every republican be out tonight, and don't be afraid to talk. Speeches will be limited, so everybody can have his say [sic].[15]

The meeting was one in which local Negroes expressed their dissatisfaction with failures to obtain additional offices, charging that this was because of racial discrimination. The gathering was described by the Guthrie Daily Leader as a mass meeting of colored men who hurled biting shafts of sarcasm into the teeth of Republicans:

> Dark ominous clouds overhung the sky last night which portented no good for Republicans. There was a revolution. The colored voter was seized with it and he threw it up. The colored men of the city held a mass meeting at the district court room last evening. The room was crowded with whites and blacks. Among the number were a score of white Republicans, but they had business outside before Captain Tandy finished his speech. The object of the meeting was

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[13]Langston City Herald, April 6, 1895.

[14]Ibid., November 9, 1895.

[15]Daily Oklahoma State Capitol, February 1, 1894.

to discuss the local political horns and to ascertain whether or not the white Reps intended to 'divy' on the pie.

Reverend Argyle stated the object of the meeting and showed how the colored man had been mistreated by white Republicans in Oklahoma. He was followed by Captain C. H. Tandy. Now there is no use talking, that man Tandy is a sensible man and an orator. He is well read. All this foolishness about Republicans freeing the negroes has been eliminated from his mind. He is right on to his business. Well, Mr. Tandy got the wheels started and off went his speech. It was a corker. He administered a roast to Republicans that needed no concomitants. Said he: 'We are villified and abused by Guthrie lily-whites until election time draws near and then the crack of the whip is heard. I have talked to all my brethren and they are mad. We won't stand it any longer. We are as much men of principles as white people. We revolt. Republicans won't vote for a colored man but they want his vote, and they don't think of the dark skin when they come to levying taxes.'

The Captain's speech was long but strictly to the point. Among the objects of his roasting shafts were the Republican party in general, the State Capital, Judge Lawrence, Milliken, councilmen, Boles and a whole lot of other stalwarts. Words are inadequate to express how hot his sentences were. Suffice it to say that as they struck the water cooler they sizzled. The captain ended by advising them to stand up for their rights and principles. He renounced his allegiance to the Republican party and said he was as much in need of pie as the lily-white Reps.

Samuel Johnson also made a ringing speech in behalf of an independent ticket.[16]

In spite of the dissatisfaction expressed in the speeches, the colored people showed their repudiation of any separatist ideas when their delegates later adopted "A strong Declaration of faith reaffirmed in the principles of the Republican Party."[17]

McCabe, as secretary of the Republican Territorial League, which was "the brains and brawn of the Republican Party," played an important role in the Oklahoma Territorial Republican Party.[18] Among other honors he received an invitation to attend the seventh annual

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[16]Guthrie Daily Leader, February 9, 1894.

[17]Daily Oklahoma State Capital, February 21, 1894.

[18]Ibid.

convention of the National Republican League which met at Denver, Colorado, on June 26, 1894.[19]

With the exception of the Governor, the most important official in Oklahoma Territory was the Delegate to Congress. These emissaries, voteless but not voiceless in Washington, became the focus of political participation in the Territory. Easily the most popular politician during the territorial days was Dennis T. Flynn,[20] who served from 1893 to 1903 except for one two-year term. He was the most influential Republican in the Territory,[21] and was noted for his Free Homes Bill, which S. C. H. Etheridge, a prominent Negro Republican, said made "it possible for colored men to own their homes and was of more benefit to the race than if all the colored leaders got each an office."[22]

Nevertheless more than a year following his election, Flynn was criticized along with the Republican Party by the colored people of Logan County:

> That, as a political benefactor, we in convention at Langston do denounce the past administration of Dennis T. Flynn, and that we ask of Republicans of Logan county to concede to the colored people the office of county clerk, deputy county attorney and other minor offices, according to their votes.[23]

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[19] Ibid., March 19, 1894.

[20] James R. Scales, "Political History of Oklahoma, 1907-1949" (Unpublished Ph.D. dissertation, Dept. of History, Oklahoma University, 1949), 4.

[21] Victor E. Harlow, Oklahoma: Its Origins and Development (Oklahoma City: Harlow Publishing Corporation, 1949), 275.

[22] Daily Oklahoma State Capital, February 9, 1894. The bill became law on June 17, 1900, and it lifted a government mortgage of $15,000,000 from the farms of homesteaders who had settled in the various reservations added to Oklahoma Territory.

[23] Guthrie Daily Leader, June 8, 1894. However, the Langston

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[23] Guthrie Daily Leader, June 8, 1894. However, the Langston

A reminder of the Negro's historic allegiance to the Republican Party was again observed:

> Will he ever leave the Republican party? Will he ever think for himself? Oh no; not he. The negro was freed by the Republican party. Of course there were no Democrats in the union army. The Republican party lifted the shackles from the black man, and he with profound and intelligent ignorance, will stick to and worship at the shrine of Republicanism.[24]

The fact was publicized that a Negro had been nominated for justice of the peace in Oklahoma County, which indicated the extent to which the white Republicans were willing to make concessions to Negro Republicans.[25] Negro leaders accused them of being consistently unwilling to support Negro candidates for public offices.

In less than two years, however, there was evidence of increasing resistance to the elevation of Negroes into even minor roles of power in the political structure. A dispute developed in 1896 within the Republican Party over the candidacy for police judge of G. N. Perkins, a Negro from Guthrie. Although Perkins emerged victorious in the dispute, this occasion marked the first drawing of the color line in territorial politics.[26] It further revealed the extent to which racial discrimination had become intensified throughout the Territory.

This observation was further substantiated in the same year during the important race for Delegate to Congress. According to James

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City Herald, September 26, 1896, advised "McKinley, Dennis Flynn, and the Logan County Republicans are three sure things. Bet your life on them."

[24]Ibid., August 23, 1894.

[25]Stillwater Eagle-Gazette, September 13, 1894.

[26]Edmond Sun-Democrat, April 17, 1896.

R. Scales, such races provided the only real key to party strength in the Territory as a whole.[27] In the 1896 election, the Populists and Democrats combined their strength, defeating Dennis Flynn by a vote of 27,435 to 26,267.[28] This was the first time since 1890 that the Republicans had lost this election.

At the same time a movement known as "Lily-Whiteism" had developed among white Republicans to remove from the Party the "stigma" of its connection with Negroes by eliminating colored people from its ranks.[29] By the fall of 1896 the situation had so deteriorated that Negro Republicans revolted against the "Lily-Whites" and called a separate Republican convention.[30]

On July 2, 1897, a Republican Governor, Cassius M. Barnes, whose administration was marked by political turmoil, accepted the resignation of Auditor and Territorial Superintendent Nichols. He appointed McCabe as a deputy in that office commencing on July 1. When the question was asked "who will succeed Nichols?"[31] Governor Barnes, who obviously displayed little racial discrimination,[32] eventually appointed McCabe as his assistant auditor, and the Republican press claimed this was "a

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[27]Scales, loc. cit.

[28]Ibid., 5.

[29]Norman P. Andrews, "The Negro in Politics," Journal of Negro History, V (1920), 434.

[30]El Reno News, September 18, 1896.

[31]Edmond Sun-Democrat, July 2, 1897.

[32]El Reno News, August 13, 1897, reported that "Governor Barnes made an address to the colored people at the Emancipation celebration on the 4th, and his happy bits and anecdotes captured the brunette audience."

prominent recognition of the colored people of the territory."[33] In 1900 it was reported that Guthrie had two Negro aldermen and two more were on the school board.[34]

Over the territory, however, the Negro was generally insignificant politically.[35] Yet as late as 1901, the Oklahoma Guide reported that leading colored politicians were still living in hopes of political appointment.[36]

Such hope was manifested among the colored people with the appointment in 1901 of William M. Jenkins, a Republican, as governor, and William C. Grimes as secretary of the territory. It was said that they both were strong men who would be more fair toward Negroes than preceding governors.[37]

Two weeks later one colored editor commented that his people hoped that Governor Jenkins, who took office on May 12, 1901, would make better appointments than his predecessor, Cassius M. Barnes; and the general impression was that he would do so.[38] In November, 1901, however, Governor Jenkins was removed by President Theodore Roosevelt, and

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[33]Newkirk Republican News Journal, September 17, 1897.

[34]Woodward News, April 20, 1900.

[35]Esther Rich, "The Rise and Fall of Negro Political Power in the South, 1865-1900" (Unpublished Master's Thesis, Dept. of History, Howard University, 1944), 92.

[36]Oklahoma Guide, August 15, 1901.

[37]Ibid., May 2, 1901.

[38]Ibid., May 16, 1901.

Grimes became acting Governor.[39] He was succeeded by Thompson B. Ferguson, a Republican newspaper editor at Watonga, on December 9, 1901.

An exaggerated fear of Negro control of political affairs, exploited by the Democrats and Lily-white Republicans, began to appear in the territorial capitol at Guthrie, when it became known that several hundred Negro families were on their way to Logan County with the intention of making their homes there.[40] This situation caused much concern among the white population, especially the businessmen, and the newspapers began to refer to Logan County as Africa, in spite of the fact that the whites far outnumbered the Negroes.[41] One colored paper replied to this concern by stating that the white people of Logan County must understand that the Negroes were American citizens and that it was to their interest that they have the friendship of the Negro.[42]

Thompson B. Ferguson, the sixth territorial governor, was well thought of by colored Republicans. The Western World said that he was a very approachable character, and that for this reason colored Republicans constantly visited his office.[43]

Negro Republicans persisted in their demands for representation in positions of power in the Territory:

> If the republican party expects to hold the colored men's votes in Oklahoma or especially in South and East Oklahoma, then the

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[39]Harlow, op. cit., 276-277.

[40]Daily Oklahoman, November 29, 1902.

[41]In Logan County in 1900 there were 20,455 Whites and 6,102 Negroes. See Twelfth Census, op. cit., 553.

[42]Western World, October 22, 1903.

[43]Ibid., July 9, 1903.

> leaders of the party better begin to recognize worthy colored republicans. Soft talk and soft soap will no longer suffice to keep the thinking colored voters welded to a party where the colored boys do all the voting and white men hold all the offices.[44]

The result was that several months later a Negro editor, John C. Leftwich, was elected to represent South Oklahoma at the National Suffrage Convention at Washington, D. C., December 14-15, 1903.[45]

In speaking out for the political rights of his people, J. W. Sharpe said, concerning the tactics of the white Republicans in Oklahoma City, that the colored voters of Oklahoma Territory were insisting upon a delegate representation to the national Republican Convention and they would not be satisfied with the usual alternate.[46] Such a stand was causing concern among white leaders, because Lily-white Republicans had become as rabid on the race question as the Democrats.

During the April, 1904, elections, the Democrats won majorities at Purcell, Lawton, and Shawnee. In Guthrie the Republicans won and elected two Negroes, John Capers as Councilman, and O. H. Bradley as a member of the school board.[47]

Regarding the activities of the Lily-white Republicans at Guthrie, the Daily Oklahoman reported the following synopsis:

> It was announced some time ago that the arrangements had been made for the club's organization and there were many young republicans of prominence participating. It was the understanding that no negroes were to be admitted, but the negroes got next to the

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[44] Ibid., July 23, 1903.

[45] Ibid., November 18, 1903.

[46] Ibid., February 18, 1904.

[47] Daily Oklahoman, April 6, 1904.

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> situation, called the hands of the organizers and as a consequence a resolution to defer the club's organization was introduced by Walter T. Warren and was adopted.
>
> Walter Warren, clerk of the school board, W. R. Benham, deputy district court clerk, Walter Ferguson, son of the governor, Don Carlos Smith, assistant attorney general, attorney R. R. Mitchell, and other young republicans of prominence were instrumental in the club being organized.
>
> Although the democrats were defeated here in the city election of yesterday, yet it is understood there will be enough republicans vote with the democrats to redistrict the city into six wards, eliminating any negro ward and making it impossible to elect a negro to office in the city.
>
> Aldermen Douglas and Tallman of the 'silk stocking' Second ward, both republicans, are quite favorable to the proposition, and the democrats hope to get enough votes to redistrict; it is expected that ex-Governor Barnes, the city's mayor, will be against the proposition, so there must be seven votes to carry it over his veto.
>
> The majority of the white republicans are with the democrats on this proposition, and the republicans elected yesterday, got there by the narrowest majorities in the city's history. The Third ward, republican strong, went democratic by forty-six votes on the negro issue.[48]

As racial discrimination continued throughout the Territory, the demand for white rule in political affairs was being heard, particularly from the Democrats who accused the Republicans of catering to Negroes for their political support. Roy E. Stafford, a white newspaper editor, wrote "That we hereby declare for white supremacy in Logan county. We believe that it is to the best interests of Logan county that white men be placed in public offices, and that all deputyships be given to white men."[49]

Meanwhile it is significant to note that the Lily-white Republicans had reached a similar conclusion regarding the elimination

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[48] Ibid., April 7, 1904.

[49] Daily Oklahoman, August 26, 1904. The public offices referred to were obviously the county clerk, deputy county attorney, and other minor offices. See also Guthrie Daily Leader, June 8, 1894.

of the Negro from territorial politics altogether. The Daily Oklahoman reported that a "Systematic Campaign Was Now Being Waged By Whites To Bleach County Politics."[50]

While Negro politicians were becoming disenchanted with Oklahoma Territorial Republican Party generally, they did support Bird S. McGuire of Pawnee, who succeeded Flynn as Delegate to Congress. The Oklahoma Guide contained a statement of Negro praise for him:

> The Republicans of Oklahoma point with pride to the record of Delegate McGuire in the last Congress and believe that, in the Delegate's honesty of purpose and unflagging energy in pursuing it, manifest to any investigator of the record, the party has its most efficacious argument to the intelligent voter for the return of its candidate to Congress. The Delegate seems not to have neglected a thing from the time of his arrival in Washington till the close of the session in his persistent efforts to secure for Oklahoma all that it was possible to secure.
>
> Of course the great proposition confronting Delegate McGuire on his introduction into Congress was statehood for Oklahoma, and in efforts as honest, as faithful, and as able as the territory could hope to muster he pressed the claims of his constituency.[51]

In September, 1904, the Caddo County Republicans elected a Negro from Anadarko as a delegate to the council convention. The Lawton Republicans became "very much exercised because of the fatal and irreparable error" committed by their party in Caddo County.[52]

A Negro editor attacked the fear of Negro domination shared by Lily-white Republicans and Democrats alike by saying it was a scare brought about with the purpose of soliciting the "weak-kneed" white Republicans. He added that since the Democrats in particular had

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[50] Daily Oklahoman, loc. cit.

[51] Oklahoma Guide, September 1, 1904.

[52] Daily Oklahoman, September 13, 1904.

failed to break the solid ranks of the black Republicans, they had now turned to this method and were achieving some success.[53] This meant that Negroes were gradually losing the support of the Republican Party as its members began to split under the impact of the Democrats' appeal to racial competitiveness.

In an attempt to maintain party unity, the Muskogee Cimeter said regarding the reaction of colored Republicans toward the Lily-whites:

> Everybody knows how we feel toward the Lily White republicans and toward their dupes. Yet, for the good of the party, we shut our eyes to the fact that some of them were on the ticket last spring and we voted on for them, every man. We voted a straight ticket. We advised our friends to do the same, and yet the very fellows who profited by our so doing have kept up their part of the fight right along, and it could be seen whenever they had a chance to strike at any member of the old club they did their utmost to squelch him. When a colored man was to be considered for anything, even in the making up of a program for a public meeting the Lily Whites used their utmost energies to humiliate him if he happened at any time to be connected with the fight against them. They seem to have buried the hatchet, but left the handle sticking up. Our position is this: we want to see our party win in the local contest next spring. We are willing to do any and every thing for the good of our party. We are willing to even forgive the Lily Whites for their insults, their prejudice, and their continued ingratitude, but we say here and now while we forgive and while we are willing to stand shoulder to shoulder with them and vote the straight ticket for the success of our party, we say again while we forgive them, we will never forget them.[54]

During the following year, Leslie G. Niblack, editor of the Guthrie Daily Leader and a Democratic member of the Territorial Assembly, continued his racist attacks against Negroes by introducing a bill that sought to eliminate them as office holders.[55] Before the Republican-

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[53]Oklahoma Guide, November 3, 1904.

[54]Muskogee Cimeter, November 17, 1904.

[55]Ibid., March 16, 1905.

dominated legislature adjourned later in the same month, it refused to pass this bill, aimed chiefly at Negro officeholders in Guthrie.[56] In the meantime, Frank Greer, Republican editor of the Daily Oklahoma State Capitol, was accused of having a Negro phobia and of trying to array the whites against the blacks.[57] Later he was censured by the Muskogee Cimeter for being a Lily-white.[58]

Regarding the Negro's political position about two years before statehood, the Lawton Constitution observed:

> There is not a republican city or county in this territory where the negro does not contribute to the republican majority.
>
> The black counties are the republican strongholds.
>
> Logan county, the banner republican county, has a negro county clerk, and the republicans always have a negro upon a ticket.
>
> Guthrie, the banner republican city of the territory, has negro justices of the peace and negroes on the school board, and others of African descent acting in official capacities.
>
> The republican party in the city of Perry a few days ago nominated a negro, C. T. Talliferio for the city council.[59]

Despite the strenuous efforts on the part of the Negroes and their supporters in the Republican Party to eliminate racial discrimination, they were unsuccessful, when, by the spring of 1905, the Democrats and Lily-white Republicans achieved their political objective as "GUTHRIE WENT WHITE," according to the Lexington Leader, which further detailed that:

> Negro officialism is a thing of the past in Guthrie. Great Guthrie ungoggles her eyes after sixteen years of darkness. Citizens win tremendous victory and vindicate themselves again in face of

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[56] Lawton Constitution, March 30, 1905.

[57] Muskogee Cimeter, loc. cit.

[58] Ibid., March 23, 1905.

[59] Lawton Constitution, loc. cit.

> appalling machine odds. Every official in Guthrie is a white man.[60]

Nevertheless Negroes achieved some satisfaction with Governor Ferguson's administration, because it was claimed that "he had done a little more than any of his predecessors."[61] Further hope was expressed among the colored people that the last Territorial governor, a Republican, Frank Frantz, would do as much if not more for them than the previous governors,[62] and they would be watching closely his policy towards Negroes.[63]

However the success of the Democrats was possibly confirmed in 1906 by Delegate McGuire, when he said "It seems to be impossible to elect a Negro to an important office in Logan or any other county in Oklahoma."[64] A colored editor's reaction was:

> What can be wrong in making such a statement? If McGuire made the statement it was in an air of friendship to the Negro race, as he supplemented the statement by saying that it is the duty of the republican leaders in Logan and other counties to reward the worthy Negroes who aspire, by securing good and paying appointive positions for them.[65]

The Oklahoma Guide noted that Governor Frank Frantz, who was the seventh and last territorial governor, said "some good things, some noble things," and that "he would be the Governor of all the people and

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[60] Lexington Leader, April 7, 1905.

[61] Western Age, November 17, 1905.

[62] Ibid.

[63] Ibid., January 12, 1906.

[64] Ibid.

[65] Ibid.

for all the people. . . ."[66] However, the Governor was reminded that the colored people would be grateful if he would enforce the provisions of the law pertaining to the Oklahoma National Guard, which provided that ". . . one of such companies so formed shall be taken from among the colored residents of the Territory of Oklahoma."[67] This was a provision which four Oklahoma Territorial governors had willfully violated said the Oklahoma Guide.[68]

Negroes trust and confidence in Governor Frantz was observed by the Western Age:

> From all the information at hand, we are of the opinion that the Negro race will receive fair treatment at the hands of His Excellency Governor Frantz. And we further believe that the race will receive at least as many official appointments under him as they received under his predecessor. For he believes in playing politics, strictly according to the rules of the game.[69]

In March, 1906, Negroes held the balance of power in Kingfisher County between the Republican and Democratic parties, although it was charged by colored leaders that the Republican Party had not treated them fairly.[70] Negroes suffered a great setback when the Negro secretary for the Republican County Central Committee was defeated. Following this, the editor of Western Age asked: "How long does the white Republican expect to continue hood-winking our men?"[71] Further uncertainty was

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[66] Oklahoma Guide, January 25, 1906.

[67] Oklahoma Statutes, 1903, 863.

[68] Oklahoma Guide, loc. cit.

[69] Western Age, February 23, 1906.

[70] Ibid., March 9, 1906.

[71] Ibid.

manifested by territorial Negroes through another question: "We would like to know right now if the Negroes of Logan, Lincoln, Oklahoma, Pottawatomie, Kingfisher, Noble and Blaine counties are to tamely submit to the unofficial recognition by election as well as by appointment any longer?"[72]

As statehood approached, the attention of Negroes in the territory continued to be centered on supporting the Republican Party more than ever before as a means of securing their political rights. One colored editor wrote that the party "believes in the 13, 14, and 15th Amendments in the constitution which says every man shall have equal rights regardless to color. As this country is going into statehood every black man should come together and make one strong pull for the republican party."[73]

The following statement was indicative of a leading white Republican's position toward Negroes and also explained to some extent why the latter remained loyal to the party of Lincoln:

> It must be remembered that Oklahoma lies in close proximity to the states where the negro population exceeds the population of the whites. The negro necessarily is held down by the whites who own the property. Just as sure as the republicans gain control of Oklahoma and begin to preach the equality of the races, just that sure will the hoards of the black belt pour in upon us.
>
> Republican newspapers may attempt to delude the people on the negro question, but they cannot get away from the fact that in all states where the republicans are in power they have mixed schools and mixed coaches.[74]

The Republican Convention, which was to meet in Tulsa on July 12, 1907, was to be a significant gathering for territorial Negroes. Its

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[72] Ibid.

[73] Oklahoma Safeguard, September 6, 1906.

[74] Purcell Register, September 13, 1906.

purpose was to nominate candidates for official positions in the forthcoming state of Oklahoma. One newspaper elaborated on the meeting:

> It will decide the policy of the party. It will nominate a full state ticket. It will mark out clearly what is to be the policy of the party on the equality of manhood and civic rights of all men. It will elect a State Chairman to head our party organization.[75]

A number of colored Republicans attended the convention. Logan County sent seven Negro delegates and twelve Negro alternates.[76] They were an independent and self-reliant group, whose conduct reflected credit to their party and race. It was at this convention that the colored delegates from the eastern and western parts of Oklahoma became better acquainted with each other, thereby establishing a relationship that enabled them to work together for the good of their race later on.[77]

In their desire to prove to the whites throughout the territory that they were not making racial discrimination an issue in the forthcoming gubernatorial campaign of September 17, 1907, Negroes generally followed the example of one colored newspaper which said that "The race question is not a part in the great campaign now in Oklahoma. Right here we would like to have all understand that we are satisfied with our great separate school system. And that the informed Negro has no desire for social equality with white persons in private nor public. We are satisfied with our various degrees of social amity."[78]

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[75] Western Age, July 5, 1907.

[76] Ibid., July 12, 1907.

[77] Ibid., August 8, 1907.

[78] Ibid., August 15, 1907.

It was really the Democratic Party which was most opposed to the political support given by Negroes to the Republican Party. The editor of Western Age charged that this party wanted to perpetuate racial discrimination:

> DESTRUCTION, denunciation and abuse seems to be the policy of the democratic party of Oklahoma. The basic principles of democracy seems to be abuse, vituperation and racial hatred. Such as is borne of low and vulgar strata of society. Democracy has for its capital and only assets-Negro hatred. . . .[79]

To understand the role played by Negroes in the campaign, it is essential to note the resolution passed on July 12th, when, at the Tulsa convention, a move was begun to secure representation on the Republican State Central Committee. When this failed, Negro leaders managed to get a resolution adopted by the Central Committee for the selection of "ten colored gentlemen as an Advisory Committee."[80]

The colored Advisory Committee consisted of E. H. Hall, E. E. McDaniel, treasurer, J. N. B. Walls, J. A. Rouce, S. Wiggins, chairman, S. D. Russell, secretary and manager, E. T. Barbour, T. B. Armstrong, A. A. Henderson and Matthew Franklin.[81] S. D. Russell upon his own motion secured a suite of rooms at the Melrose Hotel, Oklahoma City, in which he later installed office fixtures and stenographers. This became the colored Republican State headquarters where Negroes met and discussed matters of the coming state campaign. Eventually from this location thousands of letters were sent out touching upon such phases of the

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[79] Ibid.

[80] Ibid., "Our Story of the Late Campaign," September 26, 1907.

[81] Ibid.

state campaign as were of special interest to the Negro race.[82]

On August 31, 1907, Russell reported on the activities of the Negro Advisory Committee:

> The Times-Journal man called at the colored republican state headquarters at Melrose hotel, and found the energetic as well as strategic S. D. Russell, engaged in directing the state campaign among the colored race of the state. With two stenographers the work of writing and mailing letters, information and directing speakers goes merrily on.
>
> This reporter asked him: 'What have you to say about the criticism made about separate headquarters?' He replied very plainly, that, it is known by every sane man in Oklahoma, that in churches, lodges and in schools my race are separate. Then I see no good reason why we should not have a separate headquarters. This colored republican state headquarters are working night and day to defeat the would-be constitution and to elect the republican state, county legislature and judicial ticket. The white state headquarters are laboring to accomplish the same end. He said:
>
> 'My race with about 30,000 votes is as interested in this campaign as any other element in the state, and we are anxious to assist the republican party to achieve the victory; and as far as we are able, we want to relieve the political tension from any racial feelings. This separate headquarters is farther proof that my race is not seeking social equality with the other races, as one prominent democratic candidate asserted a few days ago.[83]

Five days before the election, Negroes throughout the territory proclaimed their support for the Republican gubernatorial candidate, Frank Frantz, in the following manner:

> The Republican nominee for Governor Oklahoma, the only Moses, who was found worthy to lead the Republican party out of the wilderness of Democracy. The man who shall be the first governor of Oklahoma. On September 17, the people will invite Frantz to the Governor's Chair and tell Boss Haskell to wipe his eyes and go w-a-y-b-a-c-k and sit down.[84]

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[82] Oklahoma City Times-Journal, August 21, 1907.

[83] Ibid., August 31, 1907.

[84] Western Age, September 12, 1907.

The result of the election was just the opposite of the preceding, for Charles N. Haskell, the Democratic candidate, became the first governor of the state of Oklahoma. All state officers were of the same political party. The Republican party leaders, conscious of the role played by their colored supporters since the close of the state campaign, had Republican candidates write letters declaring appreciation of the service rendered by the Negro Advisory Committee.[85]

Naturally there was profound disappointment among Negroes throughout the Twin Territories because of the election results. Yet, they regarded themselves as full-fledged citizens. Thus, they considered Governor Haskell as their governor as much as did other Oklahomans. That the Democrats, under the leadership of the State's first Governor, thought otherwise was quickly evident, for they became as successful as even the former slave-holding states in disfranchising Negro citizens.

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[85] Ibid., September 26, 1907.

CHAPTER VII

THE JIM CROW CONTROVERSY: THE BACKGROUND

The processes of public racial separation and subjugation of the Negro began long before 1865. In 1832 the term "Jim Crow" was immortalized by Thomas Dartmouth Rice, one of the white pioneers in the comic representation of the Negro.[1] Its origin has been traced to a James Crow who was an unknown soldier. Some authorities say he was a slave from Cincinnati. Others claim he was from Charleston.[2] Six years later, the term was a part of the American language as a synonym for Negro. To Massachusetts goes the distinction of being the first state to utilize the term by having what was called a Jim Crow car in 1841.[3]

Through the 1850's and 1860's a great deal of attention was paid to the unavoidable contacts between persons of the white and colored races in all types of public conveyances.[4] The Negro was presumed to be

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[1] Lerone Bennett, Jr., Before the Mayflower: A History of the Negro in America, 1619-1962 (Chicago: Johnson Publishing Company, Inc., 1962), 220-221. However, Gilbert T. Stephenson says that it was in 1835. See his Race Distinctions in American Law (New York: D. Appleton and Company, 1910), 208.

[2] Bennett, Jr., loc. cit.

[3] Ibid.

[4] Charles S. Mangum, Jr., The Legal Status of the Negro (Chapel Hill: University of North Carolina Press, 1940), 208.

inferior, and any relationship which brought him except as a menial into contact or association with the whites was regarded as elevating the inferior and degrading the superior. Hence southern extremists concluded that the Negro must be ground down so completely that he would never attempt to cross the race line.[5]

When the old social and economic structure fell with the Civil War, the South began the erection of a new structure of racial discrimination based upon complete racial separation. From the Southern viewpoint, it was only logical that the old relationships should continue as before. Thus the dominant whites sought in every possible way to subordinate and to rule the Negroes. Believing it necessary to the continued tranquillity of the Southern states to separate the races in public conveyances, legislatures passed laws requiring separate carrier facilities for whites and Negroes.[6]

Florida and Mississippi led the way in 1865, followed by Texas in 1866.[7] Curiously, the original Jim Crow car case, which was not a federal case, was decided in 1867 by the Pennsylvania Supreme Court, which ruled that it was not an unreasonable regulation of the railroad company to separate the passengers so as to promote personal comfort and convenience.[8] The decision declared that a natural antipathy existed

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[5]Guion G. Johnson, "The Ideology of White Supremacy, 1876-1910," op. cit., 136.

[6]Mangum, Jr., loc. cit.

[7]Sarah M. Lemmon, "Transportation Segregation in the Federal Courts Since 1865," Journal of Negro History, XXXVIII (April, 1953), 175.

[8]Stephenson, op. cit., 212.

between races and went on to say that all social mingling was repugnant to the laws of nature.[9]

As it became evident that the federal courts were going to leave questions of racial discrimination and segregation to the authority of the states, Jim Crow laws were widely adopted. Tennessee adopted a statute calling for racial separation in railroads and streetcars in 1875.[10] All of the Southern states and many Northern states passed Jim Crow laws in the eighties and nineties, and the concept of racial separation was extended to public facilities generally.

Thus Negroes were not to be served in white hotels, barber shops, restaurants, and in any but restricted areas of public amusement. Specific laws made the education of Negro and white children in separate school systems mandatory. As a matter of course the poorer accommodations fell to the Negroes.

In Oklahoma Territory, Jim Crow principles emerged early in the provision for public schools. When the actual writing of the laws was begun, a bitter fight arose in the territorial legislature over whether or not Negroes should be segregated in the schools.[11] Although the first territorial governor, George W. Steele, favored integration, the segregationists were successful in getting Council Bill No. 2 passed by the Territorial Assembly on December 4, 1890. Section 113 stated that "It would be incumbent upon the County Commissioners to provide for and

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[9]West Chester and Phila. Ry. Co. V. Mills, 1867, 55 Pa. S. 209.

[10]Johnson, op. cit., 135.

[11]Hatcher, op. cit., 76-77.

hold an election in each county of the Territory to determine if there should be separate or mixed schools. . . ."[12] The first election was to be held on the first Tuesday of April, 1891, and every three years thereafter. The "local option for segregation" law of 1891 led to the establishment of the first separate school in Kingfisher in 1892.[13] Thus the passage of the school law of 1890 paved the way for the future establishment of Jim Crow laws throughout the Territory.

An Edmond editor commented as follows on this matter:

> Oklahoma Territory has a school law which rapidly enforces separate schools for the white and black races. Even Guthrie, with its large negro population and intolerant Republican majority, draws the color line sharply in educational, political and social matters. The negro is kept in his place in Oklahoma as much as in Texas.[14]

That Jim Crowism or racial separation was rapidly manifesting itself was observable when in 1895 Governor William C. Renfrow in his message to the Territorial Assembly recommended the following in reference to the Territorial Normal School:

> It is earnestly recommended that provision be made for the education of colored students and teachers, so as to give them equal educational facilities with the whites, and for this purpose it is suggested that a branch of the Territorial University and Normal School be located at some suitable point in the territory.[15]

Two years later, on March 12, 1897, the Territorial Council and House passed an act to locate and establish an Agricultural and Normal

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[12] Legislative Journal of Oklahoma Territory, 1890, 703-704.

[13] Hatcher, op. cit., 79.

[14] Edmond Sun-Democrat, October 20, k893.

[15] Ibid., January 11, 1895, and February 8, 1895.

University of the Territory of Oklahoma for the use and benefit of the colored people.[16] Section 1 of the act states that the University:

> Is hereby located and established at or within a convenient distance from Langston, in Logan County, Oklahoma Territory, the exclusive purpose of which shall be the instruction of both male and female colored persons in the art of teaching and the various branches which pertain to a common school education; and in such higher education as may be deemed advisable by such Board, and in the fundamental laws of the United States in the rights and duties of citizens and in the agricultural, mechanical and industrial arts.[17]

The Edmond Sun-Democrat reported in 1895 that some of the colored citizens of Guthrie, observing the trend toward Jim Crowism, held a meeting and passed a set of resolutions setting forth the injustice of the separate school system. The account added that they were planning to petition the Territorial Assembly to repeal the law.[18] Further opposition occurred several months later in Perry, when Negroes threatened to arrest the Board of Education for not admitting colored children to the white schools.[19]

In 1896 the United States Supreme Court issued a momentous decision in the Plessy v. Ferguson case, subscribing to the doctrine that legislation is powerless to eradicate racial instincts and laid down the separate but equal rule for the justification of segregation. The Court said that the object of the Fourteenth Amendment was undoubtedly to enforce the absolute equality of the two races before the law,

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[16]Tolson, op. cit., 79.

[17]Session Laws of Oklahoma, 1897, 37.

[18]Edmond Sun-Democrat, February 8, 1895.

[19]Ibid., November 1, 1896.

but in the nature of things it could not have been intended to abolish distinctions based on color, or to enforce social, as distinguised from political equality, or a commingling [sic] of the two races upon terms unsatisfactory to either.[20]

With this decision constituting the keystone of legally enforced segregation, the Negro was confronted with Jim Crowism to the extent that it became the predominant practice in Oklahoma Territory after 1897.[21]

On February 26, 1897, the Territorial Assembly passed a marriage law, repealing the one of 1893 that contained no provisions regarding miscegenation, which stated specifically that "All marriages of persons of the white with persons of the negro race are prohibited."[22] Also repealed was the school law of 1890, when the Assembly approved on March 3, a new school law which said "Whenever there shall be as many as eight colored children in any school district in the Territory of Oklahoma, there shall be a district formed for the education of colored children in the same manner and upon the same application as other school districts are formed. . . ."[23]

The enactment of these laws of 1897 marked the triumph of the Southern social ideology of racial separation throughout Oklahoma Territory.[24] Thereafter, according to one writer, with reference to this

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[20]163 U. S. 537 (1896).

[21]Jack Greenberg, Race Relations and American Law (New York: Columbia University Press, 1960), 82.

[22]Session Laws of Oklahoma, op. cit., 212.

[23]Ibid., 266.

[24]Hatcher, op. cit., 83.

era nationally:

> . . . A Jim Crow mania seized men. Driven by some deep, dark urge, they piled law on law. The laws came in spurts and waves. Each year brought some new twist or elaboration. Negroes and whites were forcibly separated in public transportation, sports, hospitals, orphanages, prisons, asylums, funeral homes, morgues, and cemeteries.[25]

This was exemplified by the Sixth Legislative Assembly in 1901 when several Jim Crow bills were presented. Senator Freeman E. Miller introduced in January Council Bill No. 30, which required railroad companies to provide separate coaches for white, Negro, and Indian passengers, prohibited passengers from riding in coaches other than those set apart for them, conferred certain powers upon railroad conductors, and provided penalties for violations of this law. This bill was never adopted.[26] Senator J. F. Todd presented Council Bill No. 83 entitled "An Act Amending Article 8 of Chapter 73, of the Statutes of 1893,"[27] for the purpose of positively and effectively forbidding the continuance of mixed schools.[28] Like the preceding bill it was not adopted. In the House Representative John Embry authored House Bill No. 51, which was similar to the Todd Bill. This bill was adopted.[29]

Apparently not satisfied with these efforts pertaining to unavoidable racial contacts the Separate Coach Bill was introduced in the

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[25]Bennett, Jr., op. cit., 233.

[26]Council Journal, Oklahoma Territory, 1901, 29, 39, 92, 225-226, 314.

[27]Ibid., 74, 194.

[28]Frank A. Balyeat, "Segregation in the Public Schools of Oklahoma Territory," Chronicles of Oklahoma, XXXIV (Summer, 1961), 189.

[29]Council Journal, op. cit., 205, 222, 318, 340.

House in 1903 imposing a heavy penalty against persons of either race who violated it. The proposal, which was not adopted by the Territorial Legislature, provided that:

> All railroads in Oklahoma shall maintain separate coaches for whites and negroes and assess heavy fines, not only for non-compliance, but also for members of either race riding or attempting to ride in the coach set apart for the other. Failure to comply with the law renders the offending railroad liable to a fine of from $500 to $1,000 for each offense, every separate trip counting. Conductors who allow passengers to ride in the wrong coach may be fined $25 to $100 for each offense and the same penalty attaches to the passenger riding out of his class.[30]

One colored editor counseled moderation among his people in Oklahoma Territory by emphasizing that the Negro did not object to separate institutions as such. He did object to the effect and the results which inevitably grew out of separate institutions, for he declared "every man realized that separate institutions meant inferior institutions."[31]

As the movement for statehood, which originated about two years following the Run of 1889, gained impetus in 1904, the Jim Crow controversy became tied up with it.[32] Hence a call was issued by the Suffrage League of Indian Territory for a colored Republican mass meeting to be held in Muskogee in August, 1904. Its officers were Cornelius J. Jones, chairman, George K. Davidson, secretary, and W. H. Twine, attorney. The purpose was to memorialize the Senate of the United States for a speedy

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[30]Daily Oklahoman, January 29, 1903. The significance of passing legislation in the area of public conveyance can be understood from the fact that Guthrie, a thriving city of 12,000 in 1906, had nine railroads and 42 passenger trains daily. See Irvin Hurst, The 46th Star: A History of Oklahoma's Constitutional Convention and Early Statehood (Oklahoma City, Oklahoma: Semco Color Press, Inc., 1957), 5.

[31]Oklahoma Guide, July 30, 1904.

[32]Harlow, op. cit., 300.

passage of the pending Statehood measure. The Suffrage League emphasized that a section of the bill providing for the preservation of the right of suffrage to the citizens of the proposed new state be retained.[33]

The Oklahoma Guide reported that Jim Crowism had become an epidemic; it had invaded the territory; and that although Oklahoma was looked upon as a "Negro Mecca" to Negroes escaping the racism of the Southland, it appeared that Southern whites had entered the territory and were introducing racial hate into the new land.[34]

Negro leaders continued to show interest in the statehood question and concern for the rights of their race once Oklahoma was admitted to the Union. Thus, they participated in several statehood conventions, which were held before 1907. In preparation for a convention to be held in 1905 at Muskogee, Negro territorial editors attempted to stimulate interest among their colored subscribers.[35] The Muskogee Cimeter urged:

> Don't Stand Jim Crowism
>
> We are opposed to Jim Crowism no matter where it comes up we are so opposed to it that we think the Negroes who visit Arkansas, Texas or any of the twin hells even to see their kindred [sometimes that's only a pretext] make a grievious error. Unless it was on business, we would just as soon go to the real hell as one of these rooms of hell.[36]

Negro leaders were alarmed at the Jim Crowism which reportedly pervaded the Statehood Convention. They declared that tremendous odds

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[33]Oklahoma Guide, July 21, 1904.

[34]Ibid., February 2, 1905.

[35]Oklahoma Safeguard, February 9, 1905, and February 15, 1905.

[36]Muskogee Cimeter, May 18, 1905.

confronted territorial Negroes in their attempt to do away with all forms of racial discrimination:

> On the 12th promptly the Statehood convention was called on. There were about 1000 delegates and among that number were seven colored men from Muskogee, several from Wewoka and Ardmore. The thing was packed against the Negro from the very beginning. It seems that Douglass and his cohorts had sown the seed of prejudice in the heart of every white delegate that they could.
>
> After the committee [on Credentials] had decided that no Negroes should sit in the convention a number of colored men from various parts of the two territories got together under the leadership of J. C. Johnson and laid the foundation for the statehood convention to be held in August at which time our interest as a people can be attended to.[37]

Shabby treatment at the Muskogee Statehood Convention led Negro spokesmen to organize a colored convention. It was scheduled to meet in Muskogee, August 2, 3, and 4. Its purpose was to promote statehood and to get colored delegates elected to those conventions where the laws of the new state would be formulated.[38]

Later in the month, Negro leaders met in Muskogee and organized the Negro Protective League.[39] Present were two hundred and eighteen Negroes from both territories. S. D. Russell was elected permanent chairman and L. S. Bell, permanent secretary.[40] Two delegates were elected to go to Washington and work for a single statehood bill which insured Negro rights. A. G. W. Sango of Muskogee and G. W. E. Sawner of Chandler, with alternates S. T. Wiggins of Ardmore and S. D. Russell of Langston being chosen.[41]

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[37] Ibid., July 13, 1905.

[38] Oklahoma Guide, August 31, 1905. [39] Ibid.

[40] Western Age, December 8, 1905.

[41] Oklahoma Guide, loc. cit.

The following resolutions were adopted:

> Resolved, that this convention resolve itself into a permanent organization for the purpose of arousing our people in the two territories to the importance of safeguarding our political and civic rights.
>
> That the permanent organization be known as the Negro Protective League of Oklahoma and Indian Territories.
>
> That the permanent officers of this convention be declared the first officers of said League to serve for one year.
>
> Resolved, that we send one delegate to Congress from the Indian Territory and from Oklahoma Territory to be elected by this convention, and that the people of the various localities contribute for the expense of said delegates.
>
> That the chairman of the executive committee elect two lecturers to organize clubs in the two territories and solicit means for the expenses of said delegates, and the executive committee shall allow the fees for said lecturers.
>
> Resolved, that we commend the utterance of that brave and noble man, who said that he believed the next session of Congress should make one great, grand state of Oklahoma and Indian Territories and that he believed in 'All men up and no men down-President Roosevelt.'[42]

Thus, the Inter-Territorial Negro Statehood Convention dissolved itself into the Inter-Territorial Negro Protective League. Its declared purpose was to generate united action by the Negroes of Oklahoma and Indian Territory, and to promote intellectual, moral, financial and political uplift among Negroes.[43]

The Western Age noted that "the 200,000 Negroes of Oklahoma and Indian Territory are interested in the statehood matter."[44] This editor added that it was imperative that the members of the Inter-Territorial

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[42] Ibid.

[43] Western Age, October 6, 1905.

[44] Ibid., October 27, 1905. This was an exaggerated number of Negroes. Both territories had a total Negro population of only 112,160, while the white population was 1,226,930, and the Indian, 75,012. The total number of males of voting age was 379,568, classified by color as follows: Whites, 334,035; Indians, 15,420; Negroes, 30,047; Mongolians, 66. See "Population of Oklahoma and Indian Territories, 1907," op. cit., 8, 34-35.

Negro Protective League zealously guard the interests and political rights of Negroes in the two territories by being alert and reporting every encroachment to their headquarters.[45]

Meanwhile, the attention of local Negroes was concentrated on the Hamilton Statehood Bill, which contained in Section 3 the provision "That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude."[46] In Logan County, E. P. McCabe pointed out the importance of this section to his Negro followers.[47]

By December, 1905, the Muskogee Cimeter could report that Negroes in the Twin Territories were as a unit for the Hamilton Bill.[48] This paper declared that: "The Negroes . . . are discussing daily upon the street corners and in the barber shops all phases of the Hamilton statehood bill. They are not alone concerned, though perhaps more so in the clause pertaining to the exercise of the elective franchise, but in every clause, including those of prohibition and female suffrage."[49] The colored citizens of Oklahoma seemed to realize that the right to vote was the most effective means of combatting Jim Crow laws.

During the spring of 1906, the question of statehood was uppermost in the minds of the people in Oklahoma and Indian Territories.[50]

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[45] Ibid.

[46] U. S., Statutes at Large, XXXIV, Part 1, 271.

[47] Muskogee Cimeter, November 9, 1905.

[48] Ibid., December 7, 1905.

[49] Ibid., December 22, 1905.

[50] Oklahoma Safeguard, March 15, 1906.

On June 12, a Congressional conference committee report was presented providing for the Oklahoma Enabling Act. It was accepted by the Senate on June 13, the House on June 14, and approved by President Theodore Roosevelt on June 16.[51] Thus Oklahoma and Indian Territories were authorized to join in writing a constitution preparatory for statehood. Significantly, the Oklahoma Enabling Act contained the Section 3 of the old Hamilton Bill which guaranteed Negro suffrage. Passage of the Enabling Act marked the culmination of a protracted struggle for statehood, but it was not the end of the Negroes' attempt to end Jim Crowism.

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[51]Gittinger, op. cit., 212.

CHAPTER VIII

THE JIM CROW CONTROVERSY: THE FIGHT

By the Enabling Act, approved by President Theodore Roosevelt on June 16, 1906, Oklahoma would be a state formed according to the wishes of a Constitutional Convention selected by the Oklahomans. Passage of the act had been primarily the work of a Republican Congress, but its implementation was to become the task of local Democrats. However, before surrendering its jurisdiction, Congress made certain that the state constitution would fulfill certain specifications; therefore it was the President's duty to proclaim the finished document only if it conformed to the directions of Congress.[1]

On August 24, 1906, Governor Frank Frantz of Oklahoma Territory issued a proclamation for the election of delegates to the Constitutional Convention to be held on November 6, 1906, with the convention to open two weeks later. Prior to and following this proclamation, the election campaign was in full swing.[2]

Aware of the significance of the Enabling Act as it affected their future, Negroes continued their fight against Jim Crowism. Colored

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[1] Scales, op. cit., 28.

[2] George J. Mauer, "Political Equality and Legislative Apportionment in Oklahoma, 1907-1964" (Unpublished Ph. D. dissertation, Dept. of Government, University of Oklahoma, 1964), 24.

leaders insisted that the new constitution contain no provisions that would legalize racial discrimination. The Inter-Territorial Negro Protective League adopted the following resolutions as a guide for the Constitutional Convention:

> Resolved, that we pledge ourselves to the support of every delegate or representative upon a platform maintaining and enforcing a constitution embodying all those principles which stand for every man of the right to vote on account of his race, color or previous condition of servitude, and we oppose any property or educational test for voting, and we favor provisions which will secure to every man equal civil and political rights within the spirit and meaning of the broadest interpretation of the constitution of the United States.
>
> Resolved, that the name of this organization shall be the Negro Protective League of the State of Oklahoma, and that the object of the organization shall be the promotion of the intellectual, financial and political interest of the negroes of the State of Oklahoma.[3]

That members of the political party long considered to be the friend of the Negro were under the influence of Jim Crowism was shown by the fact that one hundred and sixty Negroes felt compelled to walk out of a Republican convention at Atoka when the separate school and coach resolutions were adopted.[4] An organized fight was solidifying itself in South McAlester when a call was issued by W. M. Castiller, chairman of the Afro-American Suffrage League of Indian Territory, to take up the fight for his people against discrimination in the matter of separate cars and schools for Negroes. The convention he called was to meet at Carbon on October 18, and the leagues in the Ninetieth District were to hold special sessions at Krebs, Carbon, Duck, Alderson, Dow, Hartshorne, Wilburton and in the four wards of McAlester.[5]

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[3]Muskogee Cimeter, September 13, 1906.

[4]Purcell Register, October 18, 1906.

[5]Pauls Valley Enterprise and Valley News, October 18, 1906.

During the campaign for electing delegates to the Constitutional Convention, both parties put forth their best efforts towards winning a majority of delegates. Jim Crowism was unquestionably an issue.[6] The Democrats promised the people that if given control of the convention they would see that separate cars, waiting rooms, schools, and other Jim Crow measures were incorporated into the state constitution.[7] The Republicans meanwhile maintained that the convention would determine what laws could be enacted by the Legislature and that these constitutional limitations would have an immense influence on the future of the state. The voters of both territories were urged to realize their responsibility.[8]

Helping the Democratic cause was William Jennings Bryan who came to Oklahoma in September, 1906. He did much to turn many whites from their traditional Republican allegiance.[9] The Republican candidates got some help from Vice-President Fairbanks, but his tour of the Twin Territories was not as successful as Bryan's.

When the election returns were canvassed on November 4, 1906, one hundred Democrats and twelve Republicans were elected, thereby enabling the former to fulfill campaign promises made to their constituents during the August and October campaigns. The cumulative results from the two territories showed that one territory was almost as Democratic as the other. Oklahoma Territory had 52,510 Democratic and

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[6]Scales, op. cit., 33.

[7]Daily Oklahoman, January 12, 1907.

[8]Dora Ann Stewart, The Government and Development of Oklahoma Territory (Oklahoma City: Harlow Publishing Company, 1913), 322.

[9]Scales, op. cit., 34.

40,715 Republican votes, while Indian Territory had 52,066 Democratic and 35,167 Republican votes.[10]

The delegates-elect convened in Guthrie on November 20, 1906, to begin the assigned work of the Constitutional Convention. The fear that thousands of Negroes from adjoining states would rush to Oklahoma if the constitution did not incorporate a suffrage exclusion measure, along with other Jim Crow provisions, inspired an insistent clamor for action to "put the nigger in his place."[11]

William H. Murray, thirty-seven years old and former Vice-President of the Sequoyah Constitutional Convention, was elected as President over Philip B. Hopkins of Muskogee, the Republican favorite, 97 to 11. He immediately launched into his inaugural speech which proved to be a blueprint for the constitution. In response to the clamor among the delegates for Jim Crow laws, Murray endorsed this suggestion, adding:

> We should adopt a provision prohibiting the mixed marriages of negroes with other races in this State, and provide for separate schools and give the Legislature power to separate them in waiting rooms and on passenger coaches, and all other institutions in the State. We have no desire to do the negro an injustice. We shall protect him in his real rights. No one can entirely be said to educate him or civilize another. We must provide the means for the advancement of the negro race, and accept him as God gave him to us and use him for the good of society. As a rule they are failures as lawyers, doctors and in other professions. He must be taught in the line of his own sphere, as porters, bootblacks and barbers and many lines of agriculture, horticulture and mechanics in which he is an adept, but it is an entirely false notion that the negro can rise to the equal of a white man in the professions or become an equal citizen to grapple with public questions. The more they are taught in the line of industry the less will be the number of dope fiends,

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[10] Oklahoma Red Book, 1912, II, (Tulsa: Tulsa Daily Democrat, 1912), 292-293.

[11] Scales, op. cit., 47.

> crap shooters and irresponsible hordes of worthless negroes around our cities and towns. I am a descendant of an ex-slave holder, reared in a community where freedmen were in the majority. I know them from 'A' down to 'Z.' I know their traits and in some things I appreciate them as an integral part of the State. I have represented them in the courts, worked them on my farm and know them thoroughly. I appreciate the old-time ex-slave, the old darky-and they are the salt of their race-who comes to me talking softly in that humble spirit which should characterize their action and dealings with the white man, and when they thus come they can get any favor from me. I doubt the propriety of teaching him in the public schools to run for office or to train him for professions, but his training should be equal so far as the appropriations of funds are concerned to that of any other race, but he should be taught agriculture, mechanics and industries that would make of him a being serviceable to society. At the same time let us provide in the Constitution that he shall have equal rights before the Courts of the country, that he shall have whatever is due him but teach him that he must lean upon himself, rise by his own exertions, hew out his own destiny as an integral but separate element of the society of the State of Oklahoma (Applause)[12]

Noting the emphasis placed on further racial separation by the Constitutional Convention, Negro leaders, in the latter part of November, issued "A CALL" to the Negro Protective League members to convene at Muskogee on December 5, 1906.[13] Meanwhile a request was made for Negro leaders to exercise the utmost care and the best deliberations for the protection and welfare of their people.

The Democratically controlled Constitutional Convention was indeed occupied with the task of framing Jim Crow provisions. Delegates C. W. Board, E. O. McCance, and J. M. Sandlin introduced identical propositions which provided for separate schools for white and Negro children.[14]

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[12] Proceedings of the Proposed State of Oklahoma Held at Guthrie, Oklahoma, November 20, 1906, to November 16, 1907 (Muskogee, Oklahoma: Muskogee Printing Company, n. d.), 21-22. Referred to hereafter as Proceedings.

[13] Muskogee Cimeter, November 30, 1906.

[14] Proceedings, op. cit., 59, 70, 78.

Carlton Weaver introduced a proposition to prevent intermarriage of persons of white and Negro races.[15]

Negro leaders responded to these proposals by holding a protest convention at Muskogee on December 5th. About three hundred Negroes attended and they adopted the following resolution:

> The negroes of the Indian Territory, in mass meeting assembled, believe that the Constitutional Convention for the proposed state of Oklahoma, now in session at Guthrie, Oklahoma, would make no law nor attempt any legislation that would curtail the rights, restrict the privileges or cut off the immunities of any particular class of its citizens.
>
> The introduction of such methods or the incorporation of such 'Jim Crow' legislation in the fundamental law of the new state would be an injustice to a large number of her citizens, a disgrace to our western civilization, and the forerunner of other vicious legislation that would cause endless strife, racial discord, tumult and race disturbances.
>
> Resolved that a copy be transmitted to President Theodore Roosevelt.[16]

Repercussions of the controversy were felt in Washington where it was freely stated that in the event that Jim Crow provisions were included in the Oklahoma Constitution, the Republicans would insist that President Roosevelt withhold the Statehood Proclamation.[17]

The extent to which the delegates at Guthrie were preoccupied with Jim Crowism was reported by the Oklahoma Safeguard:

> That Democratic Constitutional Convention up there in the city hall has spent four weeks of their time and spent about $30,000 of the governments money just to make a Jim Crow gallery, and when they got it made there were no Negroes to sit in it.[18]

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[15] Ibid., 61.

[16] Muskogee Cimeter, December 7, 1906.

[17] Kingfisher Free Press, December 6, 1906.

[18] Oklahoma Safeguard, December 20, 1906.

Charles N. Haskell, floor leader of the Democratic Party, had made an intensive study of the history of racial discrimination before the convention began its consideration of the Jim Crow law. He discovered in the Enabling Acts drawn since 1865 that discrimination between the races was forbidden in all of them. In January, 1907, he moved to postpone the consideration of the subject until the delegates had time to investigate the matter. Although some of the delegates protested, Haskell, with the aid of Samuel W. Hayes, was able to postpone consideration of the Jim Crow law for several weeks.[19]

In doing so he drew the ire of Democrat Clubs from all parts of the state. Meanwhile, an editorial was written criticizing the lack of courage of the Constitutional Convention delegates when they refused to express their convictions on the Jim Crow law. It was noted however that there seemed to be a growing feeling in the minds of the people that the delegates were faltering on the question of the separation of the Negroes and whites in public conveyances, churches and schools.[20]

The Shawnee Daily Herald encouraged the delegates to hold fast to their pledge, and attempted to justify separation of the races on the following argument:

> If the passenger coach set aside for negroes, say on the Rock Island, is just as good in all respects as the one next to it for white passengers on the same identical train; if the seats, saloons, water supply and all other conveniences accorded the white passengers are furnished the colored passengers, and they arrive at their

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[19]Oscar P. Fowler, The Haskell Regime: The Intimate Life of Charles Nathaniel Haskell (Oklahoma City, Okla.: The Boles Printing Co., Inc., 1933), 172.

[20]Shawnee Daily Herald, January 15, 1907.

> destination simultaneously with the whites, where is the inequality in the law? Of what constitutional right had the negro traveler been deprived? Has he not in every respect fared equally in all the transportation facilities furnished for any individual of the traveling public?[21]

As the days passed Haskell's claim that any constitution with a Jim Crow clause would be rejected by President Roosevelt gained wider acceptance. Arguments were presented to minimize such a fear. Yet, there remained certain die-hard segregationists. Lee Cruce, a businessman from Ardmore and Oklahoma's second governor, expressed the belief that a wrong was done President Roosevelt by the politicians and the people who asserted that he would refuse to approve the constitution to the new state should a provision for separate coaches, waiting rooms and schools be inserted. To redeem the party pledge which influenced thousands of voters, Cruce said that the Democratic Party must incorporate this important clause into the constitution.[22]

He was supported by S. O. Hayes, of Chickasha, recognized as one of the ablest and most conservative members of the Constitutional Convention. Hayes said that the people of Oklahoma said by their votes and voices that they wanted no law permitting the whites and Negroes to ride in the same coaches in their state, and there was but one way for the will of the people to be served in this matter, and that was for the Jim Crow provision to be written in the constitution.[23]

A few days later an editorial entitled "President and 'Jim Crow' Laws" appeared in the Daily Oklahoman which said that "The

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[21] Ibid.

[22] Daily Oklahoman, January 16, 1907.

[23] Ibid.

opposition to the incorporation of the 'Jim Crow' clause in the constitution springs entirely from the fear entertained in certain quarters of the President's acceptance of the terms of the same and the issuance of his proclamation in pursuance of the provisions of the enabling act."[24]

In Washington, during the latter part of January, 1907, Democratic senators declared that the President was looking for an opportunity to right himself with the Negro people.[25] In fact Roosevelt had called the Chairman of the Democratic National Committee into his office, and said "the newspapers report that the delegates have placed a Jim Crow law in the Oklahoma Constitution. I want Oklahoma admitted during my administration, but if they keep the Jim Crow law in the Constitution, under the enabling act, I can't issue the statehood proclamation. I want you to use your influence to get the delegates to delete this portion of their Constitution."[26]

As pressure upon the Constitutional Convention delegates continued to mount, reports circulated that "Haskell is for Negro equality and is forcing Democratic delegates to do his bidding."[27] "It is pretty generally believed that no 'Jim Crow' law will grace the pages of the new Oklahoma constitution,"[28] and "Jim Crow tabled for good-Statehood for Oklahoma not to be endangered."[29]

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[24]Ibid., January 19, 1907. [25]Indian Journal, January 25, 1907.

[26]Fowler, op. cit., 173-174.

[27]Beaver Journal, February 14, 1907.

[28]Pauls Valley Enterprise and Valley News, February 21, 1907.

[29]Guthrie Daily Leader, February 27, 1907.

Opposition among certain delegates was reported by the Oklahoma Journal:

> J. T. Hardin, one of the most prominent democrats in this section was very bitter in his denounciation. He said:
> 'I am a democrat, have been one from the cradle and expect to be one until I go to my grave. I think the members of the constitutional convention show cowardice and unnecessary fear.'
>
> M. L. Mitchell said:
> 'The Oklahoma constitutional convention takes the cake for violating its promises to the people. I would have put that measure through if I had known the president would have turned it down.'
>
> John W. Williams, another prominent democrat, said:
> 'The convention makes a grave mistake in not enacting the Jim Crow measure into the law. I hope the people will turn down the constitution.
>
> Char. Hutchins, another democrat, said:
> 'I never saw as cowardly bunch of men in my life. They allow the unexpressed opinion of the president to keep them from fulfilling their promises to the people who sent them to Guthrie to enact this very Jim Crow law as a part of the constitution.'[30]

These adverse comments along with the powerful support of the Democrats and their adherents achieved the desired results in the Constitutional Convention according to the subsequent headlines: "Jim Crow Proposition. Measure Has Been Reinstated On Calendar,"[31] and "'Cold Feet' The Cause? 'Jim Crow' Committee Named Only One Result Is Forecast."[32]

The preceding were accurate when Haskell introduced the Jim Crow Resolution No. 89, as follows on March 1, 1907:

> Resolved, That it is the sense of this body that separate coaches and waiting rooms be required for the negro race; that we consider this a legislative matter rather than a Constitutional question.

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[30] Oklahoma City Weekly Times-Journal, February 22, 1907.

[31] Ibid.

[32] Daily Oklahoman, February 23, 1907.

> Resolved, We do recommend that the Legislature do by law require all railroads of the State to provide for separate but equal coaches and waiting rooms for the negro race.[33]

Territorial Governor Frantz spoke out against Jim Crowism on at least one occasion. Speaking at a meeting of local Republicans in the Brooks Theatre in Guthrie, he declared positively that President Roosevelt would reject the constitution if it contained a Jim Crow clause.[34]

Meanwhile the colored people throughout the territory, disappointed and disillusioned by the turn of events against them, continued the fight against the insertion of a Jim Crow clause into the constitution. They called on the Negro Protective League to inform their people of several townships on the latest activities of the Constitutional Convention. At Meridian on March 16, League members adopted the following resolution:

> Whereas there has been a so-called constitutional convention in session at Guthrie for 102 days, squandering the people's money, and
> Whereas said convention contained some of the most ignorant men god ever made, and some of the greatest grafters the earth can afford,
> Resolved that it is the essence of this meeting that the colored people throughout the two territories,
> Organize clubs in every county, township, city, town and hamlet within the two territories, for the purpose of defeating the most [vicious] instrument that was ever written and called a constitution and offered to a free people of this U. S. of America.
> Resolved further, that said so-called constitution is framed as a snare, a clique, and machine for the purpose of perpetuating the democratic party in office in Oklahoma
> And be it further resolved that whereas we believe it to be the best interest of the state of Oklahoma to defeat said constitution [for] it tends to destroy the peace and harmony of its citizens
> Resolve further it is the duty of every man to use every effort to defeat the constitution.[35]

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[33] Proceedings, op. cit., 251-252.

[34] Muskogee Cimeter, March 1, 1901.

[35] Oklahoma Guide, March 21, 1907.

Increased resistance by Negroes to the proposed constitution was manifested when in April, 1907, a colored editor said that the people of the new state would know soon where his race stood on the Jim Crow constitution, and that the command given among his people was forward march against the law.[36]

On April 22 at a meeting held at the Court house in Oklahoma City, three hundred Negroes recommended that the colored voters of the new state use every honorable means to defeat the constitution at a special election to be held in August.[37]

After the Constitutional Convention had made the necessary changes, the constitution contained one provision which was very acceptable to Negroes: "The State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude."[38]

They objected very strenuously and violently to the Jim Crow provisions below which violated the Enabling Act of 1906 and thereby paved the way for the enactment of more Jim Crow laws:

> Art. I, Sec. 5. Maintenance of public schools-Provisions shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of the State. . . . And Provided, Further, that this shall not be construed to prevent the establishment and maintenance of separate schools for white and colored children.
>
> Art. XIII, Sec. 3. Separate schools for white and colored children with like accommodation shall be provided by the

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[36] Ibid., April 18, 1907.

[37] Western Age, April 26, 1907; see also Muskogee Cimeter, April 26, 1907, and Oklahoma Guide, April 25, 1907.

[38] Oklahoma Constitution, Art. I, Sec. 6.

> Legislature and impartially maintained. The term 'colored children,' as used in this section, shall be construed to mean children of African descent. The term 'white children' shall include all other children.[39]

The document was filed on July 22, 1907, with Charles H. Filson, Secretary of Oklahoma, and Governor Frantz issued a proclamation setting Tuesday, September 17, as general election day, wherein the qualified voters of the two territories were to adopt or reject the constitution.[40]

The election was a very heated affair as Frantz and the Republicans belabored their opponents with campaign speeches centered around: "Haskell was not a Democrat," "Haskell had stolen the nomination," "The constitutional convention had been devoted to greed and graft," and "Haskell was a railroad stock manipulator."[41] Haskell and the Democrats replied in kind: "Me and the Constitution," "The Carpetbagger, the Corporation, and the Coon," and "Frantz had appointed Negroes to office under territorial government."[42]

When it was over Haskell won the governorship, and the Republicans had elected only five of the 44 state senators, and 16 of the 109 members of the lower house. The popularity of the constitution was universal with a state-wide margin of five to two: for the constitution, 180,333; against, 73,059.[43]

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[39]The delegates were convinced that this provision did not conflict with the Fourteenth Amendment of the United States Constitution. See footnote (A) of Article XIII.

[40]Muriel H. Wright, op. cit., 278-279. All state, district, county, and township officers were to be elected on the same date.

[41]Scales, op. cit., 67.

[42]Ibid.

[43]Western Age, November 8, 1907.

The fight against the constitution continued as the "Blacks Are Seeking Statehood's Death," when resolutions were passed protesting against admitting Oklahoma as a state under its Jim Crow constitution at a meeting held in Muskogee.[44] Fearing the enactment of Jim Crow laws and the abridgment of their voting rights under the constitution, the Negroes accepted a proposal to send a delegation to see President Roosevelt about preventing the admission of Oklahoma as a state. This move they concluded was their last resort in stopping the spread of racism.

Following their arrival in Washington, D. C., on October 19, 1907, the delegation of fifteen, after visiting several men of prominence, secured an interview with the President and they briefly stated their cause.[45] The impression received by them was that the President was a man who believed in the doctrine of a square deal to every man no matter among what class of citizens his lot chances to fall, but Roosevelt did not commit himself. He shook their hands but would not hear their complaints about the statehood issue.[46] When delegate B. S. McGuire started to discuss the constitution, the President broke in by saying, "Please do not ask me not to sign it."[47] Much as Roosevelt disliked the constitution, it seemed that all the provisions of the Enabling Act had been met.[48]

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[44]Daily Oklahoman, October 5, 1907.

[45]Muskogee Cimeter, November 1, 1907.

[46]Shawnee Daily Herald, October 29, 1907.

[47]Ibid.

[48]Dale and Wardell, op. cit., 315.

By virtue of the proclamation of President Roosevelt, November 16, 1907, the Constitution became law in Oklahoma.[49] The situation for the future was aptly summed up by the Western Age when it said that "Separate churches, separate lodges and separate schools are now fixtures in this state, and as far as we are able to judge, they seem to be working harmonious and to the satisfaction of both races. The results achieved in the above mentioned separations are all that fair minded and reasonable people could hope for."[50]

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[49]Office of Territories, Oklahoma, File No. 9614, Box 737, National Archives, 55H-56H.

[50]Western Age, November 29, 1907.

CHAPTER IX

RACE RELATIONS: THE AFTERMATH

The First Legislature, granted a special constitutional dispensation to hold a session of 160 days, remained in session from December 2, 1907, to May 26, 1908. Its leadership, like that of the executive and judicial branches, was that of the Constitutional Convention. William H. Murray, who had been elected from Johnston County, was President Pro Tempore of the Senate.

The legislature, like the Constitutional Convention, was not only pro-labor and anti-corporation but also decidedly anti-Negro. The recent voting in areas of heaviest concentration of Negroes had been watched closely by the legislators.[1] Once intimidated by fear that President Roosevelt might refuse to proclaim statehood, the Constitutional Convention had yielded to Haskell and Hayes' judgments and omitted the Jim Crow coach car article favored by a majority of delegates.

However with statehood confirmed, such caution was unnecessary. When the 1907 Legislature convened, Governor Haskell, in his first message to the Legislature on December 2, recommended provisions for separate schools for children of African descent, the immediate passage of laws providing for separate coaches and waiting rooms, and that the

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[1]Scales, op. cit., 91.

Legislature submit proposed enactments to the election law which will satisfy all concerned.[2] Thus the Jim Crow statutes became the first order of business of the Legislature, for the purpose of assuring the supremacy of the white race in the new state.[3]

Three days later the Railroad Commission issued an order compelling all railroads to provide separate coaches for whites and blacks with the order to become effective in four weeks.[4]

Complaints were made by Negroes occasionally when the Muskogee Cimeter asked "Governor Haskell, will you force the railroads to carry out the law as it is written--both in letter and in spirit? In other words, give us a first-class car in which our respectable women may ride and a smoker for our men. Do that and you will write yourself down as being in favor of a 'square deal' and as one of the greatest Democratic governors," and on the next day the paper observed "We believe Governor Haskell will enforce the law as it is written. If he does enforce the law, he will be the first Democratic governor to compel the railroads to give us what the law requires--equal and like accommodations."[5]

On December 6 each house passed a bill with the Senate adopting the Graham separate coach and waiting room measure with a vote of thirty-six to three.[6] Governor Haskell, signed the Jim Crow law, known as

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[2]House Journal, Oklahoma, 1907-1908, 772-774.

[3]Shawnee Daily Herald, February 19, 1908.

[4]Beaver Herald, December 5, 1907.

[5]Muskogee Cimeter, December 6, 1907.

[6]Daily Oklahoman, December 7, 1907.

Senate Bill Number One, with Senator J. C. Graham, author of the bill, present on December 18, 1907.[7] The latter had been designated by Lieutenant Governor Bellamy to accompany the Senate committee that carried the bill, and he was presented with the pen that the Governor used. As 540 depots had to be altered or reconstructed and additional coaches built for Negroes, the law did not go into effect until sixty days after its approval.[8]

Negro leaders raised a storm of protest against the Jim Crow law, but they received scant sympathy from the legislators.[9] Declaring that the Jim Crow law was unjust and an imposition upon them, several hundred Kansas and Oklahoma Negroes held a mass meeting at Coffeyville, Kansas, for the purpose of raising money to fight the Oklahoma law.[10] Several days later in Muskogee, where a meeting was held in a Baptist church, a fund of $500 was raised to carry on the fight against the Jim Crow law.[11] At this meeting, many Negroes said that the law was a class legislation and therefore it was illegal. Furthermore it provided no penalty for those railroads which did not afford equal accommodations for the blacks and whites.

After the law became effective on February 1, 1908, anger among Negroes swelled and they made a determined effort to prevent its enforcement. A violent attack was made against Lieutenant Governor Bellamy and

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[7]Purcell Register and the Alva Review, December 26, 1907.

[8]See Appendix A for entire law.

[9]Daily Oklahoman, January 1, 1908.

[10]Kingfisher Weekly Star and Free Press, January 2, 1908.

[11]Daily Oklahoman, January 10, 1908.

his party by a burly Negro on a Fort Smith and Western train as they traveled from Guthrie to El Reno.[12] In Muskogee Negroes refused to obey the law, but County Attorney Crump ordered the law strictly enforced. The railroads coerced Negroes to ride in their coaches, but only after threats were exchanged.[13]

An attempt to show the absurdities of the Jim Crow law was made by pointing out the fact that over portions of some of the railroads lines one Negro did not travel in a week. For example, according to the special Federal Census of 1907 there were:

In	Alfalfa	county,	21 negroes
"	Beaver	"	14 "
"	Beckham	"	4 "
"	Cimarron	"	1 "
"	Dewey	"	63 "
"	Ellis	"	31 "
"	Grant	"	49 "
"	Greer	"	24 "
"	Harper	"	34 "
"	Jackson	"	43 "
"	Jefferson	"	46 "
"	Major	"	125 "
"	Mills	"	0 "
"	Osage	"	77 "
"	Roger	"	0 "
"	Stephens	"	122 "
"	Texas	"	13 "
"	Washita	"	49 "
"	Woods	"	1 "
"	Woodward	"	3 "

> Two of the foregoing counties, Jefferson and Stephens, lie partly in Oklahoma, yet in these 20 counties, with a total 'Oklahoma' population of 266,065, there are only 720 Negroes, all told men, women, and children. The negro travel on railroads running through these counties is practically nothing, and yet the railroads must maintain separate coaches under the law to accommodate the negro travel. They must also maintain separate

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[12] Indian Journal, February 7, 1908.

[13] Fowler, op. cit., 177.

> waiting rooms for every station in these counties, and yet if two of these 720 negro citizens should visit the railroad stations in these 20 counties, once a day, it would take them nearly two years to do so.[14]

Negroes sought to enjoin the state officials from establishing Jim Crowism, but were denied an application for an injunction to prevent the Corporation Commission from enforcing the law by Judge John H. Cotteral.[15] Several days later a Negro mob burned the Midland Valley depot at Taft as a protest against the construction of a separate waiting room, but "the better citizens of the town promised to rebuild it."[16]

With the "Jim Crow Law a Reality," a white editor provided an explanation of what to expect of it:

> Upon entering an Oklahoma railway coach now, one of the most conspicuous signs to be seen is a large placard labeled 'Senate Bill No. 1.'
>
> There should be no occasion for trouble through the enforcement of the act. Its features are plain. The white people must recognize that the negro has protection under the law just as has the white race. On street cars, as on passenger trains, certain sections will be reserved for the negroes, and it is but justice to the negro race to see that these accommodations are not appropriated by their white superiors.[17]

After the Jim Crow law went into effect, a suit was filed in the United States Circuit Court by E. P. McCabe for a temporary

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[14] Western Age, February 7, 1908. It is important to note that a similar observation had been made a month earlier in the Guymon Herald, January 9, 1908, which said "There are sixteen counties in Oklahoma that have less than fifty Negro population. One has none, two have one each, one has three, one has four, another one has eight, and yet the railroads running through such counties muct provide separate waiting rooms in all depots. This everyone must admit is gross injustice to the railroads."

[15] Shawnee Daily Herald, February 15, 1908.

[16] Muskogee Daily Phoenix, February 18, 1908.

[17] Ibid., February 19, 1908. It went into effect on February 16. See also Alva Review-Courier, February 20, 1908.

injunction against the various railroad companies in the state.[18] Meanwhile the Negroes' indignation was expressed when a Missouri, Kansas & Texas train, containing many state officials and delegates to the Democratic convention being held in Muskogee, was attacked by a band of Negroes at Red Bird, who hurled stones and great chunks of coal through the windows.[19]

Throughout the eastern part of Oklahoma, Negroes continued to express their resentment against the law especially on the street cars in Muskogee. This led to the filing of a petition in the United States Court by W. H. Twine asking that an injunction be granted against all the steam and electric roads entering the city to restrain them from carrying the Jim Crow law into effect.[20] Afterwards the calling of an anti-Jim Crow convention to meet in Wagoner was issued on February 25, where steps would be taken to fight racial discrimination in the state.[21] Further opposition was manifested when Guthrie Negroes were stimulated and inspired by the arrival of a learned Negro attorney from Washington, D. C., William Randolph Hart.[22]

Following Hart's arrival, Negroes asked in the federal court at Guthrie for an injunction and restraining order against certain railroad companies to prevent their complying with the law, claiming that separation

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[18]Western Age, February 28, 1908.

[19]Shawnee Daily Herald, February 23, 1908.

[20]Western Age, February 28, 1908.

[21]Boley Beacon, February 27, 1908; see also the Indian Journal, February 28, 1908.

[22]Western Age, February 26, 1908.

would make a distinction between races forbidden in the Enabling Act.[23] The case was thrown out of the court on the ground that the petition did not state sufficient cause for action. However, more determined than ever, the suit was renewed again with McCabe taking the lead in the matter.

A vivid article describing "Jim Crow As I Saw It" was written by S. R. Cassius of Meridian, Oklahoma:

> Sitting in the waiting room at Ardmore, (I mean the Jim Crow waiting room) I drew my first impression of the Jim Crow Law. The room set apart for Negroes joins the men's closet.
>
> This closet is the most filthy place I ever saw, in even a village.
>
> The sitting room is small and devoid of all regard for comfort. From the number of whiskey bottles scattered around the room, it seems that it is used by bums and toughs of both races as a place in which to drink bootlegged whiskey.
>
> Well, the train rolled in at last, and I entered the Jim Crow car, bound for Guthrie. It was just half of an ordinary smoking car; in one end there was a toilet for both men and women.[24]

Eventually in April, 1908, Judge J. H. Cotteral rendered his final decision regarding the Jim Crow law until interpretations of the law by the State Supreme Court show otherwise. He said that the holding of the court was that it had not been established that the provision of the Enabling Act of Congress to the effect that the constitution should make no distinction in civil or political rights on account of race or color constituted any further restriction than that such distinction should not be made in the constitution or extended to limit the power

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[23]Kingfisher Weekly Star and Free Press, February 27, 1908. Referred to McCabe's mandamus suit in the U. S. Circuit Court which had been filed earlier.

[24]Western Age, loc. cit.

of the state to legislate on the subject of the separation of passengers by means of separate coaches or compartments.[25]

The decision disappointed Negroes throughout the state and some of them made the following assertions:

> Dr. A. C. Jackson-'It was a very weak decision.'
> Robert Eggleston-'It will stand as fixed: 'Jim Crow' is here to stay, for the republicans want it, and the judge knew it: we think that the legislature should go a step further to please them.'
> A. P. Portwood-'The case will have to be resubmitted and reargued before a stable court, to say the least.'
> John Matthews-'He played the baby act; he decide nothing, but simply played with the black folks because he could.'
> George Chadwick-'Could expect nothing better from him.'
> W. R. Beamer-'Unjust to begin with. The decision of the court is playing with the subject.'
> E. I. Sadler-'I am surprised; I always believed Judge Cotteral a man who believed in upholding the law, but this decision shows to me now his cats to be more those of a baby than a judge.'
> Sam Jordan, a Negro well-known in Guthrie, adds his opinion to those already published about the Jim Crow law. 'The reason Judge Cotteral gave no decisive decision in the Jim Crow case was that to have decided either way would have placed the republican party in the Nation in a very ambiguous position, hence Cotteral served his chief.'[26]

That many Negroes were disillusioned and frustrated by the unsuccessful result of their long fight against Jim Crowism was further revealed in a report that "The New Star Tribune of Muskogee received a communication today that was unsigned, which threatened the life of Governor Haskell and Sheriff Bud Ledbetter and threatened that the town of Guthrie would be blown up as the result of the enforcement of the Jim Crow Law," and "Governor Haskell gave out a statement tonight saying that he considered the letter ridiculous and attached no importance to it. Upon investigation it has developed that several letters of the same

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[25] Ibid., April 3, 1908.

[26] Ibid.

nature have been received by Attorney General West and Clint Graham, author of the Jim Crow Law."[27]

One colored editor said concerning these letters that "None are so ignorant as to believe that writing threatening letters would cause the repeal of the Jim Crow law. We don't doubt that these gentlemen received the letters. . . . No, the Negroes of Oklahoma have taken James Crow to court and they have subscribed from $ [sic] to $100 each and we will not stop until we are told by the nine Robed Judges that Jim Crow must stand. The Negroes in Oklahoma will fight this battle in court as other people."[28]

In the meantime, the First Legislature had turned its attention during the previous month of March, 1908, towards further racial separation by drafting a stronger miscegenation law. This law, recommended as Senate Bill No. 65, was known as the Cordell-George Johnson-Graham Bill.[29] It was noted that "A Jim Crow section was tacked on the Cordell-Johnson marriage bill. . . . [and] Senator Graham, father of the Jim Crow legislation, who never permits an opportunity to pass to draw the lines between the white and negro races, proposed the amendment, which was adopted."[30]

Early in May, 1908, the House, looking to an early adjournment, passed a marriage act.[31] Governor Haskell, giving his approval on May 22, said that "In approving this bill, I do so because it is slightly better

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[27]Shawnee Daily Herald, April 11, 1908.

[28]Oklahoma Guide, April 23, 1908.

[29]Senate Journal, Oklahoma, 1907-1908, 288.

[30]Shawnee Daily Herald, March 5, 1908.

[31]Lexington Leader, May 8, 1908.

than the existing law. I simply want to say that our existing marriage laws . . . seem to be unmindful of the protection which the law should throw around the women of our state, and seem wholly to disregard the impositions of the stronger upon the weaker sex."[32]

On the same day, the First Legislature passed Senate Bill No. 65, which provided that "The marriage of any person of African descent, as defined by the Constitution, to any person not of African descent, or the marriage of any person not of African descent, to any person of African descent, shall be unlawful and hereby prohibited within this state."[33] A violation of this law constituted a felony, punishable by a $500 fine and imprisonment from one to five years. Any minister performing such a ceremony was guilty of a felony.

Following the passage of the miscegenation law, the response among the vast majority of Negroes was one of general silence and obedience. Obviously the law was never an issue in the fight against racism in Oklahoma. The colored people were primarily interested in achieving their rights as American citizens rather than in miscegenation.

That Negro attacks against white women were the result of racial discrimination rather than a desire to miscegenate was conclusively stated in the Chicago Sun Times:

> Recently there have been outbreaks at Durant, Purcell, and elsewhere in which negroes that attacked white women were lynched by burning at the stake.
>
> The people of Oklahoma are greatly perturbed over the increasing number of attacks by negroes upon white women, the lynchings

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[32]House Journal, Oklahoma 1907-1908, 699; see also Senate Journal, Oklahoma, 1907-1908, 731.

[33]Session Laws of Oklahoma, 1907-1908, 556.

that inevitably follow and the general disturbances throughout the state are caused by the spread of negrophobia.[34]

The First Legislature also dealt with a third Jim Crow measure, which was a general election bill containing a "grandfather clause." The author of the bill was Senator L. K. Taylor of Chickasha who presented the joint resolution during the closing days of the First Legislature. The bill was adopted with very little debate.[35] The measure, to be submitted to a separate vote of the people at the next general election in the fall, 1908, provided for a poll tax and educational qualifications for electors, with the provision that the latter requirements shall not apply to any person whose grandfather was a qualified voter under any form of government. The purpose of course was to disfranchise all Negroes in the state.

There was a definite reason why the Democrats commenced their drive to disfranchise Negroes in 1908.[36] The dominant aspect of territorial politics had been the rivalry between the Republicans and Democrats, and the most vulnerable spot in the Republican Party's armor was the Negro vote. Thus the Democrats had concluded by spring, 1908, that Negro suffrage had to be eliminated.

Following the general elections, held on November 3, 1908, during which three of five Congressmen elected were Republicans, the movement

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[34]Chicago Sun Times, September 10, 1911.

[35]Altus Times, May 21, 1908.

[36]William S. Harmon, "Oklahoma's Constitutional Amendments: A Study of the Use of the Initiative and Referendum", (Unpublished Ph. D. dissertation, Dept. of Political Science, University of Oklahoma, 1951), 3, said that the disfranchisement movement began in 1910.

to disfranchise Negroes gathered increased momentum.[37] The Republicans, who had made a poor showing at the Constitutional Convention in 1907, had demonstrated in the November, 1908, elections, recuperative powers that were little short of alarming. Their political strength was such as to present a challenge to the Democrats, who were convinced that all three of the Republican Congressmen elected in November, 1908, could have been defeated save for the solid Negro support which their opponents received.[38]

With the preceding episode in mind and determined to prevent such a repetition, the Democrats proceeded with their plans of disfranchising Negroes. One of the first propositions brought before the Second Legislature, meeting in 1909, was the introduction by Senator Taylor of a joint resolution amending the constitution so as to admit the adoption of a "grandfather clause" as a part of the general election law. The resolution was designed to disfranchise those who could not meet the ancestral, educational, and other requirements.

One newspaper report said that

> It is a democratic party measure, but will be opposed by the northern wing of the Oklahoma democracy. The resolution, if adopted, would have the effect of submitting to a vote of the people a proposed constitutional amendment changing the constitution so as to admit the placing of further restrictions upon suffrage.[39]

The first in the series of steps that led to finding a place on the ballot was taken in the Second Legislature, which met in special

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[37] Directory of the State of Oklahoma, 1947, 96, Referred to hereafter as Directory.

[38] Scales, op. cit., 128.

[39] Weekly Chieftain, January 8, 1909.

session during the spring, 1910. Senate Bill No. 126 provided that the Legislature might take the initiative in suggesting to the people a proposed constitutional amendment, and if the suggestion were acted upon the proposition would be placed on the ballot.[40]

Following the approval of Senate Bill No. 126, the Senate *Concurrent Resolution No. 31, sometimes known* as the Taylor resolution, was approved on March 28, 1910, despite strong opposition from the Republicans and Negro leaders.[41] The latter bill provided that:

> No person shall be registered as an elector of this state, or be allowed to vote in any election held herein, unless he be able to read and write any section of the Constitution of the State of Oklahoma; but no person who was, on January 1, 1866, or at any time prior thereto entitled to vote under any form of government, or who at that time resided in some foreign nation and no lineal descendant of such person shall be denied the right to register and vote because of his inability to so read and write sections of such Constitution.[42]

With the adjournment of the Second Legislature, Senator Taylor filed with the Secretary of State Bill Cross on April 11, 1910, a proposed amendment to the constitution entitled State Question No. 17 or Initiative Petition No. 10 "in compliance with the suggestions and provisions of Senate Bill No. 126 of the extra session of the Legislature of 1910. . . ."[43]

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[40]Senate Journal, Oklahoma, 1910, Extraordinary Session, 633-634.

[41]Daily Oklahoman, March 2, 1910, and Boley Progress, March 3, 1910.

[42]Session Laws, Oklahoma, 1910, 284-285.

[43]Initiative and Referendum File 12, Office of the Secretary of State. Oklahoma State Library, Oklahoma City, Oklahoma.

Under the vigorous leadership of the Democrats, an all-out drive for the necessary signatures for their petition was instituted. About 38,000 signatures were needed. By the end of May, the Democrats obtained 43,440 signatures for their initiative petition, and their success was due to "the unanimity with which the democracy endorse the proposed reform."[44]

In the meantime three protests were filed with Secretary of State Cross by James A. Harris, chairman of the Republican State Committee, Patrick S. Nagle, attorney for the Socialist Party, and H. Chappell, attorney for William Low, J. N. Neal, and Samuel Smith, ex-slaves who could neither read nor write. The protesters made the following allegations:

> . . . that the petitions filed by the democratic state executive committee are not signed by a sufficient number of people; that large numbers of the signers are not qualified and legal voters in Oklahoma; that the petitions are not sufficient in form and do not conform with the requirements; that the purpose of the proposed amendment is to disfranchise all persons of African descent who are at this time qualified electors; that the proposed amendment is in conflict with the enabling act which granted statehood to Oklahoma; in conflict with the state constitution, which adapted the enabling act, and the United States constitution, and in conflict with the fifteenth amendment to the federal constitution, all of which documents provide that no law shall ever be enacted that will restrict or abridge the right of suffrage on account of race, color or previous condition of servitude; and there are more than ten thousand persons of African descent in Oklahoma and their descendants, who are now qualified electors, who would be disfranchised by this amendment.[45]

The hearing on the protests was held on June 6, 1910. Secretary Cross ruled against the protesters when he said the signatures were

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[44]Weekly Chieftain, June 3, 1910.

[45]Ibid.

sufficient, refused to consider the question of the constitutionality of the measure, and denied a motion for a continuation of the hearing.[46] Nevertheless his ruling was appealed to the Oklahoma Supreme Court. On June 22, 1910, a decision by Chief Justice Jesse J. Dunn sustained Cross's ruling and he refused to pass upon the constitutional question involved as he informed Cross to "take such other proceedings as shall accord with said Supreme Court opinion and right and justice."[47] The way was thus cleared for the August 2 vote on the proposed "grandfather clause."[48]

The Oklahoma Supreme Court's decision was enhanced by the action which took place in the United States Court of the Western District of Oklahoma, when Judge John H. Cotteral dismissed a petition, instituted in the name of an ex-slave by the Republican State Committee, to enjoin the placing of the proposed "grandfather" amendment to the constitution upon the ballots of the primary election to be held on August 2, 1910.[49]

The period from April 25 to August 2, 1910, was referred to by the Democrats as the "one hundred days' campaign."[50] The first part of this period was concerned with the initiation of the petition and its legality, while the second half consisted of carrying the idea to the people. Thus the Democrats were successful in securing the disfranchise-

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[46]Guthrie Daily Leader, June 6, 1910.

[47]"Mandate" of the Supreme Court of Oklahoma to the Secretary of the State, June 22, 1910, Initiative and Referendum File 12, op. cit.

[48]Weekly Chieftain, June 17, 1910.

[49]Ibid., July 15, 1910.

[50]Harmon, op. cit., 9.

ment measure when about 138,000 Negroes lost their suffrage rights as Oklahomans voted 135,443 to 106,222 for the provision.[51]

Prominent Negroes throughout the state met in Muskogee to protest strongly against the passage of the "grandfather clause" amendment. Led by A. G. W. Sango, they took steps "to wage a war on the legality" of the amendment which disfranchised the colored race.[52] In Boley a month later a call was issued for the Constitutional League and the Negro Protective League of Oklahoma to meet in a joint convention for "the purpose of establishing a uniform plan of cooperating with the Republican State Committee in defeating the Grandfather Clause and all other attempts at disfranchising or abridging the rights of suffrage of the Negroes of the state of Oklahoma."[53]

During the next five years, law suits were filed in the state and federal courts by Negroes and their Republican Party supporters testing the legality of the "grandfather clause" to the constitution. The result was a series of contradictory decisions as the state courts ruled that the amendment was constitutional as applied to state elections, while the federal courts held that it was unconstitutional in Congressional elections.

The foregoing situation began in September, 1910, when an opinion written by Associate Justice Robert L. Williams of the Oklahoma

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[51] Directory, op. cit., 149. The number of votes needed to carry the measure was 120,333.

[52] Weekly Chieftain, August 19, 1910.

[53] Boley Progress, September 22, 1910.

Supreme Court said that the "grandfather clause" was constitutional.[54] Shortly thereafter the United States Circuit Court dismissed the application of Daniel Sims, an aged Negro and former slave, who had asked for an injunction permitting all Negroes to vote in the November 8, 1910, general election. The court held that it had no jurisdiction to grant relief from the operation of the "grandfather clause" to the Oklahoma constitution.[55]

These decisions made the amendment legally operative for the coming election of November 8. One colored newspaper commented that "The Oklahoma decision is along the line of the usual evasive way the United States courts have had in deciding similar actions."[56]

Although the legality of the "grandfather clause" was settled momentarily, more confusion and uncertainty appeared throughout Oklahoma when Judge Cotteral asked for a thorough investigation of the state's general election laws in so far as the enforcement of the "grandfather clause" was concerned. He called special attention to sections 19 and 20 of the new federal criminal act, governing offenses against the elective act and the elective franchise, and for the protection of civil rights. Cotteral also declared that the Fifteenth Amendment of the Constitution was supreme and that it placed a prohibition on state laws relative to Congressional elections.[57]

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[54]Atwater v. Hassett et al., 27 Okl. 292 (1910).

[55]Weekly Chieftain, November 4, 1910.

[56]Boley Progress, December 1, 1910.

[57]Woodward News-Bulletin, January 13, 1911.

As a result of Cotteral's decision, Deputy United States Marshall Dove Haddon arrested Harry Neal, J. J. Beal, and Frank Guinn, Kingfisher County election officers in February, 1911. They were indicted on a charge of enforcing the provisions of the "grandfather clause" in the Congressional elections of November 8, 1910.[58] Later they were released when each posted a $1,000 bond.

Several months later the Guymon Herald reported that Oklahoma's "grandfather clause" had been declared unconstitutional by Judge Ralph E. Campbell of the United States Court of the Eastern District of Oklahoma.[59]

Thereafter these two federal court decisions became the subject of many conferences among the Democrats and their supporters throughout the state. The disposition among them was to disregard the rulings of the district federal courts as far as state elections were concerned, and that the court's action was binding only in the election of presidential electors and members of Congress. One of the leaders of the Legislature in a newspaper report gave what he interpreted to be the Democratic position as follows:

> We do not feel that we are bound, so far as state elections are concerned, by the opinions of the two federal judges holding the 'grandfather clause' is a part of our state constitution and that it is legally binding upon every election officer. An appeal from that decision now is pending in the supreme court of the United States. So far as the highest state authority is concerned, therefore, we are bound to enforce the 'grandfather clause' until the holding of our supreme court is reversed by the supreme court of the United States, if such action should be taken.[60]

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[58]Mangum Weekly Star, February 16, 1911.

[59]Guymon Herald, June 1, 1911.

[60]Weekly Chieftain, June 2, 1911.

Thus more confusion occurred when District Judge A. H. Huston supported the State Supreme Court decision of September, 1910, by ruling that the statute was constitutional and he sustained the state's demurrer to the petition filed by Theodore Cofield, an ex-slave, asking for $10,000 damages from Guthrie election officials who refused to let him vote.[61]

In October, 1911, a verdict of guilty was reached by the federal jury in the Circuit Court of Appeals regarding the election cases of J. J. Beal and Frank Guinn. They were convicted of a conspiracy to prevent Negroes from voting in a Congressional election held on November 8, 1910.[62] However, on January 11, 1912, they filed an appeal in the United States Court of Appeals.[63]

Conflicting interpretations of the legality of the "grandfather clause" led to a lack of uniformity in applying the amendment thereafter in state and presidential elections. As the Weekly Chieftain observed "Two decisions rendered by Judges Campbell and Cotteral of the eastern and western districts of Oklahoma have caused some of the election officers of the state to be in doubt. . . ."[64]

Eventually in January, 1913, the fight over the constitutionality of the "grandfather clause" by which hundreds of Negroes were disfranchised,

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[61]Ibid., July 7, 1911.

[62]Pauls Valley Enterprise and Valley News, October 5, 1911.

[63]Mangum Weekly Star, January 11, 1912.

[64]Weekly Chieftain, June 7, 1912.

reached the United States Supreme Court from the Circuit Court of Appeals for the Eighth District.[65]

Meanwhile the Oklahoma Supreme Court rendered its decision, holding again that the "grandfather clause" was not in conflict with the federal Constitution. Justice R. L. Williams said that "notwithstanding the adoption of the fifteenth amendment, the entire control over suffrage and the power to grant the right or privilege and to regulate its exercise is still left or retained with the several states."[66] The consequence of this decision was to disfranchise the Oklahoma Negroes during the following two years.

The Negroes' fight against the Jim Crow Coach Law, which had been relegated into the background since 1908 as the attack against the "grandfather clause" took precedence, culminated on November 30, 1914. The United States Supreme Court handed down a decision which brought widespread disillusionment among Oklahoma Negroes as it ruled that the Jim Crow law was valid:

> That with respect to the existence of discrimination the allegations of the bill were too vague and uncertain to entitle the complainants to a decree.
>
> This argument with respect to volume of traffic seems to us to be without merit.
>
> The desire to obtain a sweeping injunction cannot be accepted as a substitute for compliance with the general rule that the complainant must present facts sufficient to show that his individual requires the remedy for which he asks. The bill is wholly destitute of any sufficient ground for injunction, and unless we are to ignore settled principles governing equitable relief, the decree must be affirmed. Decree affirmed.[67]

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[65] Daily Oklahoman, January 15, 1913.

[66] Cofield v. Farrell et al., 38 Okl. 608 (1913).

[67] McCabe v. Atchinson T. & S. F. R. Co., 235 U. S. 151.

A year later in probably one of the most important racial decisions since the Civil War, the United States Supreme Court declared that the "grandfather clause" was unconstitutional.[68] The decision was rendered on June 21, 1915, when Chief Justice White, a native of the South and a former Confederate soldier,[69] said:

> We have difficulty in finding words to more clearly demonstrate the conviction we entertain that this standard has the characteristics which the Government attributes to it than does the mere statement of the text. It is true it contains no express words of an exclusion from the standard which it establishes of any person on account of race, color, or previous condition of servitude prohibited by the Fifteenth Amendment, but the standard itself inherently brings that result into existence since it is based purely upon a period of time before the enactment of the Fifteenth Amendment and makes that period the controlling and dominant test of the right of suffrage.[70]

The Boley Progress summed up the Negroes' long fight against Jim Crowism with the statement that "one of the most important local battles ever prosecuted in the interest of the electoric franchise of the American Negro" had ended.[71] Nevertheless the Negroes' fight against racial discrimination continued as the dominant whites in Oklahoma devised new schemes to restrict those rights guaranteed Negroes under the American Constitution.

The Supreme Court's ruling of 1915 was not a surprise to the Democratic and Lily-white Republican leaders who had been expecting it for some time and had resigned themselves to it.[72] Immediately following

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[68]Mangum Weekly Star, June 24, 1915.

[69]Woodward News-Bulletin, June 25, 1915.

[70]Guinn and Beal v. United States, 238 U. S. 347 (1915).

[71]Boley Progress, October 22, 1915.

[72]Harmon, op. cit., 11.

the decision, there was talk among Democrats of a special session of the legislature to deal with the problem of keeping Negroes from voting. Although most Democratic newspapers in the state reflected the depressed mood of the party, some of them found consolation in the assurance that Governor R. L. Williams could be relied upon to disfranchise Negroes.[73]

The Fifth Legislature was called into special session by Governor Williams and it convened from January 17 to February 22, 1916. During this interval, the session was referred to as the Jim Crow session, indicating plainly the legislature's purpose.[74] Thus the attempt was made by the legislators to deny Negroes their suffrage rights and at the same time to satisfy the objections of the federal courts.

The legislature quickly passed a new registration law, known as Senate Bill No. 38, which provided for an excessively brief registration period for voters not already qualified, which of course included most Negroes.[75] This bill remained on the statute books until it was challenged by a colored citizen, who sued three Wagoner election officials for declining to register him on October 17, 1934.[76]

The suit reached the Federal District Court at Muskogee, which was presided over by Judge R. L. Williams, the former Oklahoma governor. He upheld the right of the state to determine its registration procedure. An appeal was made to the Circuit Court at Denver and for a second

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[73] Ibid.

[74] Ibid., 14.

[75] Senate Journal, Extraordinary Session, 1916, 558-559.

[76] Harmon, op. cit., 26.

time Judge Williams, who had been elevated to that court preceding the appeal, ruled that Oklahoma could determine its own registration procedure.

Eventually the Williams decision was reversed by the United States Supreme Court on May 22, 1939, in the Lane v. Wilson case. Justice Felix Frankfurter, who delivered the Court's opinion, said:

> The practical effect of the 1916 legislation was to accord to the members of the negro race who had been discriminated against in the outlawed registration system of 1914, not more than 12 days within which to reassert constitutional rights which this Court found in the Guinn case to have been improperly taken from them. We believe that the opportunity thus given negro voters to free themselves from the effects of discrimination to which they should never have been subjected was too cabined [sic] and confined.
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> The judgment of the Circuit Court of Appeals must, therefore, be reversed and the caused remanded to the District Court for further proceedings in accordance with this opinion.[77]

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[77]Lane v. Wilson, 307 U. S. 268.

CHAPTER X

POSTSCRIPT

Starting from a position of economic underprivilege, educational inadequacy, and legal impotence, Negroes have generally made remarkable progress during the past fifty years. In Oklahoma this has been particularly noticeable since the passage of the "grandfather clause" in 1910. Although the principle of "separate but equal" still stood during most of this period, each decision of the United States Supreme Court made the definition of "equal" more rigorous.[1]

It was the Lane v. Wilson decision of May, 1939, which marked the culmination of increased concern about civil rights and individual liberties that the Court had begun to show in the early thirties. Moving in new directions, the Court began to look beyond the laws merely enforcing Jim Crowism to see whether the separate facilities provided for Negroes were in fact equal to those for whites.

With such new considerations in mind, the United States Supreme Court in the 1940's and 1950's made a number of significant rulings concerning racial discrimination in voting, transportation, and housing. In Smith v. Allwright, 1944, the Court decreed that in primary elections

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[1]Lewis Killian and Charles Grigg, Racial Crisis in America (Englewood Clifts, N. J.: Prentice-Hall, Inc., 1964), 6.

a political party could not exclude a voter because of race.[2] In 1946 the Court ruled in the Morgan v. Virginia case that a Negro passenger in interstate commerce was entitled to make his journey without conforming to the segregation laws of the states through which the carrier might pass.[3] Two years later in Shelly v. Kraemer the Court said that restrictive covenants were not enforceable by the judiciary.[4]

Beyond all other fields, however, it was on public tax-supported education that the Supreme Court rulings had their most profound impact. It was this series of rulings that eventually changed the course of racial discrimination in Oklahoma. Beginning with Gaines v. Missouri, 1938, the Court ordered that a Negro applicant be admitted to the law school of the University of Missouri since there was no other acceptable way for him to get a legal training within the state.[5] Ten years later in two other cases, the Court sharpened and defined this ruling. In Sweatt v. Painter, 1948, a Texas Negro was ordered admitted to the University of Texas because the Negro Law School, upon examination, did not afford equal facilities.[6] During the same year, the Court ordered Oklahoma to provide Ada Lois Sipuel with a legal education, and to "provide it as soon as it does for any other group."[7] Two years later the Court

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[2]Smith v. Allwright, 321 U. S. 649 (1944).

[3]Morgan v. Commonwealth of Virginia, 328 U. S. 373 (1946).

[4]Shelly v. Kraemer, 334 U. S. 1 (1948).

[5]Gaines v. University of Missouri, 305 U. S. 337 (1938).

[6]Sweatt v. Painter, 339 U. S. 629 (1948).

[7]Sipuel v. Board of Regents of University of Oklahoma et al., 332 U. S. 631 (1948).

ordered Oklahoma to desist from segregating C. W. McLaurin, requiring that he sit at a designated desk in an ante-room adjoining the classroom, apart from other students, at another designated desk in the library, and that he eat in the school cafeteria at a special time.[8]

In all the cases just mentioned, it was the National Association for the Advancement of Colored People which sponsored the litigation, hoping thereby to undermine racial discrimination in Oklahoma as well as throughout the United States. The organization believed that the South would certainly abandon its dual system of education because of the large sums of money that would be required if Negro schools were made equal to those for whites.

But this hope of attacking racial discrimination by a flank movement proved to be unsuccessful, for the southern states began to appropriate additional funds for Negro schools. The South was in effect strengthening Jim Crowism by establishing citadels of segregation, manned by Negro administrators and teachers who would have a vested interest in maintaining the status quo in racial education.

In 1945 the N.A.A.C.P., realizing that its victories in the "separate but equal" cases were failures concealed in success, decided to make racial segregation itself the main target of attack. After several years of preparation, its legal counsel filed a suit in the federal court in Charleston, South Carolina, on May 14, 1950, on behalf of sixty-seven Negro children asking that they be admitted to the public schools of Clarendon County without regard to race. This case, along with three

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[8] McLaurin v. Oklahoma State Regents for Higher Education, 339 U. S. 637 (1950).

similar ones, eventually reached the United States Supreme Court, all of them taking the name of Brown v. Board of Education.

The issue before the Court was momentous, for it had to decide whether a state or the District of Columbia had the constitutional power to operate segregated schools on the elementary and secondary levels. On May 17, 1954, the nine Justices, three of them southerners, rendered a unanimous decision: segregation of children in public schools solely on the basis of race was unconstitutional. Completely reversing the Plessy decision of 1896, the Court thus declared that separate educational facilities were inherently unequal and deprived the segregated person of the equal protection of the laws guaranteed by the Fourteenth Amendment.[9]

The Brown decision was immediately recognized in Oklahoma and elsewhere as a revolutionary step in American race relations. The general reaction in Oklahoma was "We'll follow the law, but it would be disastrous to do it right now."[10] Thus in the fall of 1954 the Oklahoma public schools opened on a segregated basis. The state colleges and parochial schools were integrated however. The implications of the Brown decision also extended to any publicly operated facility such as libraries, museums, beaches, parks, zoos, and golf courses.

It was enhanced by the Court's second Brown decision, May 31, 1955:

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[9]Brown v. Board of Education, Briggs v. Elliot, Davis v. County School Board, Gebhart v. Belton, 347 U. S. 483 (1954).

[10]Walter White, How Far The Promised Land? New York: Viking Press, 1955, 61.

> . . . the courts will require that the defendants make a prompt and reasonable start toward full compliance with our May 17, 1954, ruling. Once such a start has been made, the courts may find that additional time is necessary to carry out the ruling in an effective manner.[11]

Oklahoma's reaction to the Brown decisions was generally one of orderliness, because of nearly sixteen years exposure to the legal implications and publicity of the Lane, Morgan, Gaines, Sweatt, Sipuel, and McLaurin cases. Thus the state was devoid of the racial violence and disturbances which took place in Alabama, Arkansas, and Mississippi. Governor Raymond Gary, Oklahoma's fifteenth governor, effectively prepared his state for such a course of action:

> Governor Gary's response to the second Brown decision was to advise each school district in the state that it would receive no state aid . . . if it defied federal law. Officials in state government studiously avoided publicity on the question, to avoid inflaming any segment of the population. Leadership and restraint by public officials in this regard showed sophistication, and their constructive action is an example of the spirit of the Modern Period . . .[12]

Thereafter, racial discrimination in Oklahoma, which had existed for nearly sixty-six years, began to deteriorate as a significant factor in the maintenance of a bi-racial society.

The Negro's fight against racial discrimination in Oklahoma, which began in 1889, has had a long history. During the territorial period, Negro leaders fought courageously to bring an end to such racial practices, for they were obviously aware of its unfavorable consequences for the future of their people. In the face of what seemed inevitable

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[11]Brown et al v. Board of Education et al., 349 U. S. 294 (1955).

[12]Arrell M. Gibson, Oklahoma: A History of Five Centuries. Norman, Oklahoma: Harlow Publishing Corporation, 1965, 414.

racial animosity, both whites and Negroes propounded solutions to the race problem even before the Run of 1889, mostly involving emigration to Africa or to some region of the United States. One of the latter schemes, advanced particularly by Negroes supported by prominent Republicans was to make Oklahoma Territory an all-Negro state during the 1890's. Such a scheme was doomed to failure because it encountered strong opposition from whites. The latter, throughout the territorial era, practiced racial discrimination against Negroes, which prevented them from migrating in large numbers into the region. Negroes responded by establishing Negro towns as a possible solution to the race problem, thus demonstrating that they were satisfied with the bi-racial society that the whites wanted.

At the same time, the Republicans, taking advantage of the fact that it was their Party which had freed the Negroes, sought throughout the territorial era the political support of Negroes in order to maintain themselves in office. Consequently, the Negro's struggle against racial discrimination and for full citizenship was tied up with the Republican Party's struggle for dominant control of territorial offices.

The mechanism for segregation was the Jim Crow code adopted by various territorial legislatures. This was continued and re-enforced by laws adopted by Oklahoma's First Legislature. Following the passage of the "grandfather clause" by the Second Legislature in the spring, 1910, Oklahoma Negroes became increasingly cognizant of the fact that the solution of racial discrimination was to be achieved through the decisions rendered by the highest court of the land: the United States

Supreme Court. Indeed, this has generally been their course of action leading to the remarkable achievements in Oklahoma's racial relations today.

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APPENDIX

COACH LAW

Separate Coaches--Waiting Rooms

Article 1

AN ACT

To promote the comfort of passengers on railroads, street cars, urban, suburban, interurban cars and at railway stations. Requiring all railway companies, street cars, urban, suburban, interurban car companies, carrying passengers on their trains or cars within this state, to provide equal but separate coaches or compartments, and separate waiting rooms at stations or depots, so as to secure separate accommodations; defining the duties of officers of such railway, street car, urban, suburban, or interurban car company; directing them to assign passengers to coaches or compartments set aside for the use of the race to which said passenger belongs; authorizing them to refuse to carry on their trains or cars such passengers as may refuse to occupy the coaches or compartments to which he or she is assigned, to exonerate such railway, street car, urban, suburban or interurban car company from any of the blame or damages that may proceed or result from such refusal; to provide

penalties for the violation of this act, and declaring an emergency.

Be It Enacted by the People of the State of Oklahoma:

Section 1. That every Railway company, urban or suburban car company, street car or interurban car railway company, lessee, manager or receiver thereof, doing business in this State, as a common carrier of passengers for hire shall provide separate coaches or compartments, as hereinafter provided, for the accomodation of the white and negro races, which separate coaches or cars shall be equal in all points of comfort and convenience.

Section 2. Every railroad company, street car company, urban, suburban, or interurban car company shall provide for and maintain separate waiting rooms at all their passenger depots for the accommodation of the white and negro races, which separate waiting rooms shall be equal in all points of comfort and convenience. Each waiting room shall bear in a conspicious place words in plain letters indicating the race for which it is set apart. It shall be unlawful for any person to use, occupy or remain in any waiting room, toilet room, or at any water tank in any passenger depot in this State, set apart to a race to which he does not belong.

Section 3. The term negro as used herein, includes every person of African descent, as defined by the Constitution.

Section 4. Each compartment of a railway coach, divided by a good and substantial wooden partition, with a door therein shall be deemed a separate coach within the meaning of this Act, and each separate coach shall bear in some conspicious place appropriate words in

plain letters indicating the race for which it is set apart; and each compartment of an urban or suburban car company, interurban car or railway company, or street car company, divided by a board or marker, placed in a conspicuous place, bearing appropriate words in plain letters, indicating the race for which it is set apart, shall be sufficient as a separate compartment within the meaning of this Act.

Section 5. Any Railway company, street car company, urban, or suburban car company, or interurban car or railway company, lessee, manager or receiver thereof, which shall fail to provide its cars, bearing passengers, with separate coaches or compartments as above provided, or fail to provide and maintain separate waiting rooms as provided herein, shall be liable for each and every failure to a penalty of not less than one hundred nor more than one thousand dollars, to be recovered by suit in the name of the State, in any Court of competent jurisdiction, and each trip run with such railway train, street car, urban, suburban or interurban car without such separate coach or compartment shall be deemed a separate offense.

Section 6. If any passenger upon a railway train, street car, urban, suburban or interurban car provided with separate coaches or compartments as above provided shall ride in any coach or compartment not designated for his race, after having been forbidden to do so by the conductor in charge of the train or car, or shall remain in any waiting room not set apart for the race to which he belongs, he shall be guilty of a misdemeanor, and upon conviction shall be fined not less than five nor more than twenty-five dollars.

Should any passenger refuse to occupy the coach or compartment or room to which he or she is assigned by the officer of such railway company, said officer shall have the power to refuse to carry such passenger on his train, and should any passenger or any other person not passenger, for the purpose of occupying or waiting in such sitting or waiting room not assigned to his or her race, enter said room, said agent shall have the power and it is made his duty to eject such person from such room, and for such neither they nor the railroad company which they represent, shall be liable for damages, in any of the courts of this State.

Section 7. The provisions of this Act shall not be so construed as to prohibit officers having in custody any person or persons, or employees upon the trains or cars in the discharge of their duties, nor shall it be construed to apply to such freight trains as carry passengers in cabooses, provided that nothing herein contained shall be construed to prevent railway companies in this State from hauling sleeping cars, dining or chair cars attached to their trains to be used exclusively by either white or negro passengers, separately but not jointly.

Section 8. Every railway company carrying passengers in this State shall keep this law posted in a conspicuous place in each passenger depot and in each passenger coach provided in this law.

Section 9. That nothing in this Act shall be construed to prevent the running of extra or special trains or cars for the exclusive accommodation of either white or negro passengers, if the regular trains or cars are operated as required by this Act and upon regular schedule.

Section 10. Conductors of passenger trains, street cars, urban, suburban or interurban lines provided with separate coaches or compartments shall have the authority to refuse any passenger admittance to any coach or compartment in which they are not entitled to ride under the provisions of this Act, and the conductor in charge of the train, street car, urban, suburban or interurban car shall have authority, and it shall be his duty to remove from the train, coach, street car, urban, suburban or interurban car, any passenger not entitled to ride therein under the provisions of this Act; upon his refusal to do so knowingly shall be guilty of a misdemeanor and upon conviction shall be fined in any sum of not less than fifty nor more than five hundred dollars, and the company, manager, agent, conductor, receiver or other officer, shall not be held for damages of any lawful removal of a passenger as provided herein.

Section 11. All fines collected under the provisions of this law shall go to the available common school fund of the county in which conviction is had. Prosecutions under the provisions of this law may be instituted in any Court of competent jurisdiction, in any county through or into which said railroad, urban, suburban, interurban railway may be run or have an office.

Section 12. An emergency exists for the preservationn of the public safety by reason whereof this Act shall take effect sixty days from and after its passage and approval.

Approved December 18, 1907.