

# the chronicles OF OKLAHOMA



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***“Practically a  
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***The University of Oklahoma and  
World War I***

*By David W. Levy\**

For weeks before President Woodrow Wilson actually made his solemn appearance before the Congress of the United States on April 2, 1917, to ask for a declaration of war, al-

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most everybody realized that war was inevitable. Probably as early as February 1, when (in the words of the president's war message) the Imperial German government "put aside all restraints of law or of humanity" and resumed unrestricted submarine warfare, many Americans fully understood what was coming. Two days after Germany's announcement the United States broke diplomatic relations, and the slide toward American entry into the Great War moved with a momentum that was, in all likelihood, impossible to arrest.

Indeed, five full days before Wilson formally asked Congress for a declaration, his predecessor happened to be visiting Oklahoma City. William Howard Taft was on a speaking tour and had come up from Texas. (One member of his traveling party was the University of Oklahoma's president, Stratton D. Brooks. "I found him unusually agreeable as a traveling companion," Brooks told the student newspaper.<sup>1</sup>) As far as Taft was concerned, war was unavoidable. A spirited crowd of sixty-five hundred Oklahomans "enthusiastically greeted his every utterance" as he assured the cheering audience that participation in this conflict "had been pushed on to the United States," and that Americans "would be cowards and cravens if we did not stand up for our rights and our national honor." The Republican ex-president pledged unqualified backing to his Democratic successor, and he urged every true American to do the same. The reporter covering Taft's speech for the *Norman Transcript* declared that the former president's remarks "bristled with patriotism, and thorough Americanism." The *Transcript* writer was certain that "while he talked smilingly, the determined jaw was back of it all."<sup>2</sup> A similar gathering took place in downtown Norman a few days later. On the night of April 3 around a thousand people crowded into the Franing Opera House for "a patriotic meeting."<sup>3</sup> The first speaker was Stratton Brooks, who chose American liberty as his theme. Our people, he told his applauding Norman neighbors, "must stand firmly and steadfastly for those things which made this country great and powerful—Patriotism, Loyalty, Love of Liberty, and a determination to establish human Rights."<sup>4</sup> Music for the occasion was provided by the University of Oklahoma's Sooner Band.<sup>5</sup>

The flurry of Oklahoma patriotism that came bursting forth during the days leading up to America's entry into the war may have represented the feelings of the majority in the state, but it did not exhaust entirely the range of opinions regarding American participation in a bloody European conflict. Many Oklahomans were not

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*President Stratton D. Brooks of the University of Oklahoma (Courtesy Western History Collections, University of Oklahoma).*

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so sure. A large number of them could trace their ancestry to Germany, and many of these were understandably reluctant to join in the exuberant denunciations of German policies and German culture.<sup>6</sup> There were also religious and philosophical pacifists who were opposed to all wars and who saw nothing in this one to make it more morally palatable than any of the others.<sup>7</sup> In addition, the state was the home of thousands of members of the Socialist Party—at the last presidential election, Oklahomans had given a higher percentage of their vote to the Socialists than had the people of any other state in the Union.<sup>8</sup> Typically poor tenant farmers (by 1915, fully 71 percent of the state's farmers were either tenants or being threatened by foreclosure), Oklahoma Socialists rejected or ignored orthodox Marxist positions in several important ways,<sup>9</sup> but it may be presumed that many of them adopted the party's official policy of opposition to the war. There even erupted, during the summer of 1917, a short-lived anti-draft uprising in the Canadian River valley; this so-called Green Corn Rebellion was easily suppressed by the state militia, but it indicated that more than a few Oklahomans had not been completely swept off their feet by the patriotic rhetoric that had accompanied the coming of the war.<sup>10</sup>

Nevertheless, before many weeks had passed, the question was effectively settled for most of the citizens of Oklahoma. Those in fa-

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vor of the war easily won the contest for the allegiances of the great majority of the people of the state. They were able to triumph for several reasons. The fervent patriotism that surfaces during every American conflict doubtless drew many Oklahomans into approving of the war. The effectiveness of the propaganda that portrayed the Germans as conscienceless barbarians who threatened the security of Americans and the peace of the world also played a part in convincing Oklahomans that the war deserved their support.<sup>11</sup> The sudden demand for agricultural produce brought on by the war, and the consequent rise in prices paid to farmers for their crops, lifted many out of wretched poverty and thereby weakened their loyalty to the Socialist Party and its antiwar platform. Finally, one should not ignore the vigorous program of suppression, intimidation, and violence that the supporters of the war unleashed upon those they considered "lukewarm" or "pro-German." In general, the advocates of the war were richer and more influential than the war's opponents. They were firmly in command of the press and of local and state government, and they were ready to use those tools to ensure loyalty, nationalism, and approval of the war.<sup>12</sup>

The chief arm in encouraging the patriotic backing of the war was the Oklahoma Council of Defense, an agency created by the governor in response to a request by the Council of National Defense that such bodies be established in every state. The statewide council quickly created patriotic organizations in each county. The official duties and actual powers of both the state and the county organizations were always a little vague, but they all worked to create a positive attitude toward the war, mainly through propaganda. There were, however, numerous incidents of coercion and intimidation and a consistent unwillingness to control some of the rougher practices by bands of patriotic private citizens who operated outside the formal structure of the council.<sup>13</sup>

Perhaps the attitude toward the Great War that characterized the University of Oklahoma may be inferred from the fact that the official secretary of the Oklahoma Council was President Stratton Brooks and its director of wartime publicity was Professor Chester Westfall of the School of Journalism. The chair of the Cleveland County Council of Defense was Professor Roy Gittinger, the dean of undergraduate students and a professor of history.



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There is a good deal of evidence that, in and around Norman, there were mixed feelings toward the war and that the level of patriotic support sometimes fell short of what the Oklahoma Council and its county branch might have hoped. An obscure band of radicals and draft resisters, styling themselves “the Jones Family,” sprang up in Cleveland and Pottawatomie counties. In late July 1917 some of the members were arrested and charged with sedition and conspiracy, and after a questionable trial in September and October, eight of them were sent off to the federal prison at Leavenworth.<sup>14</sup> But even newspaper accounts written for the purpose of praising patriotic activity sometimes revealed the lurking presence of distasteful shirking and dark disloyalty: “Although Cleveland county is among the smaller counties of the state,” reported the *Daily Oklahoman*, “it is one of the most active along all lines pertaining to the winning of the war.” Nevertheless, the paper sadly noted, there were, even in patriotic Cleveland County, “many persons who were slow about doing their duty and obstinate when they were asked to do certain things.” Happily, however, the county’s Council of Defense found ways to make these lukewarm hangers-back see reason.<sup>15</sup> Persuading the lukewarm seems to have been the special role of the university’s colorful chemistry professor, Guy Y. Williams, who was described after the war as “a very efficient member of the unofficial ‘strong-arm squad’ maintained by the [Cleveland County] Council.”<sup>16</sup>

One device found to be particularly effective in Norman was called the “slacker pen.” It was a cagelike structure erected by the council on Main Street, near the town’s banks. Citizens coming downtown to do business or cash a check were approached by members of the council who suggested how much money should be contributed to the various wartime causes (War Bonds, Liberty Loans, the War Stamp Drive, the Red Cross). Oklahoma City’s *Daily Oklahoman* reported, “[T]hose who refused to do their duty were thrown into the ‘slacker pen’ until they had made up their minds to do what was asked of them.”<sup>17</sup> To insure the success of the War Stamp Drive the Cleveland County Council appointed four men in each of the county’s school districts. “These four went to work and assessed every man in the district so many stamps according to his ability. If a man refused to buy at all, he was immediately turned over to the council of defense, who proceeded at once to adjust matters and they usually had very little difficulty,” the newspaper noted.<sup>18</sup> These activities, of course, indicate zealous support for the war on the part of many, but the fact that such tactics were needed at all



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shows that not every citizen of Cleveland County was fully persuaded of the war's necessity, propriety, or morality.

When the war ended, Dean Roy Gittinger sat down to write his final report, summarizing what the Cleveland County Council had accomplished under his leadership. The "whole aim" of the council, he asserted, "was to get results that would redound to the winning of the war, to see that every American citizen did his whole duty in every crisis, and to put a quietus upon disloyalty wherever and whenever it attempted to rear its hydra head." The council had succeeded in "putting a loyal man on guard in every school district." It had also, Gittinger boasted, "dealt firmly with slackers of every description, putting the fear of God into their hearts and, at least, an outward semblance of loyalty to their country." In the process of drumming up patriotism, Gittinger insisted, "the Cleveland County Council of Defense performed its duties . . . in such a manner as to gain the respect and esteem of every citizen of the county whose respect and esteem were worthy of consideration."<sup>19</sup> It is a sobering measure of the intensity of the feelings aroused by the war that men as fundamentally decent, rational, and judicious as Brooks and Gittinger could have lent their names to some of the dubious work that characterized the nation, the state, and the county in 1917 and in 1918.

If the activities of the state and county defense councils, and especially those activities involving coercion and intimidation, suggests that opinion on the war was divided in the university's neighborhood, there was very little indication that the campus itself was touched by dissent.



Before the war was actually upon them, students paid little attention to it. If Europe was locked in the bloodiest battlefield slaughter in human history, if Germany was conducting submarine attacks on American shipping and its foreign minister, Arthur Zimmermann, attempted to induce Mexico to join in hostilities against the United States, if Woodrow Wilson broke diplomatic relations and decided to arm the merchant ships, if other Americans were filling the air with anxious talk about the Kaiser and the trenches and poison gas and the *Lusitania* and the Battle of the Marne, students who relied on the *Oklahoma Daily*, the student newspaper, for their news would never have known. The pages of that paper were devoted to the usual—the big game, the big dance, the big parties of fraternities

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and sororities, the latest campus gossip. On rare occasions the editors took notice of what was happening in the world and offered their small attempts at humor. After Wilson called the American ambassador home from Berlin, for example, the *Daily* published a little paragraph entitled "Are Spies Here[?]": "Has the world-famous German spy system extended to the university? It seems so, for the dark, forbidding door bearing the words 'German Office' to your left just as you enter the administration [building] has been the target of many suspicions since the break with Der Vaterland."<sup>20</sup>

It was precisely this lighthearted and unworried indifference to world and national affairs that made the reaction to the formal declaration of war so remarkable. Within two weeks of the April 6 declaration the University of Oklahoma campus was electrified, completely galvanized onto a war footing. All of a sudden this seemed like very serious business. The day after Wilson's war message, and three days before Congress actually voted to declare war, an editor of the *Daily* (a youngster named Fayette Copeland, soon to be an illustrious faculty member in the School of Journalism) raised some pertinent questions for the campus to consider. True, Copeland's *principal* editorial that day was a stern admonition to the students to get out there and support the upcoming interscholastic track meet; but his second editorial, entitled "Prepare!" tried to alert his fellow students to what lay ahead. "With the United States on the verge of war with Germany," he wrote, "it is time that Sooners were thinking of the part which they may have to play in the event of war." Given President Wilson's call for half a million men, "it is probable that 50 per cent of the student body would answer the call. Some would do so immediately while others would wait until after school is out [two months later, in June]." Copeland pointed out that the university offered no instruction in military training or tactics. But he had a suggestion: "Why not organize a volunteer training corps among the students by which the rudiments of military science might be learned?" If they trained every day "from now until school is out, even with sticks or baseball bats for guns," it might prove almost as valuable as immediate enlistment. "Several students and faculty members in school are competent to drill such a corps, and no doubt would be willing to do so. How about it?"<sup>21</sup>

Two days later the university's faculty met "as a war cabinet" and announced that any young man who left school to join the army or the Oklahoma National Guard, even if he chose to do so before the semester ended in June, would receive full credit for the courses in which he was enrolled, "provided he is passing in that work."<sup>22</sup>

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Within a week, no fewer than thirty young men enlisted: three in the navy; two in the army; sixteen in the cavalry of the Oklahoma National Guard (Troop B); nine in the Guard's Field Hospital Number One.<sup>23</sup> The effect on the campus, the student newspaper noted, was sobering: "Each passing day in Soonerdom sees a few more vacant chairs in the class rooms as Oklahoma's sons answer the call to the colors." On April 12 Professor Marie Anderson announced that her Public Speaking class would not be able to present, as planned, two plays by James Barrie "because members of the class have enlisted"; in addition, the much-anticipated "pageant of Oklahoma history," scheduled by the students for May 12, had to be cancelled "on account of the enlistment of many needed in the cast."<sup>24</sup> The brave sacrifices of those who volunteered so promptly, of course, raised a troubling question for those who decided to stay in school: Were they "showing lack of patriotism by not enlisting at once?" The student newspaper felt perfectly certain that "practically all are ready and anxious to join in the protection of the country," but the decision to leave school was not an easy one.<sup>25</sup> In the end, those staying behind found a solution that, to some extent at least, eased their consciences.

On the afternoon of Wednesday, April 11 the male students of the university held a massive patriotic meeting. Of the 907 young men enrolled for the spring semester, 850 of them attended. They gathered on the oval, around the renowned "Spoonholder" memorial that had been built by the class of 1910, and that had already become the focal point for important campus events.<sup>26</sup> The president of the student body, Harry Halley, called the meeting to order and introduced the golden-throated Josh Lee, a graduating senior and long the mainstay of the oratorical and debate teams. Lee warned his fellow students not to lose their heads. This was a moment for "sane patriotism," he said. According to the *Daily's* account of his stirring address, Lee acknowledged "that Oklahoma was a young state with no history to point to that might prove what Oklahoma's sons had done, but that now was the time to show what Oklahomans could do. The Sooner war cry 'Oklahoma Fights' that has often been heard upon the gridiron was the slogan to which all loyal Sooners must rally and show that they do mean what they say." Lee himself had no intention of lagging behind: "I am an American to the core," he proudly affirmed, "and will be the last whom anyone may call a slacker. The time has passed for talk and we must act."<sup>27</sup>

When Lee had finished, President Brooks rose to present his plan. The men were to remain in school and attend their classes as

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usual, but they would form a volunteer regiment and train daily until the end of the school year. It was proposed that Guy Y. Williams serve as the regiment's colonel. His classroom antics—occasionally entering the classroom through the transom; placing his hand on the corner of his desk and slowly lifting his body until it was parallel to the floor—had captivated undergraduates since he joined the faculty in 1906. Besides, he had been the second lieutenant of Company A (Engineers) only a few years earlier, serving on the Mexican border as part of the expedition that had chased in vain after Pancho Villa.<sup>28</sup> Williams felt duty-bound to warn the assembled students “that military training was a man's job and that it would be no joke.” Professor Samuel Reaves of the Mathematics Department then nominated Bennie Owen, the highly successful, universally revered, one-armed football coach to be the regiment's lieutenant colonel. Dean of Arts and Sciences James (“Uncle Buck”) Buchanan, a popular history professor, suggested that a vote be taken on these measures. It was unanimous. On Mondays, Wednesdays, and Fridays the men would drill from 4:30 until 6:00 p.m.; on Tuesdays and Thursdays they would hear lectures on military tactics.<sup>29</sup> Attendance was to be compulsory, unless a student could convince Dr. Gayfree Ellison, head of the university's health service, that he was too sick to participate. Angelo C. Scott, the director of the university's extension lectures, suggested that the men join in the singing of the “Star Spangled Banner,” “America,” “Dixie,” and, naturally, “Boomer Sooner.”<sup>30</sup> The oval rang with patriotism, purpose, and high spirits. Next morning, the *Daily's* headline exclaimed, “SPIRIT OF WAR INVADES SOONERLAND.”

The following days were busy ones. President Brooks fired off urgent telegrams to the War Department in Washington, D.C., requesting that an army officer be ordered to Norman to supervise the training of the new regiment. He also asked for “any army rifles that the federal government could furnish.” Professor Williams and Coach Owen caught the train to Oklahoma City to confer with Adjutant General Ancel Earp of the National Guard. They learned that neither the federal government nor the National Guard was able to render any help for the time being. Back in Norman, Colonel Williams decreed that the regiment would adhere exactly to the methods of the United States Army, and two days later the *Daily* obligingly did its part by beginning to reprint extracts from the “Infantry Drill Regulations.”<sup>31</sup> Soon a fifteen-page booklet, “Military Rules of the University of Oklahoma,” appeared.<sup>32</sup> Meanwhile, eighty-five students who hoped to be chosen as officers of the regiment ap-

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peared at a meeting to explain their qualifications. A committee went into executive session to select from among them. Although there were originally to be three battalions, each containing three companies, only two battalions were actually formed. An additional company was set aside for faculty members.<sup>33</sup>

Everywhere, members of the university community took pains to emphasize that this war was going to require action and sacrifice. Dr. Ellison declared that it would be his steadfast policy to give no student an exemption from drill without receiving a request from the student's captain.<sup>34</sup> The university's band director, L. A. White, urged "all musicians to report to him at once in order to facilitate the formation of a 30 piece regimental band"; he hoped "to build up one of the best bands in the state."<sup>35</sup> "With the advent of military training," the student newspaper speculated, "social functions will take a back seat in the attention of Sooners. Fraternities and other organizations will probably cancel their spring dance arrangements and devote their attention to war developments." Regrettably, it was now too late to call off the Junior Prom, but this year, organizers promised, "the Stars and Stripes will reign supreme . . . and red, white and blue will predominate in all decorations"; proceeds from the dance were to go to the Red Cross.<sup>36</sup> Maybe most shocking of all, Coach (now Lieutenant Colonel) Bennie Owen announced that all athletic practices were to be canceled so that athletes could train alongside all the others every afternoon: "A bomb has completely shattered every branch of Sooner athletics for the remainder of the season," the *Daily* said.<sup>37</sup>

Even before the men sprang into action on April 11, the women students had taken their own steps to thwart the cruel ambitions of Imperial Germany. On the afternoon of April 10 they held their own "patriotic mass meeting," and after hearing a speech by Edna Holland, head of the nurses at the School of Medicine, they organized a Red Cross society on the campus. The women were offered three levels of commitment. In Class A were those willing to serve anywhere in the world where they were needed; in Class B were those willing to serve anywhere in the United States; and in Class C were those who wanted to serve at home. By dinnertime, sixty-nine women had signed up: four in Class A, thirty-five in Class B, and thirty in Class C. The women immediately telegraphed Washington, D.C., asking for instructions, and they gave notice that a course in Red Cross work, fifteen lessons over a six-week period, "will be in full sway in a short time."<sup>38</sup> By the end of April, 160 women were enrolled in first aid or home nursing classes.<sup>39</sup>

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The medical school up in Oklahoma City expressed regret that it could not participate in the new Norman campus provision that awarded academic credit to those who left school to enlist before the semester was finished. For obvious reasons, the American Medical Association could not approve of bestowing credit for uncompleted work.<sup>40</sup> Nevertheless, on the night of April 5 fifty medical students got together to organize a volunteer hospital company. They announced their intention to wait “until they are called up by the president as a volunteer hospital corps.” In the meantime, they would “prepare the company as far as possible.”<sup>41</sup> Two weeks later LeRoy Long, dean of the School of Medicine, told his faculty that the army’s surgeon general had advised the doctors to apply for commissions in the reserve. The surgeon general also urged the faculty to hold summer school to help in the war effort. The faculty quickly agreed, and medical officers were soon being trained in orthopedic surgery.<sup>42</sup>

In all these various ways, then, did the University of Oklahoma engage itself in the prosecution of the Great War. With the most admired members of the faculty—President Brooks, deans Gittinger, Buchanan, and Long, Coach Owen, professors Williams, Reaves, and many others—enthusiastically leading the way, the student body eagerly joined in. Whether in Oklahoma City or in Norman, whether in direct enlistment or the formation of volunteer units, whether on the campus or in the less-enthusiastic environments of the county and the state, whether they were men or women, whether they were drilling in the afternoons or providing the accompanying martial music or rolling bandages for the Red Cross, the students resolved to do their part “to abolish those famous twins, Kaiser and Kultur, from the face of the earth.”<sup>43</sup> As far as the University of Oklahoma was concerned, there would be, at least in public, no doubts about the wisdom or the necessity or the righteousness of the war, no hesitation about its costs, no contemptible muttering of pro-German, disloyal, or lukewarm sentiments. Two weeks after Congress voted for war, the *Norman Transcript* could assure its readers that “the military spirit . . . prevails at the University.” According to the *Transcript*, “about the only things needed to make the campus a real military camp are tents and guns, and these will come later.”<sup>44</sup>



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In 1918, with the war raging and anti-German sentiment running at fever pitch, the distinguished mathematics professor Nathan Altshiller decided that this might be a good time to change his name.<sup>45</sup> A full attack on the German language was underway in Oklahoma and the nation. Oklahoma high schools were dropping the language from the curriculum (“German Deader than Latin Now,” ran a headline in the *Tulsa Daily World*<sup>46</sup>), and the director of the Oklahoma Historical Society, Joseph Thoburn, announced that three Oklahoma towns still possessed “distasteful German names.”<sup>47</sup> So Professor Altshiller walked over to the Norman courthouse to get himself a new name. An official asked him what he would like his new name to be. According to the legend, the mathematician had never until that very moment considered the question. But his eye fell upon a sign in the building that read “Court.” He telephoned his wife, Sophie, and she agreed. Henceforth, Nathan Altshiller was to be Nathan A. Court.<sup>48</sup>

There were, in fact, many ways, besides joining the army, navy, or marine corps, to respond to the war, to demonstrate patriotism and devotion to the nation in this moment of crisis. Some of the university’s most highly regarded administrators and faculty enlisted themselves in various capacities. President Brooks, in addition to his work as secretary of the Oklahoma Council of Defense, also supervised the state’s food administration programs for ten months (July 1917 to April 1918). To perform this task, he hired twenty secretaries and clerks and set them to work in his own office and in the basement of Evans Hall (still called the Administration Building). Professor Westfall was busily directing wartime publicity, and Dean Gittinger, aided by Professor Williams and “the strong-arm squad,” was eagerly engaged in putting “a quietus upon disloyalty wherever and whenever it attempted to rear its hydra head” in Cleveland County. Other professors scurried about the state giving patriotic talks. A series of six lectures explaining why the United States had gone to war and the country’s noble war aims was presented to audiences of young soldiers at Camp Doniphan and Ft. Sill. These lectures were given by such campus luminaries as historians E. E. Dale, James Buchanan, and Monroe Floyd, professors of law John Cheadle and Henry Foster, and Warren W. Phelan, director of the School of Education.<sup>49</sup> The university’s extension service transformed itself into a virtual propaganda agency and specialized in providing “speaking material to scores of other war speakers in the state.”<sup>50</sup>

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Even before American entry, Roy Temple House, the professor of German, was stationed in Brussels as part of the American Relief Commission (the famous Hoover Commission). From January to June 1916 he was the head translator and custodian of all official documents, a service that the Belgian government recognized by awarding him a decoration in 1919.<sup>51</sup> The federal government called several of the faculty to service in the nation's capital. Arthur B. Adams, director of the newly named School of Public and Private Business, moved to Washington, D.C., during the war as an economist for the Federal Trade Commission.<sup>52</sup> Registrar Errett Newby left the university to work for nine months at the War Department.<sup>53</sup> The new professor of mechanics, Herbert Whittemore, went to the Bureau of Standards.<sup>54</sup> Sixteen university men, both faculty and students, joined the effort through the YMCA, a group that played a prominent role in the war; of these, four went overseas.<sup>55</sup>

But for male students, the chief alternative to actual military service became, eventually, a new national organization called the Student Army Training Corps (SATC). Congress established the SATC for several reasons. As a result of the war more than half of American colleges experienced drastic losses of enrollment as young men left their campuses to join the war effort. Across the nation college and university enrollment declined between 1915 and 1918, and some colleges feared that they would have to close their doors.<sup>56</sup> It was clear to many in Washington, starting with Woodrow Wilson, the former president of Princeton, that something would have to be done to keep young men in school. At the same time, those who were able to look ahead to the end of the war were predicting that there would be an enormous postwar demand for well-trained professionals in a great many fields. As Frederick Ferry, president of the Drexel Institute of Technology, put it, "the greatest construction period in the world will follow this war. . . . The demand for trained men in all lines—financial, economical, social, and industrial—will be ten times greater than it ever has been before. Where will the trained men come from if the colleges are depleted?"<sup>57</sup>

Finally, there was the serious problem of supplying the gigantic new military machine with competent officers. The prevailing belief, virtually an unquestioned article of faith in 1917–18, was that college men made the best officers. To lure them from the campus in order to turn them into lowly privates and then feed them into the front-line trenches of France was a terrible squandering of human resources. The chancellor of the University of Buffalo called it "the reckless waste of irreplaceable talent."<sup>58</sup> To keep colleges afloat, to



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insure an unbroken supply of well-educated professionals, to supply the army and navy with officers, it would be necessary somehow to keep male students at their colleges and universities.

The SATC was the federal solution to the problem.<sup>59</sup> In August 1918 it was authorized by the Congress. Enacting suitable legislation was not a simple matter, because many congressmen had been committed to *universal* conscription and the formation of a “democratic army” drawn impartially from all segments of American society; the SATC, which deferred college men from the draft, required a change of heart on the part of some of these lawmakers. Most colleges promptly established units of the SATC. It was, after all, a way of doing one’s part in the war effort, while keeping institutions of higher education in business by retaining young men on the campus. Once a college agreed to the plan, the school was operated like an army training camp; as one historian put it, “the federal government took over the colleges in all but name.”<sup>60</sup> All able-bodied male



*SATC officers pose in front of Headquarters, located north of campus on University Boulevard (Courtesy Western History Collections, University of Oklahoma).*

undergraduates were required to enroll in the SATC, and the army appropriated the institution’s buildings, equipment, and living quarters. Regular army officers were sent to train the students (and a few nonstudents who were preparing for certain war-related vocations such as engineering) and to select likely candidates to become future officers. In exchange, the government paid the institution

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about nine hundred dollars for tuition, room, and board for each student-soldier. On October 1, 1918, no fewer than 525 American colleges joined the program and swore into the army more than 140,000 men.<sup>61</sup> One of those colleges was the University of Oklahoma.

The university had not been immune from the problems that were troubling higher education throughout the country by the end of the 1917–18 school year. In May, for example, the *Oklahoma Daily* had to suspend publication before the school year was over: “[B]ecause of sudden and heavy enlistments from the business staff of the paper,” the editor sadly announced, “further publication of the sheet this year will be impossible.” The explanation was obvious: “The war has been directly responsible for the end. Both the business manager and circulation manager were called into the service upon extremely short notice.” The paper’s last issue carried a front page comment: “The present school year is near its end. It has, no doubt, been the most strenuous year in the history of the University of Oklahoma. A large number of those who would have been here this year, under ordinary conditions, are now across the sea; many of the students who enrolled in the fall have left to enter one form or other of military service; some of those who will complete the year’s



*Barracks building near North Oval on the university campus (Courtesy Western History Collections, University of Oklahoma).*

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work will answer their country's call during the summer months, and will not return in the fall."<sup>62</sup>

It was no wonder, therefore, that the University of Oklahoma, like hundreds of other institutions of higher education, grasped the lifeline that had been thrown out by the formation of the SATC at the start of the 1918–19 school year. By the end of the war more University of Oklahoma men (counting both current and former students), by a small margin, participated in the SATC than in the active military: 1,173 in the former, and 1,139 in the latter.<sup>63</sup>

The campus suddenly looked very unlike a traditional university. It had become "a real military camp with sentries parading in front of the Varsity shop and about the campus."<sup>64</sup> Calisthenics, close order drill, guard duty, bayonet practice, marching to eat, marching to class—all occurred alongside whatever normal academic work could still occur. A flurry of emergency construction took place: four mess halls, three barracks, an infirmary, a guard house, a bath house, a canteen. The fraternities, the sororities, the gymnasium all became barracks. The quartermaster set up operations in the basement of Monnet Hall.<sup>65</sup> The campus was practically under the direction of a commanding officer, Captain Fred C. Bachman, and eighteen regular army officers (among them Second Lieutenant Phil La Follette, son of Wisconsin's famous progressive senator and destined, after the war, for a celebrated political career himself).<sup>66</sup> Looking back a quarter century later, Roy Gittinger summed up the situation neatly: "From October 1 to December 21, 1918, when the SATC was disbanded, the university was practically a military school."<sup>67</sup>



Before it was all over in November 1918, more than 2,300 students, former students, and members of the faculty had contributed to the war effort in some way or other.<sup>68</sup> Of these, 1,139 saw service either in the army (972), the navy (147), or the marine corps (20). Of this total, 885 (or 77.6 percent) volunteered and 254 were drafted. Among those in the army or marines, 444 (45 percent) were sent overseas, and 548 remained in the United States. In all of the branches (1,139 individuals), 487 (or 43 percent) were commissioned officers; there were 468 officers in the army (396 of whom were first or second lieutenants), 16 in the navy, and 3 in the marine corps. Four university-connected men advanced to the rank of lieutenant colonel and eleven others to the rank of major.<sup>69</sup>

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Unavoidably, not all of them returned. Three members of the faculty died in the war—one of them in combat, the other two in the horrific influenza pandemic of 1918.<sup>70</sup> Twenty-one students or former students also died during the Great War.<sup>71</sup> Twelve of them were killed in combat or in other military-related action; six died of influenza and three of other diseases.<sup>72</sup> Among those dying of illness was the first of the university's casualties, Louis Isle, who was to have graduated in 1919. Eloise Eagleton, who had graduated in 1914, returned to earn an M.A. in June 1918 and was struck down by the flu five months later, while serving as a nurse in Texas. She was the only university woman to die in the war. Seventeen students or alumni were wounded, seven of them having been exposed to poison gas, eleven having been hit by enemy fire.<sup>73</sup>



Given the overwhelming turn toward wartime necessities and the eventual conversion of the institution into a military training camp, what more is there to be said about the University of Oklahoma during the troubled days of World War I? Not very much. Once again, Dean Gittinger was to put it with admirable brevity: "It must be understood," he wrote, "that the university was not very successful in carrying on its real work during the year 1918–19. While the SATC may have been satisfactory from the point of view of army training, its activities allowed members very little time for real study."<sup>74</sup> Nonetheless, despite the difficulties, brave efforts were made to carry on the university's business.

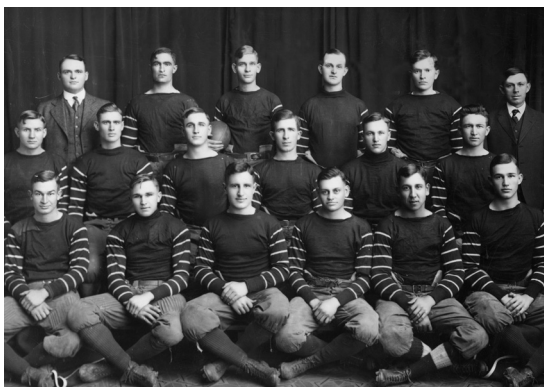
The Great War disrupted virtually everything on the main campus in Norman. President Brooks had worked his magic on the state legislature in early 1917, and in July, even though the country had been at war for three months, the university received a huge appropriation for four new buildings. The three structures intended for Norman met the same fate that awaited a proposed university hospital in Oklahoma City; they too suffered delays in construction and were not ready for use until after the war had ended. The legislature had given \$150,000 for an auditorium (later to be called Holmberg Hall), allotted \$100,000 for a geology building (later taken over by the College of Fine Arts and eventually named Carpenter Hall), and set aside \$75,000 for the first wing of a new library building (later given to the School of Art and named Jacobson Hall). But the auditorium and the geology building were not to be

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ready until the 1918–19 school year, and the new library was not opened until the start of the 1919–20 academic year.<sup>75</sup>

Most divisions of the university suffered declines in enrollment because of the war. The College of Arts and Sciences, for example, had 1,730 students in the 1916–17 academic year, but only 1,662 in 1917–18; similar decreases were experienced in the schools of Fine Arts (from 466 to 381), Medicine (85 to 75), Pharmacy (81 to 67), and Law (175 to 87). As might have been predicted, the war stimulated small increases in nursing (from 31 to 36) and engineering (from 228 to 234).<sup>76</sup> A bright spot in the enrollment picture was the summer session. It had attracted only 178 students when President Brooks arrived in 1912, but by 1917, the year of its highest proportion to the regular two-semester totals, summer enrollment had soared to 1,133. A large part of this success was due to the State Board of Education's new edict requiring many of Oklahoma's public school teachers to attend the university's summer school.<sup>77</sup>

Despite the absence of professors gone off to fight the war, despite the missing faces of classmates, despite the military atmosphere on the campus and the atmosphere of suspicion and hyper-nationalism surrounding it, despite the slowed construction and the suspension of their newspaper, despite the regular, but always shocking word that this or that fellow student, this or that friend or sweetheart or lab partner or fraternity brother had been wounded or killed or struck down by disease, despite all of it, the students in Norman made strenuous attempts to keep things going. "In spite of changes and the uncertainty due to the war," Gittinger recalled twenty-five years later, "normal conditions were maintained on the university campus as far as possible."<sup>78</sup> The students, and particularly those in the nine sororities and eight fraternities,



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*Several members of the 1915 football team served in combat; two were killed (Courtesy Western History Collections, University of Oklahoma).*

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resolutely undertook to maintain a semblance of social life on the campus.<sup>79</sup>

But it was, perhaps inevitably, a losing struggle. *The Sooner* yearbook for the 1916–17 (pre-war) school year (404 pages long) chronicled the normal, full-blown, joyful, and exuberant student life. It abounded in slightly risqué campus gossip, photographs of dances and picnics, candid snapshots of campus couples, and the usual supply of what passed for college humor (“Worried Pre-Med: ‘Say, Doctor, is that Anatomy a Stiff course?’”). By the time that *The Sooner* for 1918 appeared, in the middle of the war, it was grimly obvious that many things had changed. The yearbook, now only 368 pages, was “dedicated to our fellow students who answered the call of their country,” and the volume’s “Foreword” proclaimed: “It is the humble aim of the 1918 Sooner to commemorate and keep fresh the memory of these men who have so gallantly offered their lives to their country.” The 1918 yearbook was decorated throughout with military motifs, and an entire section was devoted to “The Military.” That year, the “Sooner Beauties” (an annual feature picturing a half dozen attractive young women students) showed the women clad for their photographs in army uniforms, sailor suits, and Red Cross outfits. The yearbook noted that “the only formal [dance] of the year was that of the Inter-fraternity council, held at Varsity Hall, March 1.”<sup>80</sup>

By 1919 all pretense that the preceding academic year had, in any sense, resembled normal college life was abandoned. *The Sooner* yearbook for that year, appropriately retitled the *Victory Sooner*, was down to a scant 208 pages, about half the size of the 1917 edition, and the first third of it (seventy-two pages) was devoted entirely to the university’s war efforts. The volume opened solemnly with a listing of fallen students and alumni and was dedicated “to the Sooners whose faces are missing among our returned heroes, and whose devotion and supreme sacrifice have graven their names and that of their Alma Mater high among those who have served mankind.” The third page was given over to a poem, “To Our Dead,” by Francis Paxton, a student in Fine Arts. The tone throughout the yearbook is somber: “Yesterday they were with us. Today they live only as sweet memories. The Supreme Sacrifice was theirs—they made it that we might live. And they are not dead!” There are the usual pictures of the classes, the clubs, the honoraries, the orchestra and bands. There are almost no attempts at humor in the 1919 *Victory Sooner*; and even the very rare efforts had trouble escaping the war (“Our dear professors seem to have caught some of the

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spirit of the French at Verdun, 'They shall not pass.' 'They shall not pass.'"). The 1919 *Victory Sooner* contained no "Sooner Beauties," no campus gossip, no pictures of dances or picnics, no talk of wild campus pranks or mildly naughty allusions to campus couples or sly jokes about the professors.<sup>81</sup>



If any aspect of normal campus life managed to survive between 1917 and 1919, it was athletics. Coach Bennie Owen's stunning ruling, in April 1917, that in view of the war sports would be suspended, was maintained through the rest of that school year, but by the fall of 1917 the campus was hungry for its football. Besides, it was argued, football, with its emphasis on strength, courage, discipline, competition, and initiative, was an excellent way to prepare young men for warfare. Twenty lettermen from the 1916 team were expected to return to campus in September 1917. Instead, thirteen of them were in the military before the season even opened. Nevertheless, Owen, with the help of Edgar Meacham, the star of 1913, who had returned from Harvard to teach math and help with the coaching, put together a team that proved capable of some stunning achievements. The 1917 football season was notable, on the positive side, for a 99-0 defeat of the Normal in Edmond and the 179-0 slaughter of Kingfisher College. But, alas, the 1917 season was ruined for many by the fact that the Sooners lost, for the very first time in the history of the world, to the "Aggies" of Stillwater. In a hard-fought game in Oklahoma City, the underdog team from A&M romped for 214 yards and held the Sooners to 66, triumphing 9-0.<sup>82</sup>

The 1918 football season was one of the strangest in the school's history. In the first place, military service continued to claim many of the players. Of the seventeen athletes who had lettered in football in 1917, only three returned for 1918, and only one of those played the whole season. If that were not enough, the influenza epidemic caused some games to be canceled and some postponed; in the end, only six were played. Finally, because of the fear of the disease, only the SATC men were allowed to attend the games, and they had to sit with their own companies for fear of spreading the contamination.<sup>83</sup> Nevertheless, on the strength of an extraordinary group of entering freshmen (because of the war, freshmen were allowed to play), the university scored 279 points to its opponents' grand total of 7 (Phillips University scored the only touchdown against the Sooners all season). It was Coach Owen's third unde-

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feated season, going into the record books alongside the legendary seasons of 1911 and 1915.<sup>84</sup>

The triumph of the football team nearly eclipsed the triumph of the basketball team. It was also coached by Owen, and it also was undefeated during the 1918 season. In their twelve games, the six-man basketball team scored 707 points, while their rivals scored 355. And if the football and basketball seasons were not quite enough to satisfy the Sooner fans, the track-and-field team, consisting mostly of freshmen, also went undefeated, and the tennis team won the state championship. Only the baseball team disappointed, ending the 1918–19 year with a record of 10–6.<sup>85</sup>



Events as momentous and disruptive as a world war, of course, cast long shadows and left some important aftermaths. At the University of Oklahoma, the Great War deposited two quite permanent legacies, a new program and a new building, both dedicated to military affairs. The new program was the Reserve Officers' Training Corps (ROTC). The SATC was disbanded on December 21, 1918, a month after the November 11 armistice. The ROTC, which had been in existence at some other colleges since 1916, once Congress awakened to the looming dangers of the European war, was instituted at the University of Oklahoma in February 1919. The program's purpose, according to the *University Catalogue*, was to "furnish valuable training in leadership" and to inculcate in young men "self reliance, confidence, initiative, courtesy, and a keen sense of duty."<sup>86</sup>

In case of a national emergency, such as the one the country had just experienced, well-trained, college-educated officers would be needed, and the ROTC was designed to produce a ready supply of them. Henceforth, all physically fit male students were required to enroll for two years of military science. They received instruction in such subjects as close order drill, military discipline and courtesy, the use of weapons, and topography. The third and fourth years of ROTC training were optional. The young men who enrolled for the advanced program were taught advanced gunnery, military law and history, tactics, and communications. Those in the advanced program got the practice—and, no doubt, the delicious pleasure—of putting the green freshmen and sophomores through the basic drill. Perhaps less satisfying was the required six-week summer camp at Fort Sill.<sup>87</sup> (Although in 1931 one enthusiastic student, a diminutive graduating senior named Carl Albert, who was to achieve a cer-



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tain prominence in another line of work later in life, claimed that it was his “pleasure and good fortune” to go to summer camp. “I have heard it said by any number of those who were there,” Albert declared, “that the six weeks at Sill constituted one of the most enjoyable vacations that they have ever had.”<sup>88</sup>)

The ROTC unit in Norman got off to a slow start after its inception in February, but by the opening of the 1919–20 academic year it was in full swing. The program began with only an infantry unit. In the fall of 1919, however, a field artillery unit was added, and in the spring semester of 1925 the infantry unit was discontinued, and artillery became the sole specialty.<sup>89</sup> As the threat of war receded in the early 1920s and its memories, at least for undergraduates, dimmed, it became harder to maintain (or justify) the grim seriousness of purpose that had characterized the ROTC’s inception. Soon enough, in view of diminished national danger and a much reduced peacetime army, it seems probable that more than a few underclassmen found the close order drill pointless and the instruction in military courtesies, equitation, and topography a little tiresome. By the mid-1920s the ROTC program on the Norman campus was staking its reputation on such tangential activities as its intercollegiate pistol squad, its riding association, and its highly regarded polo team. (By the end of the decade, one advocate of the program was boasting that the ROTC “has coached and put in the field one of the best college polo teams west of the Atlantic seaboard.”<sup>90</sup>) Perhaps an additional draw for the advanced program was that the riding association that it sponsored was “giving instruction one hour a week to such women of the university as become members.”<sup>91</sup> In any case, by the time World War II began, twenty years later, the university’s ROTC program had taken around two thousand students through the full four-year course to commissions in the reserve.<sup>92</sup>

The physical legacy of the war was the new Armory building. It was begun during the war but was not ready for use until the spring semester of 1919. Constructed of brick, the huge, cavernous structure (110 feet by 300 feet) was designed to provide an indoor space in which the ROTC could conduct drills. The building was also big enough to contain whatever bulky military equipment the program was able to acquire over the years. Instructors had their offices in the building. George Milburn, a promising young student writer, described the Armory as “a crenelated brick shed . . . [with] a long indoor drillfield, smelling of saddle soap and gun grease. Sheeted French .75’s ranged along the walls.” It was a place, Milburn wrote, “where college students are being taught with expensive

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*The ROTC Armory  
was constructed  
in 1918–19  
(Courtesy Western  
History Collections,  
University of  
Oklahoma).*

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death-dealing equipment how most effectively to reduce their fellows to the parent clay. . . .”<sup>93</sup>



But both the Armory and the ROTC program lay in the future. The overwhelming present task was to win the war. And, at last, news of the end began to shoot across the country. On November 11, 1918, the Germans signed an armistice, and joyful Americans learned that the Great War had ended. The *Norman Transcript*, in addition to describing the victory on the gridiron (“Bennie Owen’s Sooners picked the feathers from the Kansas Jayhawker’s tail at Lawrence, Kansas, last Saturday afternoon . . . outplaying them in every department of the game”), also reported the thrilling news from Europe.<sup>94</sup> The town exploded in wild frenzy. “Norman celebrated the signing of the armistice with a vim and enthusiasm that increased instead of diminished as the day passed,” and even before many of the citizens were made aware of the glad tidings, “the blowing of whistles and sirens and a trip of the fire truck around the oval announced the good news,” the paper joyfully reported. On the campus itself, the male students, all still under the command of the SATC, “were under military orders which did not permit them to leave their classrooms.” But those rules did not apply to the female students. “The girls . . . marched down town and later rode in automobiles and on the fire truck up and down the streets.” They also demanded (unsuccessfully) a holiday. By late afternoon the mayor had declared a formal celebration, and it was “marked by a big parade of

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soldiers from the SATC unit, led by the university band.<sup>95</sup> Behind the twelve hundred university soldiers came some floats, and “then a number of girls brought out the ‘kaiser’ and he was burned in Main street.”<sup>96</sup>

The end of the fighting, however, did not necessarily mean the end of vigilance. Roy Gittinger, chair of the Cleveland County Council of Defense, received a telegram from the state council on November 13, urging that there be no letup of alertness. The *Transcript* printed the telegram and added a stern word of warning of its own: “Slackers in the United War Work campaign will be dealt with by the county council of defense in the same manner as reluctant liberty bond buyers and hesitating Red Cross contributors.” The Cleveland County Council did not require reminders. Even before the warning telegram, it made known that it would remain vigilant until the terms of the peace were announced, and “if there are any ‘slackers’ or ‘pikers’ who think they are going to ‘get by’ without doing their duty . . . they have another guess coming.” This was discovered by the hapless J. G. White of Moore, on the very day that the armistice was announced. Mr. White “refused, with oaths and much obstreperous and ugly language” to do his part; he was promptly arrested by the sheriff, “charged with making disloyal remarks,” and taken to the county jail and held there until his trial.<sup>97</sup>

But unpleasant aftermaths aside, the war was over at last. It had been won at a terrible price, a price paid in lost treasure, lost lives, and enormous suffering. Every American institution, including every college and university, had experienced serious disruption, and the University of Oklahoma was no exception. Now the faculty and students who had joined in the war effort, in one way or another, would be coming back home. They would be eager to resume their interrupted lives and proceed with their interrupted educations. It was time for the school to return, once more, to its normal business.

## ENDNOTES

\*David W. Levy is Professor of History Emeritus at the University of Oklahoma. He is writing a three-volume history of the university. Photo of university gates courtesy SHPO/Fred Weimer.

<sup>1</sup> *Oklahoma Daily*, March 31, 1917.

<sup>2</sup> *Norman (Oklahoma) Transcript*, March 30, 1917.

<sup>3</sup> Edwin K. Wood, “The University of Oklahoma in World War” (Master’s thesis, University of Oklahoma, 1923), estimates attendance at the Norman meeting as eight hundred (p. 7).

<sup>4</sup> *Norman Transcript*, April 4, 1917.

<sup>5</sup> *Daily Oklahoman* (Oklahoma City), April 3, 1917.

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<sup>6</sup> For Oklahoma's German population during the war, see Richard C. Rohrs, *The Germans in Oklahoma* (Norman: University of Oklahoma Press, 1980), 42–48, or Edda Bilger, "The Oklahoma *Vorwärts*: The Voice of German-Americans in Oklahoma During World War I," *The Chronicles of Oklahoma* 54 (Summer 1976): 245–60. For the national context, see Frederick C. Luebke, *Bonds of Loyalty: German Americans and World War I* (DeKalb: Northern Illinois University Press, 1974).

<sup>7</sup> Marvin E. Kroecker, "In Death You Shall Not Wear It Either': The Persecution of Mennonite Pacifists in Oklahoma," in Davis D. Joyce, ed., "*An Oklahoma I Had Never Seen Before*": *Alternative Views of Oklahoma History* (Norman: University of Oklahoma Press, 1994), 80–100.

<sup>8</sup> In the election of 1916, 45,091 Oklahomans (roughly 15 percent of voters) cast their ballots for the Socialists; in 1914, 52,703 (or around 20 percent). See James R. Scales and Danney Goble, *Oklahoma Politics: A History* (Norman: University of Oklahoma Press, 1982), 62–79, Oliver Benson, et al., *Oklahoma Votes, 1907–1962* (Norman: University of Oklahoma Bureau of Government Research, 1964), and Howard L. Meredith, "A History of the Socialist Party in Oklahoma" (Ph.D. dissertation, University of Oklahoma, 1969).

<sup>9</sup> For the culture of Oklahoma radicalism, see Garin Burbank, *When Farmers Voted Red: The Gospel of Socialism in the Oklahoma Countryside, 1910–1924* (Westport, Conn.: Greenwood Press, 1976), James R. Green, *Grass-Roots Socialism: Radical Movements in the Southwest, 1895–1943* (Baton Rouge: Louisiana State University Press, 1978), Jim Bissett, *Agrarian Socialism in America: Marx, Jefferson, and Jesus in the Oklahoma Countryside, 1904–1920* (Norman: University of Oklahoma Press, 1999), and Nigel A. Sellars, *Oil, Wheat, & Wobblies: The Industrial Workers of the World in Oklahoma* (Norman: University of Oklahoma Press, 1998).

<sup>10</sup> For a helpful review of the growing literature on the episode, see Daniel Hanne, "The Green Corn Rebellion, Oklahoma, August, 1917: A Descriptive Bibliography of Secondary Sources," *The Chronicles of Oklahoma* 79 (Fall 2001): 343–57.

<sup>11</sup> Horace C. Peterson, *Propaganda for War: The Campaign against American Neutrality, 1914–1917* (Norman: University of Oklahoma Press, 1939).

<sup>12</sup> See two articles by James H. Fowler, II, "Tar and Feather Patriotism: The Suppression of Dissent in Oklahoma During World War One," *The Chronicles of Oklahoma* 56 (Winter 1978–79): 409–30 and "Creating an Atmosphere of Suppression, 1914–1917," *The Chronicles of Oklahoma* 59 (Summer 1981): 202–23. For the nationwide treatment of dissent, see Horace C. Peterson and Gilbert C. Fite, *Opponents of War, 1917–1918* (Seattle: University of Washington Press, 1968).

<sup>13</sup> The story is well told in O. A. Hilton, "The Oklahoma Council of Defense and the First World War," *The Chronicles of Oklahoma* 20 (March 1942): 18–42. For the official version of its wartime activities, see *Sooners in the War: Official Report of the Oklahoma State Council of Defense*. . . (Oklahoma City: Oklahoma State Council of Defense, 1919).

<sup>14</sup> Michael C. Morton, "Cooperation and Conflict: A Case Study in Harmony and Discord in Cleveland County, Oklahoma, 1889–1959" (Master's thesis, University of Oklahoma, 1980), chapter 2.

<sup>15</sup> See the *Daily Oklahoman* story, "Slacker Pen Used To Urge Slothful," September 22, 1918, D–11.

<sup>16</sup> Wood, "University of Oklahoma in World War," 24.

<sup>17</sup> *Daily Oklahoman*, September 22, 1918. Other accounts include Hilton, "Oklahoma Council of Defense," 33, and Morton, "Cooperation and Conflict," 19; Morton bases his

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description on a 1978 interview with the premier Cleveland County historian, John Womack.

<sup>18</sup> *Daily Oklahoman*, September 22, 1918.

<sup>19</sup> Gittinger's report can be found in *Sooners in the War*, 33.

<sup>20</sup> *Oklahoma Daily*, March 3, 1917.

<sup>21</sup> Fayette Copeland, Jr., "Prepare!" *Oklahoma Daily*, April 3, 1917.

<sup>22</sup> *Ibid.*, April 5, 1917. A week later, however, university officials noticed that some young men were leaving school and *intending* to enlist "hoping by this method to get credit for their work without attending the remainder of the year or taking the final examinations." Registrar Errett Newby soon put a stop to this practice: from now on, he declared, "It will be necessary for anyone withdrawing before the end of school in order to enlist, to get a written statement of his enlistment from his company commander before credit will be allowed." *Ibid.*, April 12, 1917.

<sup>23</sup> Their names and branches of service are published in *ibid.*, April 11, 1917, and in subsequent issues of the *Daily* as more students enlisted.

<sup>24</sup> The two cancellations are reported separately in *ibid.*, April 12, 1917.

<sup>25</sup> *Oklahoma Daily*, April 11, 1917.

<sup>26</sup> For the Spoonholder memorial, see Charles F. Long and Carolyn G. Hart, *The Sooner Story: Ninety Years at the University of Oklahoma, 1890–1980* (Norman: University of Oklahoma Foundation, 1980), 30, and *Sooner Magazine* 18 (February 1946): 16.

<sup>27</sup> *Oklahoma Daily*, April 12, 1917. Lee was true to his word and enlisted after his graduation; upon his return from France, he was hired to create a Department of Public Speaking at the university. For his later political career in the United States House and Senate, see *National Cyclopedia of American Biography*, vol. 53 (New York: James T. White & Co., 1972), 487; *The Biographical Directory of the American Congress, 1774–1996* (Alexandria, Va.: CQ Staff Directories, Inc., 1997), 1380; and Paul Y. Anderson, "A Sooner for Vice-President?" *Sooner Magazine* 9 (July 1937): 284–85, 296.

<sup>28</sup> Williams's military credentials are reviewed in the *Oklahoma Daily*, April 18, 1917, and the *Norman Transcript*, April 20, 1917.

<sup>29</sup> Wood, "University of Oklahoma in World War," 12.

<sup>30</sup> *Oklahoma Daily*, April 12, 1917.

<sup>31</sup> Williams's announcement, as well as the first installment of "The Infantry Drill Regulations, United States Army, 1911," appears in *ibid.*, April 14, 1917. Additional portions of the regulations were reprinted in subsequent issues.

<sup>32</sup> "Military Rules of the University of Oklahoma [booklet]," in Stratton D. Brooks Presidential Papers, Box 12, Folder 11, Western History Collections, University of Oklahoma, Norman.

<sup>33</sup> *Oklahoma Daily*, April 13, 1917. For the names of the students who made up each of the companies, with group photographs, see *The Sooner* yearbook for 1918 (Jefferson City, Mo.: Hugh Stephens Press, 1918), 278–93. The university regiment was disbanded on May 11, in favor of the general conscription policy adopted by Congress. There is confusion about actual numbers. While the yearbook lists and pictures only six companies, Edwin Wood reports "twelve companies, nine infantry of eighty men each, a medical detachment of thirty-five, a signal corps of one hundred sixty and an engineer company of forty, making a total of nine hundred fifty-five men." Wood, "University of Oklahoma in World War," 13. I have taken the view that Wood's figures represent the theoretical structure of the regiment, while *The Sooner* yearbook comes closer to reflecting the reality.

<sup>34</sup> *Oklahoma Daily*, April 13, 1917.

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<sup>35</sup> *Ibid.*, April 12, 1917. For photographs of the regimental band, see *The Sooner*, 1918, 276–77.

<sup>36</sup> *Oklahoma Daily*, April 12, 1917.

<sup>37</sup> *Ibid.*

<sup>38</sup> *Ibid.*, April 11, 1917.

<sup>39</sup> Wood, “University of Oklahoma in World War,” 10. Wood credits President Brooks’s daughter, Marian, with leading the Red Cross’s efforts.

<sup>40</sup> *Oklahoma Daily*, April 5, 1917.

<sup>41</sup> *Ibid.* The number of participating medical students is given as forty in Mark R. Everett, *Medical Education in Oklahoma: The University of Oklahoma School of Medicine and Medical Center, 1900–1931* (Norman: University of Oklahoma Press, 1972), 136.

<sup>42</sup> Everett, *Medical Education in Oklahoma*, 136.

<sup>43</sup> *Victory Sooner*, 1919, 28. In 1919 *The Sooner* yearbook took the name *Victory Sooner* and devoted its first section (pp. 1–72) to recording and honoring the university’s participation in World War I.

<sup>44</sup> *Norman Transcript*, April 20, 1917.

<sup>45</sup> Billie Rhue Wiley, “Nathan Altshiller Court,” *Sooner Magazine* 8 (December 1935): 63. Wiley writes that Altshiller’s name change occurred in 1915, but I believe Roy Gittinger’s claim that the change took place in 1918 to be more accurate. Roy Gittinger, *The University of Oklahoma: A History of Fifty Years, 1892–1942* (Norman: University of Oklahoma Press, 1942), 99.

<sup>46</sup> Peterson and Fite, *Opponents of War*, 196.

<sup>47</sup> Cited in Morton, “Cooperation and Conflict,” 20.

<sup>48</sup> The account is given in Wiley, “Nathan Altshiller Court,” 63, and repeated in Bud Baer, “Dr. N. A. Court Finds Math, Humor Pleasing Combination,” *Sooner Magazine* 19 (May 1947): 21. The name change was responsible for a perhaps mythical story, communicated orally. According to the tale, a returning veteran, unaware of the name change, had to enroll in geometry. Professor Court was working at the registration desk. The veteran stipulated, “but not Altshiller’s section; I hear he’s a bastard.” Without hesitation, Court is said to have replied, “Very well. I see there is a vacancy in Dr. Court’s class.”

<sup>49</sup> Wood, “University of Oklahoma in World War,” 25.

<sup>50</sup> *Victory Sooner*, 1919, 28–29.

<sup>51</sup> Wood, “University of Oklahoma in World War,” 6; Paul Andres, “It’s on the House,” *Sooner Magazine* 21 (December 1948): 17–18. Wood writes: “Upon his return [House] was much in demand for lectures, giving a number in different Oklahoma towns and thus aiding in fixing and crystallizing the rising war spirit of the people.”

<sup>52</sup> Daniel Wren, *Collegiate Education for Business Administration at the University of Oklahoma: A History* (Norman: Michael F. Price College of Business, 2002), 25.

<sup>53</sup> *University Catalogue, 1918–1919* (Norman: University of Oklahoma, 1919), 9.

<sup>54</sup> *Ibid.*, 11. Whittimore never returned to the university.

<sup>55</sup> Wood, “University of Oklahoma in World War,” 26.

<sup>56</sup> David O. Levine, *The American College and the Culture of Aspiration, 1915–1940* (Ithaca, N.Y.: Cornell University Press, 1986), 24. The Bureau of Education estimated that male enrollment may have declined by as much as 40 percent by the fall of 1917, offset in part by a small increase in female enrollment. *Ibid.*, 27. See also Carol S. Gruber, *Mars and Minerva: World War I and the Uses of the Higher Learning in America* (Baton Rouge: Louisiana State University Press, 1975) and Samuel P. Capen,

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“The Effects of the World War, 1914–18, on American Colleges and Universities,” *Educational Record* 21 (January 1940): 40-48.

<sup>57</sup> Cited in Levine, *American College and the Culture of Aspiration*, 26.

<sup>58</sup> Capen, “Effects of the World War,” 42.

<sup>59</sup> The SATC existed for only five months, being disbanded in December 1918. Its creation is an indication that in the summer of 1918 authorities were expecting a much longer war and a long-range need for officers for a major campaign in 1919. The German collapse in November 1918 caught many by surprise. See Gruber, *Mars and Minerva*, chapter 6.

<sup>60</sup> Levine, *American College and the Culture of Aspiration*, 27.

<sup>61</sup> *Ibid.*, 28.

<sup>62</sup> *Oklahoma Daily*, May 22, 1918. The newspaper did not resume publication until January 31, 1919, a gap of more than eight months.

<sup>63</sup> Eighty-two of the SATC enrollees comprised a naval unit made up of youngsters who had enlisted in the navy, but who the navy sent to Norman for further training. Wood, “University of Oklahoma in World War,” 29. *Victory Sooner, 1919* (p. 28) reports the number of SATC participants as “more than 1300 students.”

<sup>64</sup> *Victory Sooner, 1919*, 28. The Varsity shop was a popular general store, first opened in 1912, where students could purchase “everything the Sooner wants” from books, pennants, and fountain pens to candy, tobacco, and toiletries.

<sup>65</sup> *Ibid.*, 68.

<sup>66</sup> See Philip F. La Follette, *Adventures in Politics: The Memoirs of Philip La Follette*, ed. Donald Young (New York: Holt, Rinehart, and Winston, 1970) and Bernard A. Weisberger, *The La Follettes of Wisconsin: Love and Politics in Progressive America* (Madison: University of Wisconsin Press, 1994).

<sup>67</sup> Gittinger, *University of Oklahoma*, 111. Of course, the University of Oklahoma was not alone in this transformation. The Princeton alumni magazine reported that “every day Princeton becomes less an academic college and more a school of war.” Cited in Levine, *American College and the Culture of Aspiration*, 29. Levine reports similar observations from other colleges.

<sup>68</sup> Inevitably, compilations and summaries differ slightly. Compare *Victory Sooner, 1919*, 28; Wood, “University of Oklahoma in World War,” 20-23; and Gittinger, *University of Oklahoma*, 106–107, 214–16. For example, *Victory Sooner* puts the number of faculty members at “about thirty,” while Gittinger (p. 106) says that thirty-eight faculty members enlisted or were inducted. Strangely, however, he lists in an appendix (pp. 214–15) the actual names of forty-one faculty members in military service.

<sup>69</sup> These figures are taken from the meticulous counting of Wood, “University of Oklahoma in World War,” 21. Wood gives further breakdowns—ranks, branches within each service, participation in particular divisions, etc., 21–23. The names of students, alumni, and faculty (together with their dates of service and other information) are given in “Our Honor Roll,” *Victory Sooner, 1919*, 31–64.

<sup>70</sup> Killed in action (August 29, 1918) was Captain Meade Frierson, Jr., a former English instructor. Robert L. Hull, a major, and Frank B. Sorgatz, a captain, both in the medical corps, died of influenza in October 1918, the former in California, the latter in Texas. Both Hull and Sorgatz had been professors at the School of Medicine. On the influenza pandemic, see John M. Barry, *The Great Influenza: The Epic Story of the Deadliest Plague in History* (New York: Viking, 2004), or Alfred Crosby, *America’s Forgotten Pandemic: The Influenza of 1918* (Cambridge, UK: Cambridge University Press, 2003).

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<sup>71</sup> These were appropriately commemorated in several places. *Victory Sooner, 1919*, 9-18, published each one's picture, together with the details of the death; the June 1919 edition of the *University Catalogue*, 77-78, also lists their names and other information, as does Gittinger, *University of Oklahoma*, 107-109.

<sup>72</sup> A slightly different breakdown is given in Wood, "University of Oklahoma in World War," 44-46.

<sup>73</sup> The circumstances of their being wounded are given in *Victory Sooner, 1919*, 21-24. The discrepancy in the total number is because Gerald S. Tebbe, a sergeant who had graduated in 1916, suffered *both* gassing and wounds on August 8, 1918.

<sup>74</sup> Gittinger, *University of Oklahoma*, 112.

<sup>75</sup> *Ibid.*, 104.

<sup>76</sup> These figures are derived by comparing the *University Catalogues* for 1916-1917 (p. 435) and 1917-1918 (p. 454). Not surprisingly, the enrollment figures for 1918-1919 indicate very substantial increases in all divisions. See *University Catalogue, 1918-1919*, 480-81.

<sup>77</sup> The summer school figures are part of each of the *University Catalogues*. See also Gittinger, *University of Oklahoma*, 105-106.

<sup>78</sup> Gittinger, *University of Oklahoma*, 109.

<sup>79</sup> The annual *Sooner* yearbooks feature the fraternities and sororities, with the names and pictures of their members. *The Sooner, 1917*, also gives photographs of the fraternity and sorority houses. Gittinger calculated (p. 109) that in 1917 about 25 percent of the student body belonged to a fraternity or sorority.

<sup>80</sup> *The Sooner, 1918*, 5, 9, 186.

<sup>81</sup> *Victory Sooner, 1919*, 3, 7.

<sup>82</sup> The games of the 1917 season are delightfully recounted in Harold Keith, *Oklahoma Kickoff: An Informal History of the First Twenty-five Years of Football at the University of Oklahoma, and of the Amusing Hardships That Attended Its Pioneering* (Norman: University of Oklahoma Press, 1978), chapter 23. See also the game-by-game summaries in *The Sooner, 1918*, 300-307.

<sup>83</sup> Keith, *Oklahoma Kickoff*, 349; *Victory Sooner, 1919*, 130.

<sup>84</sup> Keith, *Oklahoma Kickoff*, chapter 24; *Victory Sooner, 1919*, 130-35.

<sup>85</sup> *Victory Sooner, 1919*, 136-42.

<sup>86</sup> *University Catalogue, 1919-1920*, 59.

<sup>87</sup> See the thorough discussion in H. M. Findlay, "New Training Ground for Students: R.O.T.C. Offers Quick Advancement in Army Service," *Sooner Magazine* 1 (July 1929): 341-42.

<sup>88</sup> Carl Albert, "R.O.T.C. and the University," *Sooner Magazine* 3 (May 1931): 310-11.

<sup>89</sup> Findlay, "New Training Ground for Students," 341. See also Gittinger, *University of Oklahoma*, 113.

<sup>90</sup> Findlay, "New Training Ground for Students," 340.

<sup>91</sup> *Ibid.*

<sup>92</sup> Gittinger, writing in 1942, reported that since the program's inception 1,921 students completed requirements for their commissions and that 153 more were, at that moment, completing their training. Gittinger, *University of Oklahoma*, 113.

<sup>93</sup> George Milburn, "A Reputation in Mud: Ceramics Students Mold Clay into Objects of Beauty," *Sooner Magazine* 1 (July 1929): 339-40. The ceramics program of the art school was assigned a corner of the Armory. George Milburn went on to a notable career as a journalist, writer, and screenwriter. See Steven Turner, *George Milburn*



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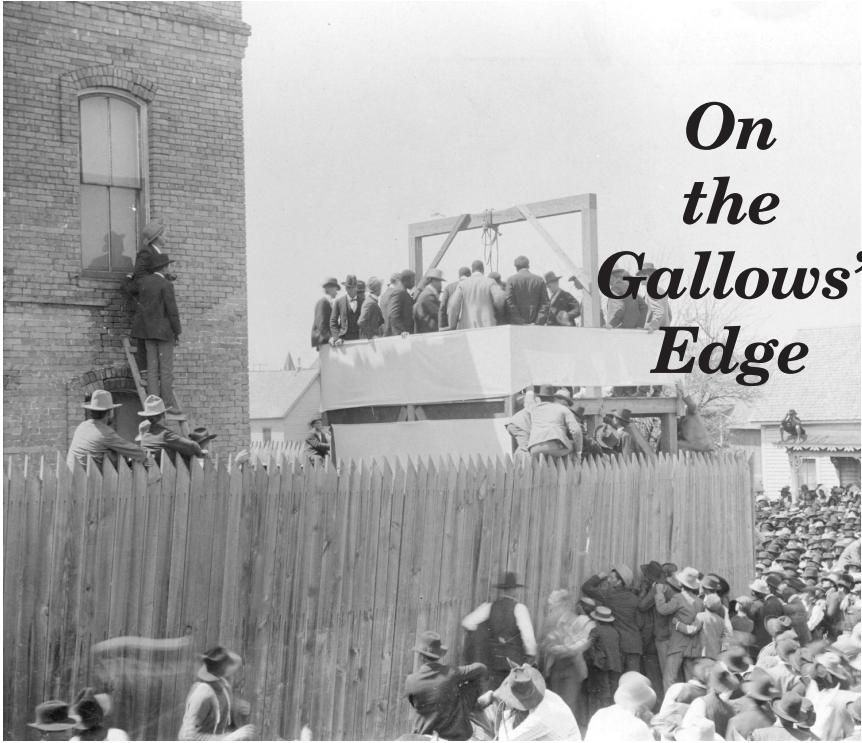
(Austin, Tex.: Steck-Vaughn, 1970) and Linda Dayton Carson, *Stories from an Oklahoman: George Milburn's Style and Satire* (N.p.: n.p., 1977).

<sup>94</sup> *Norman (Oklahoma) Transcript*, November 11, 1918.

<sup>95</sup> *Ibid.*

<sup>96</sup> *Ibid.*, November 12, 1918.

<sup>97</sup> *Ibid.*, November 13 and 14, 1918.



## *On the Gallows' Edge*

### *Capital Punishment, Appeals, and Presidential Clemency in Indian Territory, 1896–1907*

*By Von Russell Creel\**

As discussed in an earlier article appearing in *The Chronicles of Oklahoma* in 2003, the United States Court for the Indian Territory acquired capital punishment jurisdiction in 1896.<sup>1</sup> For a few months, a conviction for a capital offense carried a

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mandatory death sentence. However, in 1897 Congress allowed juries to convict “without capital punishment.”<sup>2</sup> If that was the jury’s verdict, then the court was to impose a sentence of imprisonment for life at hard labor.

The courts of the Indian Territory included three, later four, jurisdictions, divided geographically into Northern, Central, and Southern, and later Western. From these, appellate review of a death sentence lay with the Indian Territory Court of Appeals. Neither the Circuit Court of Appeals for the Eighth Circuit nor the Supreme Court of the United States had appellate jurisdiction of Indian Territory death sentences. (*Brown v. United States* and *Curley v. United States*, 171 U.S. 632, 19 S.Ct. 56, 43 L.Ed. 312 [1898]). If the appeal of a defendant under sentence of death failed, there was still the possibility of presidential clemency. From 1896 until statehood nineteen persons were sentenced to death by the United States Court for the Indian Territory. Ten were hanged.<sup>3</sup>

Eight, however, escaped the gallows by appeal, by presidential mercy, or by postverdict motion, and one by death, though not at the end of a rope. Those whose lives were eventually spared included: Charles Johnson, convicted of rape, 1896; William “Bud” Watkins, murder, 1896; W. H. F. Parker, murder, 1898; Abe Reed, murder, 1904; Charles Bias, murder, 1899; Dennis Nolen, murder, 1899; Joe Vickers, rape, 1905; George Shelton, rape, 1903; and Kid Kelly, murder, 1905. Despite the verdicts of the juries that judged the men deserving of execution, most of the guilty languished in prison while attorneys skillfully argued legal procedure, exhausted the process of law, and sometimes used community sentiment against the vic-



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*United States  
Courthouse,  
Muskogee, Indian  
Territory, ca. 1898  
(OHS Research  
Division photo).*

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tim to secure clemency, usually a commutation of the death sentence to one of life in prison or at least a lengthy term.

Charles Johnson has the dubious honor of being the first person sentenced by the Indian Territory court to hang. A twenty-year-old African American, he was indicted for rape and tried in the Southern District Court, sitting at Ardmore. His alleged victim, a white woman named Pearl McCormick, had lived in the section of Ardmore "given over to the demi monde." She was described as "a rather attractive young woman, very popular with her associates and one of the well known characters of the town."<sup>4</sup> In fact, McCormick was a prostitute actively plying her trade from a local brothel. The closest the paper came to acknowledging this fact was in describing McCormick as one of "the fallen."<sup>5</sup>

According to the prosecution, on July 24, 1896, Johnson, who worked as a house boy for the United States commissioner in Ardmore, had gone to McCormick's abode and had presented her with a note allegedly written and signed by Charles D. Carter, a very prominent member of the community.<sup>6</sup> The note asked McCormick to come to Carter's home and spend the night with him. Not suspecting that the note was a forgery, McCormick got in the buggy with Johnson. After they had gone a short distance, Johnson stopped the buggy and tried to get McCormick to have intercourse with him. When she refused, he raped her at gunpoint.

The local paper's treatment of the case gives some idea of the atmosphere surrounding the trial. One headline read "White Woman Raped," and the reporter portrayed the crime as one of those "which serve more than all other causes to keep the race feeling at such a tension that race wars and lynchings occasionally seem justified."<sup>7</sup> Johnson was a "monster," "brutal." If he was "not lynched before the trial comes off, his life should pay the forfeit for his foul crime by legal means and methods," the article stated.<sup>8</sup>

Johnson was represented at the trial by Caswell Bennett and James H. Maxey. The case took only one day to try, and the jury returned its verdict convicting Johnson the same day, October 17, 1896. Because this conviction occurred before Congress gave murder and rape juries the discretion to convict without capital punishment, the death sentence was mandatory. On October 23, 1896, Judge Charles B. Kilgore sentenced Johnson to pay the supreme penalty.<sup>9</sup>

Johnson did not appeal the judgment and sentence to the Indian Territory Court of Appeals, but he did attack it by petition for habeas corpus in the Supreme Court of the United States. While, as

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discussed earlier, the Supreme Court did not have appellate jurisdiction of Indian Territory death sentences, it had limited review of capital cases by an original proceeding for habeas corpus. At this time, habeas corpus was available only to challenge the subject matter and personal jurisdiction of the court rendering the judgment. It did not reach errors such as admitting and excluding evidence, giving and refusing to give instructions, and other trial errors that did not speak to the lower court's jurisdiction.<sup>10</sup>

The basis for the habeas proceeding was this: The alleged crime had been committed on July 24, 1896, and a warrant for Johnson's arrest was issued the same day. Also, the next day a similar warrant issued from the Eastern District of Texas, and the United States marshal of that district demanded of the Southern District marshal that he surrender custody of Johnson. The demand was refused, and Johnson was indicted in Indian Territory on October 9, 1896. Johnson argued that because the offense occurred before September 1, 1896, subject matter jurisdiction lay only in the Eastern District of Texas, and thus the proceedings of the Indian Territory court were null and void.

In a unanimous opinion by Mr. Justice Brown, the Supreme Court rejected Johnson's argument. As the Court read the 1895 act, the dispositive question was not whether the crime was committed before September 1, 1896, but whether the Eastern District of Texas acquired jurisdiction of the offense before that date. If it did, then its jurisdiction was exclusive. If it did not, then the judgment of the Indian Territory court, having been rendered on an indictment and trial occurring after September 1, 1896, was valid. Because jurisdiction of the offense was acquired by service of process upon the defendant, and because the Eastern District of Texas process had not been served upon Johnson, the Eastern District never acquired jurisdiction of the case (*Ex parte Johnson*, 167 U.S. 120, 17 S.Ct. 735 [1897]). By the time the Supreme Court decided Johnson's habeas petition, the time for execution of the death sentence had passed, and Judge Kilgore resented Johnson to hang on August 27, 1897. Then began the attempts to save his life.

Interestingly, the first plea came from the man who had prosecuted him, A. C. Cruce.<sup>11</sup> Cruce thought the government's case airtight, but he also believed, based upon conversations with members of the jury, that if they had been able to impose a sentence of life imprisonment, rather than death, they would have. He also thought the death penalty excessive because McCormick had lived "by prostitution, and, in the very nature of things, the results cannot be so

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serious to her as if she had been a virtuous woman.”<sup>12</sup> Accordingly, he recommended commutation of the death sentence to life imprisonment. Judge Kilgore concurred, because the “ravishing of a virtuous woman breaks her heart and shatters her life forever. No such consequences can follow where the victim is a prostitute, as in this case.”<sup>13</sup>

In addition, a number of prominent business and professional men in Ardmore signed a clemency petition, and Johnson’s mother penned a lengthy letter. The most intriguing letter came from David Redfield, a local insurance agent. He wrote that the “courtesans of this Ind. Ter. town are about as degraded as is possible to be. They will cohabit with Negroes where it cannot be found out on them. For if discovered that ends their profession as no white man will then accept them. Pearl McCormick was of this class.”<sup>14</sup> He continued that recently he had seen McCormick at the train station drunk, and he said that she was “the lowest type of her profession.”<sup>15</sup> He added that, in his opinion, Caswell Bennett, one of the defense lawyers, “has no standing as a lawyer. Is a gambler and consumer of whiskey. Has been under arrest for forgery.”<sup>16</sup> While Judge Kilgore was a personal friend, Redfield noted, he “is imbued with extreme southern ideas always ready to cater to the populace and I think a negro has a poor show for justice.”<sup>17</sup> Finally, he pointed out that the “jury were composed of Southern democrats and of course there could only be one conclusion to the trial.”<sup>18</sup> Understandably, Redfield emphasized that he wrote “in strict confidence knowing that if it should be made public it would ruin me in my business and socially.”<sup>19</sup>

Persuaded that Johnson should not die, United States Attorney General Joseph McKenna recommended commutation of his sentence. President William McKinley agreed and, little more than a month before Johnson was to hang, commuted his sentence to life imprisonment.<sup>20</sup> Johnson was then taken to the Ohio State Penitentiary to serve his term. After a time he was transferred to the federal prison at Atlanta.

In June 1900 a group of Ardmore citizens petitioned the president for Johnson’s release. They wrote that McCormick was a notorious prostitute. They also stated that she had been fired by her madam shortly after the Johnson case when it was learned that she was cohabiting with African American men. The petition further averred that McCormick was now living in Guthrie, Oklahoma Territory, with an African American. Johnson’s youth was also offered as a ground for executive clemency.<sup>21</sup> A letter from Cruce likewise

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made reference to McCormick's being a prostitute and living with a man of another race. Cruce stated again that he had no "serious doubt" as to Johnson's guilt,<sup>22</sup> but he candidly admitted that it would have been impossible to convict Johnson if he had been white. He urged that Johnson be pardoned and, if not, that his sentence be reduced to five years.

These efforts were to no avail. The acting attorney general advised President McKinley that he thought further clemency on the grounds submitted might be warranted at some point in time, but that five years was too short a period of imprisonment. The president agreed, and he denied the application. When McKinley denied the request, Patrick E. Wilhelm, an Ardmore lawyer, wrote the president, "You understand of course the feeling towards a negro in this country by the Southern people, but here is a negro Chas Johnson that every man in the town sympathizes with and would like to see him pardoned."<sup>23</sup>

In 1910 Ardmore citizens submitted yet another petition to the chief executive.<sup>24</sup> Shortly thereafter, the Department of Justice Office of the Pardon Attorney informed the petitioners that because McKinley had denied further commutation in 1900, "the matter cannot be again presented to the President except upon the presentation of new and material facts."<sup>25</sup> Before the end of the year, however, Johnson was advised that his case would "be reopened and presented to the Attorney General for his consideration and recommendation to the President."<sup>26</sup> Two weeks later, United States Attorney General George W. Wickersham recommended commutation of Johnson's life sentence "to expire immediately."<sup>27</sup> President William Howard Taft adopted the attorney general's recommendation, with slight modification. He commuted the sentence to fifteen years of actual imprisonment.<sup>28</sup>

The second instance of averted execution occurred in the Southern District. William R. "Bud" Watkins was not the first person sentenced to hang by the Indian Territory court. He was the first person sentenced to hang for murder. He had been born of the union of a white man and a Chickasaw woman. In his late teens or early twenties he worked for Wyatt Williams, a powerful and successful rancher near Gainesville, Texas. Bad blood developed between the men, and Watkins went to Ardmore. There he found employment in a culinary establishment in which the principal bill of fare was chili and hot tamales. One night, Williams came in. Words were exchanged, guns were drawn, shots were fired. When the smoke cleared, Watkins was standing, and Williams was dead. Watkins was indicted

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for murder in the Southern District, and the case came on for trial in October 1896. A. C. Cruce prosecuted, while Henry M. Furman headed the defense team.<sup>29</sup>

The trial began October 18, 1896, and the case did not go to the jury until October 21. The proceedings generated great interest in the community, including among women. The local paper reported that at least one hundred ladies were present the first day, "a sight never before witnessed in Ardmore."<sup>30</sup> During closing arguments Furman spoke for almost two hours and "held the vast throng spell-bound. His speech was a masterly effort," according to the local newspaper.<sup>31</sup> Cruce closed for an hour and a half and had "the attention of the court and crowd."<sup>32</sup> When the jury returned its verdict, it found Watkins guilty of murder but asked that the court extend clemency. But the court had no clemency to extend, and Judge Kilgore passed his second death sentence in less than a month on November 10, 1896.

Unlike Johnson, Watkins appealed the judgment of conviction and sentence to the Court of Appeals for the Indian Territory. At trial, there was no dispute that Watkins had fired the fatal shots. Rather, the evidence, the court's instructions, and the arguments of counsel all addressed the question of whether the killing was justified. Was Watkins the aggressor and Williams the innocent victim, or had Watkins killed in self-defense? The court of appeals handed down its decision on August 27, 1897 (*Watkins v. United States*, 41 S.W. 1044, 1 Ind. Terr. 364 [Ind. Terr. Ct. Apps. 1897]). The judgment was reversed, and the case was remanded for a new trial. The opinion by Chief Judge William M. Springer decided several important issues regarding the law of self-defense in Indian Territory.

First, the court held that Judge Kilgore had committed error in refusing a defense instruction that the facts and circumstances surrounding the killing must be viewed from the defendant's standpoint in deciding if the defendant had a reasonable apprehension of danger from the deceased. For this holding, the court placed principal reliance on a Texas case, *Bell v. State* (20 Tex. App. 450 [Tex. 1886]). The opinion also cited *Wharton on Criminal Law*, another Texas decision, three Illinois decisions, and one Supreme Court of the United States case.

Second, the court held that Judge Kilgore had committed error in instructing the jury that a defendant cannot provoke a difficulty and then kill his adversary and claim self-defense as justification. According to the court, the instruction's flaw was not in what it said, but what it did not say. The court should also have told the jury that



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the type of provocation must be considered, because some provocations, such as mere words, did not qualify the right of self-defense, some provocations would reduce the homicide to manslaughter, and some provocations would negate entirely the defense. This omission was critical to Watkins's defense, because the only provocation shown by the prosecution was mere words. For this holding, the court relied upon an 1806 Massachusetts case, *Commonwealth v. Selfridge* (2 American State Trials 544 [Mass. 1806]) and a treatise, *Cases On Self-Defense*, by Horrigan and Thompson.

Third, the trial court had erred in instructing the jury that the punishment for manslaughter was confinement in a penitentiary for not more than three years and a fine of not more than one thousand dollars. In fact, Congress had increased the punishment to imprisonment not exceeding ten years and a fine not exceeding one thousand dollars. When the instruction was given, neither judge, prosecutor, nor defense counsel was aware of the change in the law, and there was no objection to the instruction. Nevertheless, the appellate court held that the instruction could be challenged on appeal as plain error.<sup>33</sup>

Having determined that the issue could be raised, the court of appeals held that the giving of the instruction stating the incorrect punishment was harmful error. The opinion reasoned, particularly given the jury's plea for clemency, that if the jury had known the defendant could be imprisoned for up to ten years, it might have convicted of manslaughter, rather than murder. On remand, a change of venue was granted to Pauls Valley. This time the case was tried before Judge John R. Thomas, and the jury convicted without capital punishment. Sentence of life imprisonment was imposed, and the matter was appealed again.

For a second time, Watkins's murder conviction was reversed. The opinion by Chief Judge William H. H. Clayton held that it was error to instruct the jury that gestures, however violent or irritating, could never constitute provocation making a killing in response self-defense. If, as shown by Watkins's evidence, Williams had made threats against Watkins's life, threats that had been communicated to Watkins, then a threatening gesture by Williams could make the shooting an act of self-defense. The opinion cited no cases for its holding. Again, the judgment was reversed and remanded for a new trial (*Watkins v. United States*, 54 S.W. 819, 3 Ind. Terr. 281 [Ind. Terr. Ct. Apps. 1900]).

For the third trial, held in January 1901, Watkins invoked his right under the Atoka Agreement for a change of venue to the East-

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ern District of Texas.<sup>34</sup> This trial resulted in Watkins's acquittal. After three trials, two convictions, one death sentence, and two appeals, Bud Watkins was a free man.<sup>35</sup>

There was not a death penalty conviction in the Central District until May 1898. Then, the crime was murder. The victim was a peddler named McFadden who sold his wares throughout the Choctaw Nation. For room and board he depended upon the hospitality of those where he was at any given time.

In late 1897 he came to the vicinity of Whitefield, in present Haskell County, and stayed with W. H. F. Parker and his wife. One day Parker told his neighbors that McFadden was missing. This caused particular concern because McFadden was nearly blind. A search was quickly organized, but nothing was found until the searchers began looking on Parker's land. There they found a bloody hatchet and a newly dug grave. Part of a pair of suspenders protruded from the grave. The suspenders were attached to McFadden's trousers. Parker first denied any knowledge of the matter, and then claimed that he had killed McFadden in self-defense. His neighbors put a chain around his neck, padlocked it, and took him to Whitefield. From there he was taken to McAlester and jailed. Mrs. Parker was arrested as an accessory but died before she could come to trial. Parker was described by the local paper as "a small, bestial looking man and the only difference between him and the beasts is that he can talk."<sup>36</sup> It seems that he impressed the jury the same way, for before summer he was tried and convicted of murder without recommendation of mercy, making the death penalty mandatory.

Within days of the jury verdict Parker's attorney, H. B. Milner, filed a motion for new trial, which was sustained. In December Parker was tried again and within two weeks convicted again. This time, however, the jury convicted without capital punishment, and Parker was sentenced to life imprisonment.<sup>37</sup> He was sent to the Ohio State Penitentiary to serve his term.

The fourth convicted murderer to escape the gallows was Abe Reed. Abe Reed and Arthur Dinkins lived in a small African American community near Bokchito in present Bryan County. One day in 1903 they came upon each other in the woods near their homes. Only Reed survived the meeting. Indicted for murder by a Central District grand jury sitting at Durant, Reed secured a change of venue to Antlers. The case came on for trial on April 22, 1904. There had been no witnesses to the killing.

The prosecution's case was based principally upon the testimony of Dinkins's mother and sister as to what Dinkins had said, as he

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was dying, about the fatal encounter with Reed. Of course, what Dinkins had told his family was hearsay. A traditional exception to the hearsay rule is a dying declaration, a statement made by one who believes death is imminent, which speaks to the cause or circumstances of what the person believes to be his impending death. It was this exception to the hearsay rule that the prosecution invoked to get what Dinkins purportedly told his mother and sister before the jury.

The sum and substance of the prosecution's case was that Dinkins had been hunting rabbits with a .22-caliber rifle and had fired all his bullets, when he met Reed. Reed asked Dinkins if the gun was loaded, and when Dinkins said no, Reed attacked him with a club. Being younger, Dinkins was getting the better of Reed, and Reed drew his gun and began firing. The first shots missed, but then he hit Dinkins in the foot and side. Dinkins fell into some briar bushes, picked himself up, and sat on a tree stump. Reed came up to Dinkins and at first said that he was not going to harm him anymore. Then he changed his mind, shot Dinkins in the face, said "you are going to hell 40 miles a minute," and walked away.<sup>38</sup>

Hearing the shots, Dinkins's mother and sister started for the woods. They met Reed coming out of the woods, who told Dinkins's mother to go and get her "damned bastard, that he had done killed him."<sup>39</sup> Reed then gobbled like a turkey and walked away. When he was found the next evening, he and his wife were hiding in a corn field. He pointed a gun at the arresting officers, who fired, severely wounding him. According to one of the deputy marshals, Reed said that shooting him was the only way that he would be taken.

His defense was that he had killed Dinkins in self-defense. He testified that he began firing only after Dinkins had fired at him. He could only recall Dinkins firing one shot, while he shot four times. He denied having seen Dinkins's mother and sister after the incident or having said anything to them. Reed also testified that he had spied Dinkins lurking around his house one night with a gun, and that when he was serving as a deputy sheriff, he had arrested Dinkins one time for carrying a weapon.<sup>40</sup>

The jury returned a verdict of guilty of murder without mercy the same day. Six days later Judge William H. H. Clayton sentenced Reed to be hanged by the neck until dead, the execution to take place on June 24, 1904.<sup>41</sup> No appeal was taken. If Abe Reed's life was to be spared, it would have to be done in less than two months. Otherwise, the Central District would have its first execution.

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Not until May 31, 1904, was the Department of Justice first contacted in an effort to save Reed's life. The contact came in the form of a petition asking commutation of the sentence to life imprisonment. The signatories of the petition included lawyers, bankers, ranchers, merchants, and druggists.<sup>42</sup> The principal reason advanced for executive clemency was that Dinkins had been notoriously and openly engaged in "improper relations" with Reed's wife.<sup>43</sup> The materials submitted to the Justice Department included letters from Dinkins to Mrs. Reed in which Dinkins described himself as Mrs. Reed's lover and sought a rendezvous with her.<sup>44</sup>

Charles McPherrin, Reed's lawyer, wrote President Theodore Roosevelt that a white man would have been speedily acquitted, and that the verdict could be explained only "on the theory that a negro has no right to protect the honor of his family."<sup>45</sup> Although thinking the verdict of guilty warranted, J. H. Wilkins, the prosecuting attorney, and Judge Clayton, the trial judge, recommended commutation of the sentence to life imprisonment.<sup>46</sup> A final factor weighing in Reed's favor was that his lawyer had been a Rough Rider with the president. Another plea for mercy came from the Caddo Platoon of the Rough Riders.<sup>47</sup>

Attorney General Philander C. Knox recommended commutation of the sentence to life imprisonment. In so advising, he cited the illicit relationship between Dinkins and Mrs. Reed, the fact that Dinkins had threatened Reed's life, and that the day of the shooting Dinkins had been with Mrs. Reed, going from place to place while armed and "prepared to resist any interference with his amour."<sup>48</sup> Knox also thought that a proper foundation had not been laid for admission of the dying declaration.<sup>49</sup>

Roosevelt commuted Reed's sentence on June 21, 1904, only three days before he was to be executed. When the commutation arrived at the jail in McAlester, one of the guards, possessed of a strange sense of humor, told Reed to come forward and hear the reading of the death warrant. Reed came forward, "trembling like a leaf," only to jump for joy when the commutation was read.<sup>50</sup> As Reed said, "I tell you I have been scared. It is enough to make any man shaky."<sup>51</sup>

When Reed came on for resentencing, Judge Clayton was not certain that he could impose sentence in McAlester on a defendant convicted in another court town. Therefore, Reed was returned to Antlers to hear sentence of life imprisonment passed on him.<sup>52</sup> From Indian Territory he was taken to Leavenworth to serve his sentence. In 1911 Attorney General Wickersham recommended com-

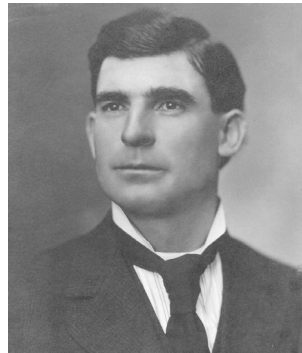
## APPEALS AND CLEMENCY IN INDIAN TERRITORY

mutation of Reed's life sentence to ten years imprisonment with allowances for good behavior.<sup>53</sup> President Taft thought that too lenient, and instead commuted the sentence to fifteen years imprisonment with allowances for good behavior.<sup>54</sup> An attempt to secure a pardon later that year was unsuccessful.<sup>55</sup>

A murder in 1898 in the Southern District resulted in a trial, conviction, and death sentence that were questioned because of presumed procedural errors. Charles Bias, an African American about sixteen years of age, lived on Wildhorse Creek near Pooleville in present Carter County. In early 1898 Bias and his two brothers went to the house of Joe Joseph to see Gus Wright, who was living with Joseph at the time. The group socialized for awhile, and then Wright got on his horse and rode off. Only one person, his killer, saw him alive again. The following morning Wright's body was found beside the road. There were bruises and contusions about the head and eyes, and near the body was a club with blood and hair on it. His throat had been cut on both sides from ear to ear, and the head was nearly severed from the trunk.

Within a month of the homicide Bias was indicted for the crime. He pled not guilty, and the case came on for trial before Judge Hosea Townsend of the Southern District in November 1898. Bias was represented by Moman Pruiett, one of the most colorful and famous criminal defense lawyers in the history of Indian Territory and Oklahoma. Bias admitted killing Wright but claimed that he had acted in self-defense. According to Bias, he had left Joseph's place shortly after Wright, caught up with him, and then the two got into an argument. The verbal warfare escalated, the two dismounted, and fisticuffs ensued. When Bias started getting the better of Wright, Wright drew a knife. Bias grabbed the club, struck Wright on the head, knocking him unconscious, and then slit his throat. Throwing the knife away, Bias fled from the scene, although he did not attempt to leave the jurisdiction.<sup>56</sup>

The main bone of contention at trial was whether or not Wright had had a knife. The prosecution presented testimony that he had not, while the defense introduced a knife said to be the one that Wright had brandished at Bias be-



*Moman Pruiett, defense attorney (OHS Research Division photo).*

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fore being struck unconscious. How the knife came to be in the defense's possession was somewhat curious. Bias said that he had told his attorney where the weapon could be found and that the lawyer had retrieved it from its hiding place. However, the lawyer did not testify concerning the finding of the knife, an omission that may have left questions in the jurors' minds regarding the knife's provenance. On the third day of trial the case went to the jury, which speedily returned a guilty verdict. There was no qualification of without capital punishment, and in a few days Judge Townsend sentenced Bias to hang on January 13, 1899. Execution of the sentence was stayed by timely appeal to the court of appeals.<sup>57</sup>

An opinion affirming the judgment of conviction and sentence was handed down on October 26, 1899 (*Bias v. United States*, 53 S.W. 471, 3 Ind. Terr. 27 [Ind. Terr. 1899]). The court held that the evidence was sufficient to sustain the conviction and that, as a whole, the trial court's instructions correctly stated the law. The appellate court did question the giving of an instruction that the jury might convict the accused of involuntary manslaughter, but because this error, if one, inured to the defendant's benefit, it was, at most, harmless error.

The opinion was highly critical of Pruiett for stating twenty-five propositions of error, "and, as to all except to a single point, not an authority is cited, or a quotation from a law book made" (*Id.*, 474, *Id.*, 38). The court also took the opportunity to instruct the Indian Territory bar that the requirement of taking exceptions in order to preserve an alleged error for appellate review applied to criminal, as well as civil, and to capital, as well as noncapital, cases. The opinion was written by Judge Clayton, with Judge William M. Springer and Judge John R. Thomas concurring.

The time for execution having passed, Judge Townsend sentenced Bias anew to hang on January 19, 1900, little more than two months from the time of sentencing. Then began a frantic effort to save the condemned man from the hangman, an effort that went down to the wire. The main argument for commutation of the death sentence went to the very integrity of the trial itself. Pruiett submitted affidavits from six of the jurors in the case. In sum and substance, each stated that the jury had agreed to be bound by majority vote as to punishment, and that eight or nine had voted for death, while the remainder had favored life imprisonment.<sup>58</sup>

A second argument for leniency, and one frequently voiced, was that Bias was too ignorant to be hanged. The six jurors so opined, one observing that Bias was "as ignorant as a horse."<sup>59</sup> Pleas for

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clemency on this ground also came from a number of present and former court officials, including one deputy marshal, one former marshal who was serving as Pauls Valley city marshal, the jail physician at Ardmore, and the jailers at Pauls Valley and Ardmore.<sup>60</sup> No less a personage than Judge Springer, by then off the bench and in private practice in Washington, D.C., wrote on Bias's behalf, citing his youth and ignorance.<sup>61</sup>

As is usual in homicide cases, the character of the victim, even his family, became an issue as well. W. M. Freeman, a Pauls Valley merchant, wrote that Bias's father was "one of the best Negroes I ever saw," while Gus Wright's father was "just the opposite in every sense of the word."<sup>62</sup> J. E. Harmon agreed, stating that Gus Wright "was a quarrelsome negro, and it is probable that the fight between him and Bias was started by Wright."<sup>63</sup> Pruiett filed an affidavit explaining that he had not testified at trial regarding finding the knife, because he had not thought it necessary. However, he had since learned from a juror that if he had taken the stand, the jury's verdict would have been different.<sup>64</sup>

As a general proposition, the Department of Justice placed great reliance on the opinions of the trial judge and the prosecuting attorney in advising the president. Judge Townsend wrote that he thought Bias to have been legally convicted, and that he had no recommendation to make in the case.<sup>65</sup> The case was prosecuted by William B. Johnson, and his letter is a telling commentary on life in Indian Territory. Johnson began by giving his version of the evidence, a version characterized by the pardon attorney as "hardly fair to the defendant."<sup>66</sup> Johnson wrote that personally he was opposed to capital punishment, but "if any man ought to be hung for murder, this man deserves it."<sup>67</sup> The only mitigating circumstance suggested was Bias's ignorance, and if "that is to be the criterion, all murderers will escape capital punishment in this country."<sup>68</sup> He added that "in this country we are confronted with a strange combination of people. Murder is regarded as honorable, at least excusable, but larceny of a hog an unpardonable sin."<sup>69</sup>

While agreeing that the murder was "a brutal one,"<sup>70</sup> the acting attorney general thought several facts warranted commutation of the death sentence. The crime was not shown to be premeditated, it was committed in the course of a fight between two ignorant, young men living in a not-very-civilized land, and the jurors had reached their verdict in a manner that made the case a proper one for clemency. President McKinley agreed, and on January 16, 1900, three days before Bias was to hang, commuted his death sentence to life

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imprisonment.<sup>71</sup> The local paper, which seemed very distressed by the commutation, reported that Bias did not even smile when informed of the president's action.<sup>72</sup> His only comment was "all right."<sup>73</sup>

When his sentence was commuted, Bias was sent first to the Ohio State Penitentiary and then to the federal prison at Atlanta, Georgia. For almost two decades he worked assiduously to have his life sentence reduced to a term of years. Finally, in 1917 President Woodrow Wilson commuted his sentence to thirty years imprisonment with allowances for good behavior.<sup>74</sup>

The sixth in the list of those who were convicted of a capital crime died before he could be hanged. Dennis Nolen, an African American, lived with his wife and son near Pauls Valley. On February 1, 1898, he murdered his wife with an axe as she lay sleeping. The principal witness against him was his son. Convicted of murder without recommendation of mercy, Nolen was sentenced by Judge Townsend to hang on the same day as Bias.

In anticipation of the double hanging, a contractor was hired to construct a gallows. Plans called for the scaffold to be erected in a pasture north of Ardmore, where it was thought that a large multitude would assemble to witness the first executions in the Southern District. Nolen had already been placed under the death watch when, to the disappointment of many, word arrived that the court of appeals had stayed his execution pending disposition of his appeal. The stay saved Nolen from hanging, but it did not save his life. While his appeal was pending, Nolen died of natural causes, probably consumption, in the jail at Ardmore. He was buried in the African American cemetery north of town.<sup>75</sup>

The seventh case of averted execution involved an alleged rape in rural Wagoner County and was the only instance of a death penalty conviction in the Western District. Bessie Dunbar was a married white woman. She lived with her husband in a log house on a farm about five miles south of Wagoner. On May 16, 1904, according to her testimony, Joe Vickers, a Negro about seventeen years of age, had appeared at her house in the early afternoon. He was carrying a Winchester rifle and a small bundle. When Dunbar approached him, Vickers forced her into the kitchen and raped her.

Captured a week or so later in Kansas, Vickers was indicted for rape at the October 1904 term of the Western District. Following his plea of not guilty, the case came on for trial before Judge Charles W. Raymond in January 1905. The jury quickly returned a verdict of guilty and did not say without capital punishment.<sup>76</sup> A few months



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later, however, Judge Raymond granted Vickers's motion for new trial.<sup>77</sup> The second trial was held in January 1906 before Judge William Ridgway Lawrence. Again the jury convicted, and again the jury did not qualify its verdict. Judge Lawrence sentenced Vickers to hang on April 20, 1906.<sup>78</sup> The execution was stayed by a timely appeal to the Indian Territory Court of Appeals.

While awaiting decision of his appeal, Vickers was less than a model prisoner. Early of a morning, he would wake the other inmates by singing religious songs and then bursting into a frenzied period of prayer.<sup>79</sup> When first confined to jail, he ate soap to make his mouth froth and banged his head against the bars. After being drenched several times with a water hose, Vickers gave up soap eating and head butting.<sup>80</sup>

Vickers's appeal was still pending when Oklahoma became a state on November 16, 1907. By virtue of the Enabling Act, the case was transferred to the Supreme Court of Oklahoma and then, after its creation, to the Criminal Court of Appeals.<sup>81</sup> The court handed down its decision on November 19, 1908 (*Vickers v. United States*, 98 Pac. 467, 1 Okl. Cr. 452 [Okl. Cr. 1908]). In an opinion authored by Judge Thomas H. Doyle the court reversed Vickers's conviction and remanded the case to the District Court of Muskogee County for a new trial. Presiding Judge Henry Furman and Judge Henry Baker concurred in the opinion.<sup>82</sup>

As the Criminal Court of Appeals read the record, the trial had been "a Tragedy of Errors" (Id., 474., Id., 468). The indictment was insufficient to charge the crime of rape, because it did not allege that the accused had intercourse with the prosecutrix forcibly and against her will. The jury was not instructed as it should have been that it could qualify a guilty verdict as being without capital punishment. The prosecutor had denied the accused a fair trial when he told the jury that "his reason for not permitting a colored man to sit upon the jury was that he did not want to compel them to sleep and eat with the negro." (Id., 472., Id., 464). Of greatest importance, the court held that the evidence was insufficient to prove forcible rape.



*Judge Charles W. Raymond  
(OHS Research Division  
photo).*

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## THE CHRONICLES OF OKLAHOMA

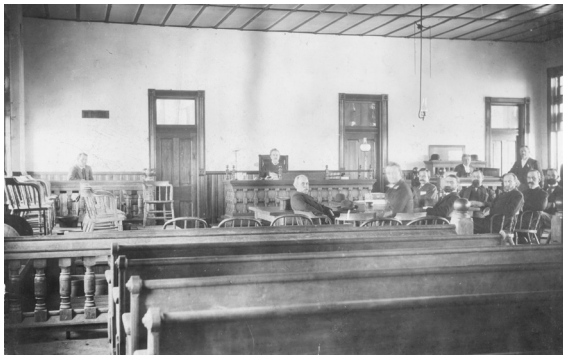
Dunbar testified that she had not submitted from fear and that Vickers had tried, but was unable, to throw her to the floor. Judge Doyle considered other factors: the relative strength of the parties; the fact that the prosecutrix had remained standing, according to her testimony as to her position when penetration was said to have occurred; the absence of evidence that she was bruised or injured; and the observations that her hair was not disheveled and her clothes not torn and that no outcry was made. In his view, her account of the rape did “not import absolute verity”(Id., 471. Id., 461).<sup>83</sup> Unlike Bias, when Vickers was informed of the appellate court’s decision, he “shouted for joy,” and said that he was happy.<sup>84</sup> Although the case was remanded for a new trial, the prosecutor took what the court said regarding the evidence to heart and did not try Vickers a third time.<sup>85</sup>

From the creation of the Northern District in 1902 until statehood in 1907, juries delivered only two death penalty convictions. Only one would invoke the president’s mercy.<sup>86</sup> Ellen Taylor was a white woman, but she had enough Cherokee blood to be a citizen of

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*First court  
session, Northern  
District, Muskogee,  
I.T., 1889 (OHS  
Research Division  
photo).*

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the nation by consanguinity. In 1903 in her mid forties, she lived at Lynch’s Prairie, about four miles west of Spavinaw. Some time that year Taylor hired George Shelton, an African American who had just come to Indian Territory from Texas, to help with the farm work. Immediately prior to coming to Indian Territory, Shelton had been released from the North Texas Hospital for the Insane at Terrell, where he had been treated for three years for “recurrent mania.”<sup>87</sup> He had been hospitalized once previously for the same condition. On November 18, 1903, Taylor accused Shelton of rape. He did not attempt to flee and was taken into custody without inci-

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dent. The grand jury indicted him on December 7, 1903, and the case came on for trial before Judge Joseph A. Gill on December 9, 1903.

According to Taylor, Shelton had come into her house while she was sitting by the fire, sewing. He grabbed her by the arm and neck, forced her to the floor, and raped her. She said that she lost consciousness during the attack. The brutal act finished, he left the house, and Taylor testified that she ran to her son-in-law's house and gave the alarm. There was testimony from the son-in-law that Taylor had four spots or bruises on one side of her neck and one on the other. Another prosecution witness was Charley Smith, an inmate of the jail, who testified that Shelton had admitted committing the crime. Shelton testified in his own behalf. He denied the charge, and he also denied that he had admitted the act to Smith. The defense also produced witnesses who testified that they had seen Shelton on the day in question, and that he did not appear aroused or upset. The case went to the jury the same day, and the jury convicted without mercy. The very next day Judge Gill sentenced Shelton to hang on January 15, 1904, at Vinita.<sup>88</sup>

No appeal was taken, but efforts to secure a commutation of the sentence started within a few days. Time was running out, however, when on January 9, 1904, President Roosevelt respited execution of the sentence until March 18, 1904, to give Shelton time to make his case for executive clemency. Various grounds were urged why Shelton should not be hanged.

First, the character of Ellen Taylor became an issue. Many affidavits were submitted that her reputation for virtue and morality left much to be desired. It was said that her husband had left her after only a few years of marriage, because she was too friendly with other men. Taylor then began living in an adulterous relationship with Cute Bengé, and had two children, a son and a daughter, by him.<sup>89</sup> The children even went by the name Bengé. Pliny L. Soper, the prosecuting attorney, wrote that he had heard rumors that Taylor had regularly cohabited with black men, although he had not been able to obtain independent verification of the charge.<sup>90</sup>

The most damning evidence in this regard, however, came from Taylor's own daughter, Mary Woods, née Taylor. In her affidavit Woods stated that Taylor had cohabited with Cute Bengé while her husband was still alive. Concerning the two children who carried the Bengé name, Woods claimed that one of the children, the daughter, was actually the child of a third man. Finally, Woods said that Taylor had forced her to marry Tom Woods, knowing that Woods

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was part African American, and had whipped her with a pair of bridle reins.<sup>91</sup>

Second, the argument was advanced that Shelton was too deficient mentally to be executed. Two doctors at Vinita submitted affidavits that they had examined him, and that in their considered opinion he was mentally irresponsible.<sup>92</sup> This conclusion was supported by the district attorney at Goliad, Texas, who had twice sent Shelton to the insane asylum. He stated his opinion that he was not of sound mind or criminally responsible for his acts.<sup>93</sup>

Support for clemency came from some surprising sources. One petition was signed by a number of citizens of Goliad, including an attorney, the county judge, the county treasurer, the district attorney, the principal of the high school, and the sheriff and his deputy. Shelton was, they wrote, "when not afflicted by this mental derangement a quiet, peaceable and inoffensive man."<sup>94</sup> And very helpful to Shelton's cause, the prosecuting attorney and Judge Gill both urged commutation to life imprisonment.<sup>95</sup>

Not everyone felt the same way, however. John Turner, who had been privately retained to assist Soper with Shelton's prosecution, strongly opposed any mercy. Turner thought it wrong to bring Taylor's character into issue, when there was no claim that the rape was consensual. He also said that Taylor's cohabitation with Bengé had been in accord with Cherokee customs, and that when Congress had made such arrangements illegal, Taylor had ended the relationship.<sup>96</sup> The pardon attorney concluded that Shelton had raped Taylor. He also concluded, based upon the direct and cross examination of Shelton, that he was intelligent and not mentally irresponsible.<sup>97</sup>

Inexorably, March 18 approached. The marshal telegraphed Attorney General Philander C. Knox on March 10 to ask if the sentence had been commuted, because if it had not, it was "urgent to make necessary preparations."<sup>98</sup> That day the attorney general recommended commutation because of doubt as to Shelton's sanity and because of Taylor's bad character.<sup>99</sup> The next day President Roosevelt commuted the sentence to life imprisonment. He wrote that he did so because of the great doubt, in view of Taylor's bad character as attested to by her daughter, whether this "was really rape."<sup>100</sup> In short order, "the Mad Man from Goliad," was sent to Leavenworth to serve his sentence.

The final Indian Territory capital defendant beneficiary of presidential clemency was Kid Kelley, convicted in the Southern District Court. In the beginning, the case of *United States of America v. Kid Kelley* was quite commonplace. Kid Kelley and Richard Dillingham,

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both African Americans, lived in Tishomingo, the capital of the Chickasaw Nation. Bad blood came between them, and one chilly morning in January 1904 they came upon each other in a café, a fight ensued, and Kelley stabbed Dillingham to death. Indicted for murder in the Southern District in March 1904, Kelley was not tried until November 1905. To the extent that his lawyer presented a case, Kelley claimed self-defense, a plea rejected by the jury when it convicted him of murder without leniency. Judge Hosea Townsend sentenced Kelley to hang, and a timely appeal was perfected to the Indian Territory Court of Appeals.<sup>101</sup> On September 26, 1907, the judgment of conviction was affirmed (*Kelley v. United States*, 104 S.W. 604, 7 Ind. Terr. 241 [Ind. Terr. Ct. Apps. 1907]). The opinion was authored by Judge Clayton. Judge Gill and Judge William Lawrence concurred.<sup>102</sup> Kelley was remanded to the penitentiary at McAlester.

Then, for almost two years nothing happened in the case. Not until July 1909 did clemency petitions signed by residents of Ardmore, Tishomingo, and Muskogee reach the Justice Department in Washington, D.C. In that manner the criminal justice system apparently became aware that someone named Kid Kelley was facing the hangman's noose. What at first blush was a routine clemency matter quickly became a jurisdictional imbroglio.

The jurisdictional issue came to the fore because less than two months after the Indian Territory Court of Appeals decided Kelley's appeal, Oklahoma became a state. With Oklahoma to statehood in 1907 the United States asserted that under Section 17 of the Enabling Act Kid Kelley became the state's responsibility. Oklahoma disagreed strongly, claiming that pursuant to Section 15 of the Enabling Act he was the responsibility of the United States. Section 15 provided that if a writ of error had been taken from the Indian Territory Court of Appeals to the Eighth Circuit, the Eighth Circuit was to retain jurisdiction of the case and decide it. Section 17 stated that cases pending in the Indian Territory Court of Appeals at statehood, and not transferred to a federal court, were to be decided by the appropriate Oklahoma appellate court as the lineal successor of the Indian Territory Court of Appeals.

For more than a decade the federal government and the state of Oklahoma argued that under the Organic Act the other was responsible for deciding Kelley's appeal and, if necessary, executing him. Neither sovereign was willing to release him or hang him. Oklahoma did deign to keep Kelley in custody, however.

He remained in state custody a model prisoner until February 13, 1919, when he walked away from the prison farm at Aylesworth near

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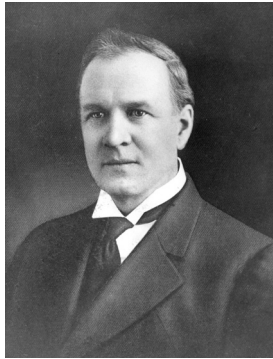
the penitentiary.<sup>103</sup> Remaining at large until January 1921, he was captured near his old home in Texas and returned to McAlester.<sup>104</sup> No attempt was made to prosecute him for escape, in part, it seems, because there was great sympathy for his predicament, and in part because in a prosecution for escape the state would have to show that he legally was being held.

In March 1921 Governor James B. A. Robertson raised the question of Kid Kelley with the Department of Justice once again, saying

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*Gov. James  
B. A. Robertson  
(OHS  
Research  
Division photo).*

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that he thought Kelley was a proper subject for presidential clemency.<sup>105</sup> In response, Attorney General Harry Daugherty again argued that under the Organic Act the case was Oklahoma's responsibility, but he admitted that the jurisdictional dispute was moot because of the state's refusal to do anything. Essentially conceding that the state had won, the at-

torney general wrote that the case would be treated as a normal application for executive clemency.<sup>106</sup> When the Justice Department made its usual inquiry regarding the prisoner's conduct, Warden Fred C. Switzer at McAlester wrote that aside "from the fact that at one time he escaped and went to Texas, there is nothing against his record, and owing to the peculiar circumstances of his case, I cannot say that I blame him for making his escape."<sup>107</sup>

In early January 1922 Daugherty recommended that Kelley be pardoned, and President Warren G. Harding in March commuted Kelley's sentence to expire immediately. So anxious was the federal government for Kelley's release that the attorney general wired the warden to release him at once, without the official documents, saying that they would be sent by mail. The warden released Kelley the same day.<sup>108</sup>

## ENDNOTES

\*Von Russell Creel is a Professor of Law in Oklahoma City University. Photo of execution courtesy OHS Research Division.

<sup>1</sup> Von Russell Creel, "Capital Punishment and the United States Court for the Indian Territory," *The Chronicles of Oklahoma* 81 (Summer 2003): 177.

<sup>2</sup> Act of January 15, 1897, sec. 1, chap. 29, 29 Stat. 487.

## APPEALS AND CLEMENCY IN INDIAN TERRITORY

<sup>3</sup> For an extensive discussion of the structure of Indian Territory courts and of the capital murder cases and executions, see Creel, "Capital Punishment," 176–79 and chart, 175.

<sup>4</sup> *Daily Ardmoreite* (Ardmore, Indian Territory), July 24, 1896.

<sup>5</sup> *Ibid.*

<sup>6</sup> From statehood until 1927, Charles David Carter represented Oklahoma in the United States House of Representatives.

<sup>7</sup> *Daily Ardmoreite*, July 24, 1896.

<sup>8</sup> *Ibid.* See also October 18, 1896.

<sup>9</sup> For Judge Kilgore's remarks in pronouncing the death sentence, see *ibid.*, October 23, 1896.

<sup>10</sup> The Eighth Circuit also reviewed territorial capital cases by habeas, although, as noted, it could not do so by direct appeal. *Ex parte Moran*, 144 Fed. 594 (8th Cir. 1906).

<sup>11</sup> A prominent lawyer in Indian Territory and Oklahoma until his death, A. C. Cruce was the brother of Lee Cruce, Oklahoma's second governor, who served from 1911 to 1915. An opponent of capital punishment, Lee Cruce permitted only one execution during his term as governor.

<sup>12</sup> A. C. Cruce to Attorney General Joseph McKenna, May 25, 1897, Pardon File, Charles Johnson, Pardon Case Files, 1853–1963, Records of the Office of the Pardon Attorney and its Predecessors, 1846–1977, Record Group 204, National Archives.

<sup>13</sup> Judge C. B. Kilgore to Attorney General Joseph McKenna, May 29, 1897, *ibid.*

<sup>14</sup> David Redfield to President William McKinley, July 24, 1897, *ibid.*

<sup>15</sup> *Ibid.*

<sup>16</sup> *Ibid.*

<sup>17</sup> *Ibid.*

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*

<sup>20</sup> *Annual Report of the Attorney General of the United States, 1898* (Washington, D.C.: U.S. Department of Justice, Office of the Attorney General, 1898), 194.

<sup>21</sup> Ardmore Citizens' Petition, Petition File, stamped February 7, 1910, Pardon File, Charles Johnson.

<sup>22</sup> A. C. Cruce to Attorney General John W. Griggs, August 21, 1900, *ibid.*

<sup>23</sup> Patrick E. Wilhelm to President William McKinley, December 6, 1900, *ibid.* Johnson never wavered in his determination to have his sentence commuted, and in time he received support from some surprising quarters. In February 1906 Senator J. C. Burrows of Michigan wrote the Justice D that he was "anxious that a pardon should be granted as soon as may be." Senator J. C. Burrows to Department of Justice, February 3, 1906, *ibid.*

<sup>24</sup> Petition File, stamped February 7, 1910, *ibid.*

<sup>25</sup> Department of Justice Pardon Attorney to F. J. Ramsey, February 16, 1910, *ibid.*

<sup>26</sup> Department of Justice Pardon Attorney to Charles Johnson, August 8, 1910, *ibid.*

<sup>27</sup> Report Upon An Application For Executive Clemency, August 25, 1910, *ibid.*

<sup>28</sup> *Annual Report of the Attorney General of the United States, 1911* (Washington, D.C.: U.S. Department of Justice, Office of the Attorney General), 250. At times, at least, Johnson was not a model prisoner. A conduct report dated January 8, 1903, lists offenses ranging from "talking in dining room" to sodomy. Pardon File, Charles Johnson.

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<sup>29</sup> A South Carolinian, Henry M. Furman was a lineal descendant of the founder of Furman University. In early adulthood he had moved west, residing in New Orleans, Texas, Colorado, Texas again, and then Indian Territory, first at Ardmore, and then at Ada. He taught school and read law until he was admitted to the bar. In the nonbinding Democratic senatorial primary when Oklahoma was admitted to the Union, Furman ran second. However, because of the “gentlemen’s agreement” that one senate seat would go to Indian Territory and the other to Oklahoma Territory, Furman, who had run behind Robert L. Owen, also from Indian Territory, did not get the state’s second seat. Rather, the legislature chose Thomas P. Gore, who ran first among the Oklahoma Territory candidates. When the Oklahoma Criminal Court of Appeals was established in 1908, Furman was named one was of the court’s three judges and served as the first presiding judge. He remained on the court until his death in 1916. John Wigmore of the Northwestern University School of Law, and author of one of the nation’s greatest treatises on evidence, eulogized Furman as a “great judge.” 12 Okl. Cr. Rpts. xi at xix.

<sup>30</sup> *Daily Ardmoreite*, October 20, 1896.

<sup>31</sup> *Ibid.*

<sup>32</sup> *Ibid.*

<sup>33</sup> Act of March 3, 1875, Ch.138, 18 Stat. 473. It is surprising that neither the judge nor the lawyers were aware of the change in the law, given that it had been on the books for more than two decades. The court of appeals treated the trial judge and the lawyers kindly, saying that the law had been “recently amended.” *Watkins v. United States*, 41 S.W. 1044 at 1051, 1 Ind. Terr. 364, 389 (Ind. Terr. Ct. Apps. 1897). Perhaps in the life of the law twenty years is recent.

<sup>34</sup> The Choctaw and Chickasaw Treaty, commonly referred to as the Atoka Agreement, provided in pertinent part that if a defendant charged with homicide filed an affidavit stating that he could not receive a fair trial in the Indian Territory court, it was the duty of the trial judge to grant a change of venue either to the Western District of Arkansas or the Eastern District of Texas. “Atoka Agreement,” in Joseph B. Thoburn, *History of Oklahoma*, 5 vols. (Chicago: The American Historical Society, 1916), 2:807–18.

<sup>35</sup> For an account of the case by one who had some involvement in it, see “The First Murder Trial,” *Daily Oklahoman* (Oklahoma City), December 20, 1936, D–9.

<sup>36</sup> *South McAlester* (Indian Territory) *Capitol*, May 26, 1898.

<sup>37</sup> U.S.C. 56, Judgments and Sentences, 63; *South McAlester Capitol*, December 15, 1898.

<sup>38</sup> Trial Transcript, *United States of America v. Abe Reed*, Pardon File, Abe Reed, Pardon Case Files, 1853–1963, Records of the Office of the Pardon Attorney and its Predecessors, 1846–1977, Record Group 204, National Archives.

<sup>39</sup> *Ibid.*

<sup>40</sup> *Ibid.*

<sup>41</sup> *South McAlester Capitol*, May 5, 1904.

<sup>42</sup> Petition, May 31, 1904, Pardon File, Abe Reed.

<sup>43</sup> *Ibid.*

<sup>44</sup> Arthur Dinkins to Mrs. Abe Reed, [undated], *ibid.*

<sup>45</sup> Charles McPherrren to President Theodore Roosevelt, June 14, 1904, *ibid.*

<sup>46</sup> J. H. Wilkins and Judge W. H. H. Clayton, June 15, 1904, *ibid.*

<sup>47</sup> Caddo Platoon to President Theodore Roosevelt [telegram], June 20, 1904, *ibid.*

<sup>48</sup> Attorney General Philander C. Knox to President Theodore Roosevelt, June 21, 1904, *ibid.*



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- <sup>49</sup> Ibid.
- <sup>50</sup> *South McAlester Capitol*, June 23, 1904.
- <sup>51</sup> Ibid.
- <sup>52</sup> Ibid., September 1, 1904.
- <sup>53</sup> Attorney General George W. Wickersham to President William Howard Taft, March 27, 1911, Pardon File, Abe Reed.
- <sup>54</sup> *Annual Report of the Attorney General, 1911*, 259.
- <sup>55</sup> Department of Justice Pardon Attorney to I. L. Strange, September 30, 1911, Pardon File, Abe Reed.
- <sup>56</sup> Report of the Pardon Attorney, January 12, 1900, Pardon File, Charles Bias, Pardon Case Files, 1853–1963, Records of the Office of the Pardon Attorney and its Predecessors, 1846–1977, Record Group 204, National Archives. See also *Daily Ardmoreite*, January 16, 1900.
- <sup>57</sup> Judge Clayton permitted the appeal to be taken in *forma pauperis*.
- <sup>58</sup> Affidavits of P. T. Foster, J. M. McNeely, W. Harvey, C. M. Langdon, Z. T. Bottoms, and B. F. Driggers [various dates], Pardon File, Charles Bias. It may be a coincidence, but in 1903 a B. F. Driggers was indicted in the Southern District for murder. In time, the case was tried, Driggers was convicted without capital punishment, and the court of appeals affirmed the conviction and sentence. *Driggers v. United States*, 104 S.W. 1166, 7 Ind. Terr. 752 (Ind. Terr. Ct. Apps. 1907).
- <sup>59</sup> Affidavit of J. M. McNeely, [circa January 1900], Pardon File, Charles Bias.
- <sup>60</sup> Arthur W. Foss, J. E. Martin, W. G. Gardiner, J. U. Moyer, and M. Gormant to Pardon Attorney, [circa January 1900], *ibid*.
- <sup>61</sup> William M. Springer to Pardon Attorney, January 10, 1900, *ibid*.
- <sup>62</sup> W. M. Freeman to Pardon Attorney, December 16, 1899, *ibid*.
- <sup>63</sup> Affidavit of J. E. Harmon, November 15, 1899, *ibid*.
- <sup>64</sup> Affidavit of Moman Pruiett, January 13, 1900, *ibid*. The affidavit is made on the official stationery of the United States House of Representatives.
- <sup>65</sup> Judge Hosea Townsend to Pardon Attorney, January 8, 1900, *ibid*.
- <sup>66</sup> Department of Justice Pardon Attorney to Attorney General John W. Griggs, January 12, 1900, *ibid*.
- <sup>67</sup> William B. Johnson to Pardon Attorney, January 8, 1900, *ibid*.
- <sup>68</sup> Ibid.
- <sup>69</sup> Ibid.
- <sup>70</sup> Acting Attorney General, January 13, 1900, to President William McKinley, *ibid*.
- <sup>71</sup> *Annual Report of the Attorney General of the United States, 1900* (Washington, D.C.: U.S. Department of Justice, Office of the Attorney General, 1900), 282, 283.
- <sup>72</sup> *Daily Ardmoreite*, January 16, 1900.
- <sup>73</sup> Ibid.
- <sup>74</sup> *Annual Report of the Attorney General of the United States, 1918* (Washington, D.C.: U.S. Department of Justice, Office of the Attorney General, 1918), 51.
- <sup>75</sup> *Daily Armoreite*, November 20, 1898, January 9, 1899, January 10, 1899, and January 15, 1900; *Muskogee* (Indian Territory) *Phoenix*, September 13, 1900.
- <sup>76</sup> *Poteau* (Indian Territory) *Journal*, January 26, 1905.
- <sup>77</sup> *Cherokee Messenger* (Cherokee, Oklahoma Territory), April 21, 1905.
- <sup>78</sup> *Poteau Journal*, January 26, 1905; *Cherokee Messenger*, April 21, 1905.
- <sup>79</sup> *Muskogee* (Indian Territory) *Times-Democrat*, September 26, 1906.
- <sup>80</sup> *Muskogee Phoenix*, January 24, 1908.
- <sup>81</sup> “Enabling Act [text],” in Thoburn, *History of Oklahoma*, 2:777–80.

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<sup>82</sup> Act of January 15, 1897, Ch. 29, 29 Stat. 487. The court read this act as applying to Indian Territory. Judge Thomas H. Doyle was one of the giants of the Criminal Court of Appeals. He served on the court from its establishment in 1908 until 1929 and again from 1935 until 1947.

<sup>83</sup> The court also held that it was error to admit evidence of crimes allegedly committed by Vickers while in Kansas and to fail to require the prosecution to show that Vickers was not an Indian before he could be sentenced to death. The latter ruling was based on a questionable reading of an 1897 statute providing that Indians committing rape on a reservation were subject to punishment by imprisonment at the discretion of the court.

<sup>84</sup> *Muskogee Times-Democrat*, November 20, 1906; *Muskogee (Oklahoma) Daily Phoenix*, November 21, 1908.

<sup>85</sup> Vickers's escape from the gallows was greeted with less than enthusiasm in the community. See *Muskogee Times-Democrat*, February 26, 1909, and *The Weekly Sayings*, (Wagoner, Indian Territory), March 4, 1901, and May 27, 1909, editorial page. *The Muskogee Times-Democrat* on January 24, 1910, reported that Vickers had been convicted in Creek County of robbery and sentenced to a term of imprisonment. However, there is no record in the Oklahoma Department of Corrections for Vickers as an inmate.

<sup>86</sup> Robert Cotton, alias Carpenter, was hanged in Vinita on September 3, 1906, for murder.

<sup>87</sup> John S. Turner, Superintendent, North Texas Hospital for the Insane, Terrell, Texas, to Pardon Attorney, December 22, 1903, Pardon File, George Shelton, Pardon Case Files, 1853–1963, Records of the Office of the Pardon Attorney and its Predecessors, 1846–1977, Record Group 204, National Archives.

<sup>88</sup> *Vinita (Indian Territory) Daily Chieftain*, December 10, 1903, December 19, 1903, January 6, 1904, and March 12, 1904. The case did not receive much newspaper coverage.

<sup>89</sup> Affidavits of Joe Bean, George W. Lynch, Columbus McNair, J. C. Starr, J. H. Vanbebber. J. H. Vanbebber, Jr., [circa March 1904], Pardon File, George Shelton.

<sup>90</sup> Pliny Soper to Pardon Attorney, March 1, 1904, *ibid.*

<sup>91</sup> Affidavit of Mary Woods, [circa March 1904], *ibid.*

<sup>92</sup> Affidavits of Andrew J. Jordan and J. W. Craig, [circa March 1904], *ibid.*

<sup>93</sup> G. E. Pope to Pardon Attorney, December 28, 1903, *ibid.*

<sup>94</sup> Petition, December 28, 1903, *ibid.*

<sup>95</sup> Pliny Soper to Pardon Attorney, March 1, 1904, *ibid.*; Judge Joseph Gill to Pardon Attorney, March 3, 1904, *ibid.*

<sup>96</sup> John B. Turner to Pardon Attorney, January 2, 1904, *ibid.* Turner was a member of the first Oklahoma Supreme Court.

<sup>97</sup> Report of Department of Justice Pardon Attorney, 17, 18, *ibid.*

<sup>98</sup> U.S. Marshal's Office to Attorney General George W. Wickersham [telegram], March 10, 1904, *ibid.*

<sup>99</sup> *Annual Report of the Attorney General of the United States, 1904* (Washington, D.C.: U.S. Department of Justice, Office of the Attorney General, 1904), 133.

<sup>100</sup> Report Upon Application For Executive Clemency, Pardon File, George Shelton.

<sup>101</sup> *Tishomingo (Indian Territory) News*, November 22, 1905.

<sup>102</sup> *Daily Ardmoreite*, September 29, 1907.

<sup>103</sup> *Ibid.*

<sup>104</sup> *Ibid.*

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<sup>105</sup> Governor James B. A. Robertson to Attorney General Harry M. Daugherty, March 10, 1921, Pardon File, Kid Kelley, Pardon Case Files, 1853–1963, Records of the Office of the Pardon Attorney and its Predecessors, 1846–1977, Record Group 204, National Archives.

<sup>106</sup> Attorney General Harry M. Daugherty to Governor James B. A. Robertson, June 3, 1921, *ibid.*

<sup>107</sup> Fred C. Switzer, Warden, Oklahoma State Penitentiary to Department of Justice Pardon Attorney, June 7, 1921, *ibid.*

<sup>108</sup> Attorney General Harry M. Daugherty to President Warren G. Harding, January 4, 1922, *ibid.*; *Annual Report of the Attorney General of the United States, 1922* (Washington, D.C.: U.S. Department of Justice, Office of the Attorney General, 1922), 430, 431; Attorney General Harry M. Daugherty to Warden Fred C. Switzer [telegram], March 11, 1922, Pardon File, Kid Kelley; Fred C. Switzer to Attorney General Harry Daugherty [telegram], March 11, 1922, *ibid.* Technically, there may have been a problem with commuting Kelley's sentence because there was no sentence to commute. The original sentence had expired when the time for execution came and went while Kelley's appeal was pending in the Indian Territory Court of Appeals, and no new sentence had been imposed. A pardon would have been the more correct way of addressing the issue, but no one was inclined to argue technicalities at this time.

## *Earning Their Spurs in the Oil Patch*



### *The Cinematic FBI, the Osage Murders, and the Test of the American West*

*By Andrew L. Warren\**

In the early morning hours of March 10, 1923, one of the saddest episodes in twentieth-century Oklahoma history reached an earsplitting crescendo. About three o'clock, as the heavy air of early morning blanketed Osage County into stillness, a shattering explosion ripped the dark silence and rent a residential neighborhood in the small town of Fairfax.<sup>1</sup> The home of Osage tribe member William E. "Bill" Smith was, in a flash of light and the deafening eruption of several quarts of nitroglycerine, ripped into splinters. The substantial dwelling was, quite literally, leveled. A photo-

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graph of the scene revealed nothing more recognizable than shards of shredded and broken lumber.<sup>2</sup> The force of the blast was so great that a traveler standing in a hotel room two blocks away was knocked from his feet. Enough nitroglycerine exploded to blow a hole six feet in diameter and three feet deep through the Smith's garage floor.<sup>3</sup>

The toll of this spectacular crime was both solemn and frightening. Solemn because Rita Smith, a member of the Osage tribe, and Nettie Brookshire, her white live-in domestic, were instantly killed. Bill Smith, Rita's husband, lingered in unspeakable agony, dying four days later.<sup>4</sup> It was frightening because it seemed as if the murder spree that started in the Osage Hills in May 1921 would never end. By 1923 estimates of murdered Indians in Osage County ranged from two dozen to twenty-seven.<sup>5</sup> Nothing had been done to stop the murders. The astonishingly violent and brutal end of Bill and Rita Smith and their housekeeper suggested that there was no end in sight and that the violence might be escalating. Bill Smith, who had feared that he and his wife would be killed or blown up, had moved from his ranch into his new home in town only a few days before the explosion.<sup>6</sup>

The Osage tribe sought to stop the carnage. The murder of more than twenty members in fewer than three years was more than any community its size could tolerate, but local efforts to stop the killing proved futile. Incompetent or indifferent, state and local law enforcement had done nothing to stanch the flow of Osage blood, and ten days after the Smith household were murdered in their sleep the tribal council appealed to the Department of the Interior and the Department of Justice (DOJ) for help "in capturing and prosecuting the murderers of the Osage Tribe."<sup>7</sup> The Osage request for federal help had the support of Indian Agent George Wright, who asked that a "good detective from the Department of Justice be assigned to this case."<sup>8</sup>

The Osage received the requested assistance from the Department of Justice, George Wright got his detective, and with the aid of the publishing industry and Hollywood, the Federal Bureau of Investigation (FBI) later pasteurized, processed, and reprocessed the Osage Murders story into a public relations boon. Within thirty years of the Smiths' demise, the FBI had tailored print and screen versions that significantly streamlined and glorified the bureau's role in solving the cases. Perhaps the earliest romanticized version of the crime and its consequences came in 1931 with the publication of a not-widely-circulated book, *Tragedies of the Osage Hills, as Told by the "Sage of the Osage,"* written by Arthur Lamb, an operator of

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an Indian curio store in Pawhuska, in the center of the Osage reservation. Lamb did not, however, lavish credit on federal officials for solving the crimes.<sup>9</sup>

Nonetheless, the story's obvious dramatic aspects soon made it useful for the investigative agency's public relations purposes. In 1932 the NBC radio network aired a drama called "The Osage Murders," broadcast nationwide on the *Lucky Strike Hour*. The *Daily Oklahoman* reported that "facts for the broadcast were taken from the records of the federal bureau of investigation."<sup>10</sup> In 1933 King Features Syndicate, part of William Randolph Hearst's newspaper empire, ran a series of columns trumpeting the skills of federal investigators, with the Osage Murders a featured item. Author James R. McCarthy asserted that "Director J. Edgar Hoover of the Bureau of Investigation sent out several special agents with word that the murderer or murderers must be found," which, McCarthy said, is exactly what the "highly trained secret service sleuths" did.<sup>11</sup> Over the next twenty years Hoover continued to look for ways to use that story as well as others to promote his agency. In the early 1950s Lawrence J. Hogan, an FBI employee, compiled a summary of interesting cases, among them the Osage story, for high-level FBI officials who were interested in promoting a major motion picture about the agency.<sup>12</sup>

Next, in 1956 came the best-selling book *The FBI Story, A Report to the People*, penned by two-time Pulitzer Prize-winning journalist Don Whitehead.<sup>13</sup> Hoover himself wrote the foreword to the book, and he said that author Whitehead had been given "the full facts . . . so long as they did not violate security" and were "within the bounds of security and policy considerations."<sup>14</sup> The FBI accommodated Whitehead with office space and research assistance.<sup>15</sup> Assistant Director Louis Nichols gave Whitehead ideas about cases and investigations that merited consideration and provided "source material" for Whitehead's use. Nichols had "a lot of say on" the book and, he later claimed, "if I saw something that I thought gave an erroneous impression or maybe wasn't one hundred percent accurate, I would point that out to Don. . . ." Nichols denied any editing.<sup>16</sup> Memos from Hoover, however, indicate the FBI director monitored the manuscript and suggested changes when he felt they were necessary.<sup>17</sup> Hoover certified and endorsed Whitehead's version of the facts in the final sentence of his foreword to *The FBI Story, A Report to the People*. "My associates and I," wrote Hoover, "are deeply grateful for the painstaking care of the author, Don Whitehead, in his accurate portrayal of the record of the FBI. . . ." <sup>18</sup> The book contained

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nine chapters. The fourth, titled “The Roaring Twenties,” devoted a five-page, ghastly subchapter, “Murder by Proxy,” to the Osage Murders. Whitehead characterized this episode as “one of the most fantastic cases in [the FBI’s] files.”<sup>19</sup>

The book was soon followed by a popular motion picture titled *The FBI Story*, based on Whitehead’s book. Billed as “The First Complete Authentic Drama of the World’s Greatest Crime Fighters,” the screenplay was written by Richard L. Breen and John Twist. The two-and-one-half-hour-long film, produced and directed by Mervyn LeRoy, was distributed by Warner Brothers. Starring were veteran actors James Stewart, as Agent John Michael “Chip” Hardesty, and Vera Miles, a Boise City, Oklahoma, native, as Hardesty’s wife, Lucy Ann. The storyline involves the history of the FBI, and the action begins with Hardesty regaling young FBI agents with exciting episodes of his personal career with the agency. His crime-busting exploits included chasing gangsters in places like New York City’s Central Park and Yankee Stadium and international criminals in more exotic locations like South America. A significant portion of the film, slightly more than nineteen and one-half minutes, is devoted to Chip Hardesty’s efforts to apprehend the culprits in the Osage Murders in Oklahoma. The picture premiered in October 1959.<sup>20</sup> Both book and movie had not only the imprimatur of the FBI, but the personal involvement, and in many ways, the direct supervision of Director J. Edgar Hoover.

According to the movie’s producer, Mervyn LeRoy, “He [Hoover] and his men controlled the movie. Everybody on that picture . . . from the carpenters and electricians right to the top, everybody, had to be okayed by the FBI. I did one scene, the one where he has his first meeting with the men, and after I shot the picture they discovered that one extra shouldn’t have been in there. I don’t know why. So we had to shoot the scene over. I had two FBI men with me all the time, for research purposes so that we did things right.” Hoover endorsed the movie even more demonstratively than the book. Hoover’s first view of the movie came, according to LeRoy, at a private screening. After watching the movie, LeRoy recalled, “. . . Edgar stood up and he motioned for me to come over to him and he put his arms around me and he said, ‘Mervyn, that’s one of the greatest jobs I’ve ever seen. . . .’”<sup>21</sup> He biographer Curt Gentry said Hoover cried at the public premier.<sup>22</sup> Hoover threw an honorary party for the cast and staff of *The FBI Story*, and afterward used FBI agents to provide courtesies to producer LeRoy and star Stewart throughout the world.<sup>23</sup> Hoover had already explicitly endorsed Whitehead’s ver-

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sion of the FBI's clever and snappy disposition of the Osage Murders. Obviously, the even more artistic and fictionalized Hollywood account also met with his approval.

There should be no doubt that the Bureau of Investigation (or BOI, which became the United States Bureau of Investigation in 1932 and the Federal Bureau of Investigation in 1935) completed the difficult task of gathering evidence necessary to lock up the people who had killed the Smith family and several other Osages. With the arrests made possible by the Bureau of Investigation, the murder of Osages stopped. Neither local nor state law enforcement agencies had accomplished that, and they showed minimal interest in trying. The Department of Justice assembled the evidence that convicted the killers, often through resourceful use of undercover agents and a lot of hard work. However, a casual reading of Whitehead's book might lead a reader to believe that the FBI's work in convicting the murderers of the Smith household (and a handful of other Osages) came after and as a result of the Hoover reforms. The movie explicitly suggests the Osage Murders were solved after Hoover became acting director, an event that actually happened May 10, 1924. Before that, from August 1921, he had been assistant director under William Burns. Thus, in 1923 Hoover was not even director of the Bureau of Investigation when its attention was drawn to the ruthless little gang that was eventually convicted of the murders.<sup>24</sup>

The movie and the book (as well as their several predecessors in print and broadcast media) that received Hoover's overt endorsement plainly suggest that through a combination of brainpower, discipline, tenacity, and super-sleuthing and legal-eaglerly the Bureau of Investigation, alone, had cracked a deep, dark, and mysterious case. The 3,200-plus pages of the FBI's files on the Osage Murders paint a different picture: The bureau's investigation of the Osage Murders was not the smooth, clever police work suggested by the ethical and determined Jimmy Stewart of the movie or the professional efficiency depicted in Don Whitehead's best seller. In fact, many people in Fairfax, a town of 1,342 inhabitants in 1920, already knew who had killed the Smiths and some of the other murdered tribe members, and these dutiful citizens told the Bureau of



*J. Edgar Hoover in the  
1920s (FBI photo).*



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Investigation as much almost from the moment the agents arrived in town.<sup>25</sup> For its part, the bureau initially bumbled around and ignored the public's suspicions and also dismissed the damning circumstantial evidence that supported the widely held opinion. The



*The main street of Fairfax, Oklahoma, 1928. The motion picture showing at the Tall Chief Theater was Oh Kay, directed by Mervyn LeRoy—his second picture (OHS Research Division photo).*

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bureau went through two agents and six months before a third and former agent, temporarily reappointed from outside the bureau, re-focused the effort. He investigated the same suspects that previous agents had learned about right at the start.

The month of March 1923, when the Smiths were blown up and the Osage Nation asked the federal government for help, was not the best time to be an agent of the Bureau of Investigation or, for that matter, to hold any other position in the Department of Justice. The nation had endured two years of the presidential administration of Warren G. Harding, with all of its attendant outrages and disgraces. The oily clouds of the Teapot Dome affair were visibly gathering over Secretary of the Interior Albert B. Fall and were casting shadows on the Justice Department's chummy inaction. DOJ itself was in increasingly bad odor around Washington over the mysterious suicide of Jesse Smith, a crony of Attorney General Harry M. Daugherty. Although he was never given an official appointment by Daugherty, Smith had managed to convince the attor-

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ney general to give him an office in the department. Later congressional testimony corroborated rumors that had circulated around both Daugherty and Smith that Justice was involved in a wide variety of dubious deals and nefarious activities.<sup>26</sup> Lurid affairs sprouted into public consciousness like Oklahoma gushers as the Osage Murders investigation got under way. The scandals drove Attorney General Daugherty from office about a year after the Smith household was blown into the great certainty.<sup>27</sup>

The Bureau of Investigation was only slightly better. Daugherty fired the bureau's director, William E. Flynn, and replaced him with childhood buddy William J. Burns, director of a large private detective firm.<sup>28</sup> "Together," Hoover's biographer Curt Gentry wrote, "Daugherty and Burns had very quickly turned the BOI into a dumping ground for political hacks. . . ." <sup>29</sup> Burns was bad enough by himself. He had been convicted of burglary, had spied for Germany prior to the United States' entry into World War I, had functioned as a strike-breaker and a jury-rigger, and lately operated a private detective agency specializing in labor espionage. But Burns was not the worst. That ignominy belonged to Gaston Means, who was merely the most odious of dozens of dollar-a-year-men, honorary agents, and others working under the rubric of the Bureau of Investigation without official appointments.<sup>30</sup> Like Burns, Means had spied for Germany before World War I, but he had also performed as a double agent for the United Kingdom. Means's catalogue of misdeeds, too long to list, included an acquittal for murder. After being cut loose by the Bureau of Investigation, Means had added a conviction for bilking a newspaper millionairess out of more than one hundred thousand dollars in a fraudulent scheme to locate and return the kidnaped Lindbergh baby.<sup>31</sup>

As the Teapot Dome scandal came to the attention of the United States Senate, William Burns dispatched BOI agents to muckrake and tail the senators who were exposing the scandal. According to Gentry, evidence later presented to committees investigating Teapot Dome revealed that bureau agents "tapped telephones, intercepted mail, broke into offices and homes, and copied correspondence and private papers, looking for anything which might be used for blackmail" or would otherwise be helpful in obstructing the investigation.<sup>32</sup> Former Special Agent in Charge Neil Welch, in later decades a nominee for director of the Federal Bureau of Investigation, agreed that the bureau of the early 1920s was "a pervasively corrupt agency even by the wide-open standards of the Harding administration."<sup>33</sup>

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This, then, was the Bureau of Investigation that arrived in Osage County, Oklahoma, with the responsibility for identifying the murderers who were killing the Osage citizens. On March 10, 1923, the same day that Rita Smith and Nettie Brookshire were killed, and while Bill Smith lay slowly dying in his hospital bed, Oklahoma Attorney General George F. Short wrote to the commissioner of Indian affairs. Even at this early date Short's letter correctly identified the motive for the murders: "[T]o provide the inheritance of a considerable number of estates, vesting such inheritance in one person." This opinion, from no less than the chief law enforcement officer of the State of Oklahoma, was in the hands of Bureau of Investigation Agent Frank V. Wright by April 5, 1923.<sup>34</sup> Although Short named no suspects, his letter contained precisely the theory and the fact upon which convictions were ultimately obtained in the case of the Osage Murders.

Another early source of information for the bureau was Indian Agent George Wright. As the agent for the Osage at tribal headquarters in Pawhuska, he gathered information from across the reservation. On March 20, only ten days after the Smith explosion and six days after its final victim, Bill Smith, died, Wright sent the commissioner of Indian affairs his assessment: "The popular opinion in Fairfax and Pawhuska is that one person is directly responsible for the various murders, and a rather strong chain of circumstantial evidence has already been woven. . . ."<sup>35</sup> Wright's letter found its way into Bureau Agent Frank Wright's report dated April 2-4, 1923. If the Indian agent was correct, within ten days of the bombing and before the first BOI report was completed, the community had both a suspect and a basis for suspicion. Their suspicion was ultimately confirmed by confessions and convictions.

In a separate report, Agent Wright expressed a strong suspicion that William Hale was the man behind the Smith bombing, that the Burkhart brothers were accomplices, and that Kelsey Morrison had a direct connection with the actual explosion.<sup>36</sup> The letter from the state attorney general to the Bureau of Indian Affairs provided no names nor evidence, only indications. It is therefore apparent that Frank Wright was getting additional leads from someone. His report referred to an "informant" who had given at least some of the new information, but no other sources were identified. The additional informant was probably not the Indian agent; BOI reports showed no reluctance to identify him. Whatever the sources, the allegations contained in the letters from the attorney general, the Indian agent, and Frank Wright's report all addressed the same the-

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ory with more or less the same evidence. The perpetrators of the Smith murders (and others) were already right under the bureau's nose. It remained only to obtain sufficient admissible evidence to prove the case, a substantially more difficult proposition.

At this point the investigation devolved into hundreds of pages of mind-numbing reports. They are replete with rumor, hearsay, and, annoyingly, redacted names of informants and sources. Some of these redactions were probably undercover Bureau of Investigation agents working the case. Some may have been citizens simply wishing to avoid antagonizing a murderous gang that was killing the Osage Indians with impunity. Some may have been among the numerous private detectives working the case. Whatever the reason, the redactions and deletions leave troubling, if not gaping, holes that impede the reconstruction of events.

However convincing the bureau did or did not find the circumstantial evidence, more quickly surfaced and pointed to William K. Hale as the prime suspect. Public speculation credited him with having engineered the Smith murders. He controlled large tracts of Osage County land and owned large herds of cattle and a substantial interest in a Fairfax bank, among other businesses. He was a local political power and, as Bureau Agent Wright related in his April 2–4 report, many people suspected him of “being the brains” of a criminal organization. Ernest Burkhart, Hale’s nephew and said to be a member of his “organization,” was “absolutely controlled by Hale,” according to Wright’s informants. Burkhart had married Mollie Kyle,<sup>37</sup> who, as a member of the Osage tribe, was therefore entitled to tribal headrights.

For the Osage, headrights served a function like that of a corporate stock dividend. At fixed intervals the tribal government divided its surplus wealth into equal amounts called headrights. These headrights would then be distributed to tribe members. The wells owned by the Osage people produced so much oil and wealth that by 1920 each headright paid \$8,100 per year.<sup>38</sup> If Hale “absolutely controlled” Ernest Burkhart, as Frank Wright reported, he could likewise control the growing number of headrights that Mollie Kyle Burkhart received each year. Many in Osage County already understood that Burkhart and, presumably, Hale stood to control a great deal more than just Mollie Burkhart’s headright if the killings continued. Because Osage headrights were inheritable, each successive generation of a family of Osage tribe members inherited the preceding generation’s headrights. Accordingly, through headrights, shares of tribal wealth accumulated in individuals. As

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the Osage Murders progressed, Mollie Burkhart's family was dying naturally or being killed, and more and more headrights were funneled in direction of the Ernest Burkhart household.<sup>39</sup>

As Mollie's family's wealth grew, the family itself was shrinking. In May 1921 her sister, Anna Brown, lay dead, shot in the head, in a rural area of the Osage Nation. Upon closure of her estate, Anna's headrights would pass to her mother, Lizzie Q. Kyle, and her sisters, Mollie Burkhart and Rita Smith. Events intervened. In June 1921 Lizzie Kyle died under unknown circumstances. No investigation was conducted, but rumors of foul play circulated. Her estate was estimated at several million dollars and would, under normal circumstances, pass to her survivors—Minnie Kyle Smith, Rita Kyle Smith, and Mollie Kyle Burkhart. Then, in early 1922 Minnie Smith died of "quick consumption." No investigation was conducted into her death.<sup>40</sup> Rita Smith died when her home was blown to bits in March 1923. Had probate on these various estates not been delayed by the murders and suspicions of murders, Mr. and Mrs. Ernest Burkhart would have been a very, very rich couple.

Lines of descent are typically matters of common law and are nearly as common knowledge. It hardly required the applied intelligence of a legally trained FBI agent to unravel the mystery. People all over the Osage Reservation understood, and, as Frank Wright's reports indicate, word reached the bureau's men as soon as they arrived. Osage tribal attorney T. Woodward was among the very first to suggest an inheritance scheme to BOI Agent Frank Wright. As Woodward explained his theory, he also identified another murder that he thought to be related to the Smith bombing: In January 1923, northeast of Fairfax, Osage tribe member Henry Roan had been found dead of a gunshot wound. His life was insured for twenty-five thousand dollars. The policy's beneficiary was William K. Hale. Agent Wright recorded this in his report of April 2-4, 1923, along with an interesting epilogue: Kelsey Morrison, Ernest Burkhart's frequent companion, had left Fairfax by automobile after three o'clock on the morning the Smith home exploded.<sup>41</sup>

Further, in these first weeks of the bureau's investigation, reports of Bill Smith's suspicions filtered in to Agent Frank Wright. One of the ubiquitous redacted sources reported that Smith, in his hospital bed, had told those present that Hale and Ernest Burkhart were his only two enemies in the world.<sup>42</sup> Within a week, one of those present had confirmed this report, adding that Smith had told those in his room that "he had expected this to happen."<sup>43</sup> In part, Bill Smith expected to die because of his firm and openly expressed

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belief that Ernest Burkhart had killed Henry Roan. Even further, Smith (among others) suspected that Ernest Burkhart had killed Roan at Hale's orders and that Bryan Burkhart had killed his sister-in-law Anna Brown. Hale stood to gain twenty-five thousand dollars in life insurance proceeds from Roan's death. Moreover, another dispute sizzled between Smith and Hale; the details are unimportant, but a separate lawsuit involving more than six thousand dollars had engendered further rancor between them.<sup>44</sup> To supplement his own investigation Agent Wright then turned to the reports of the private detectives working the case. His report of May 31, 1923, included a summary of at least five of the reports. These were primarily concerned with the shooting death of Anna Brown, Rita Smith's sister. In conclusion, Wright opined that "the Agent assigned will probably not be far off if he spots Bill Hale for the master mind, the Burkhart brothers for accomplices and the fellow Morrison, mentioned in my previous reports, as the man who arranged for carrying out the details and actually took part in blowing up the Bill Smith home at Fairfax. . . ."<sup>45</sup> The reports of private investigative agencies did nothing to dissuade Frank Wright of what he had been told by the tribal attorney and by a confidential informant in the first week of his investigation.

That was about Wright's last involvement with the case. A mid-April letter from Special Agent in Charge James Findlay of the Oklahoma City office to Director Burns indicated that Wright had "just been given thirty days leave of absence without pay, so that he cannot give this matter further attention for that period of time. . . ."<sup>46</sup> This letter came to the attention of Assistant Director J. Edgar Hoover, who relayed the message to Burns with the observation that "the progress made has not been entirely satisfactory for a case of this magnitude."<sup>47</sup> Indeed, at the time when Hoover expressed dissatisfaction with the Wright phase of the investigation, the bureau possessed virtually no evidence beyond that provided by the public and had added but little evidence to the surmise provided by tribal attorney Woodward. Five weeks passed before Agent Calvin S. Weakley replaced Frank Wright.<sup>48</sup> Neither Whitehead's book nor the subsequent motion picture makes any mention of an agent's mysterious departure from the case or of the resulting delay. Although Stewart's movie character wonders aloud at one point what Washington will think of his failure to generate any leads, neither the book nor the movie make any mention of the fact that the public laid the ultimate theory of the prosecution before the Bureau of In-

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vestigation at the very beginning of federal involvement in the Osage Murders.

Agent Weakley also quickly turned to private detectives for information. A former tribal enforcement agent who had investigated the killings himself told Weakley that there was “lots of talk around Fairfax of Bill Hale being the master mind in all these deaths and that this was done to center the inheritance of these estates in the Burkhart family.” However, Weakley was also told that an equal number felt that Hale had had nothing to do with it, resented any suggestion that he was involved, and would vigorously defend him.<sup>49</sup> Weakley met with private investigators named Gustafson and Brackett, hoping to obtain their files. Although they did not immediately tender the files, the two provided Weakley with summaries that contained more of the same information that the bureau had already collected. The “private eyes” did have something new, however. On August 6 Brackett had bumped into Kelsey Morrison on the street. He was tribal attorney Woodward’s prime suspect as the actual arsonist in the Smith bombing.<sup>50</sup> Morrison denied any involvement in the killings but complained that everybody was accusing him of the Smith murders. Trying to protect himself, he told Brackett that Hale had had something to do with the crime.<sup>51</sup> This was a hairline crack in the conspiracy, but at the time nobody could see it.

Here the BOI missed an important opportunity. It had been five months since the last murder, and the trail was going cold. As predicted, however, a nervous Morrison had made foolish accusations to appear candid as he deflected attention from himself to Hale. Experienced criminal interrogators would have readily identified this common symptom of vulnerability and methodically closed in for the kill. Were Frank Wright still on the case, he might have recognized Kelsey Morrison as a potential snitch and extracted a confession. Earlier, in April Wright had adopted Woodward’s theory implicating Hale, Morrison, and the Burkharts. Within a day or so of his conversation with Woodward, Wright had learned from a confidential informant that “Morrison was yellow, probably the easiest point of attack to get at facts; that he would probably talk, and that he was also the only man mentioned so far of the suspects who would divulge anything. . . .”<sup>52</sup> But Wright was gone, and Weakley, quickly becoming discouraged by the prospects of the case, did not try to squeeze Morrison.

Instead, Weakley reinvented the wheel. In a report dated July 20–August 4, 1923, Weakley reiterated the theory that tribal law-

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yer Woodward had given Frank Wright in the first week of the bureau's involvement. He identified three more witnesses who had heard Smith express fear that Hale and the Burkharts would kill him and his wife. Despite a growing list of witnesses who attested to Smith's fears, Weakley observed that there was no direct evidence to support the man's apprehensions. The agent held it circumstantial that half of Smith's wife's family had been obviously murdered and that the other half had died in unusual ways.<sup>53</sup> Apparently Weakley did not consider the circumstances to be significant. He also learned that three days before the Smith explosion Morrison used a check from Hale to make a down payment on a new car and that Hale had acted as surety for Morrison's notes at a Fairfax bank. This circumstantial evidence Weakley dismissed with the curious statement that "[t] here has not yet been any facts developed upon which to make any connecting link looking to any definite development." Instead, he turned his attention to private investigator Brackett, who "had not as yet secured any data as he has not as yet been able to locate the parties through whom he expects to secure information."<sup>54</sup> Weakley, evidently, was content to continue relying on private investigators to conduct a federal investigation.

Not all the news was bad. Weakley picked up a few scraps that might accumulate into something of value. One witness had caught Kelsey Morrison changing his alibi from an inculpatory to an exculpatory story. Another had heard Morrison threaten to kill somebody as he bemoaned his fate, specifically the continued accusations that he had blown up the Smith home. Weakley did not see much value in these stories and spent much of his time on the Anna Brown murder. Private detectives and local law enforcement collected enough evidence to charge Bryan Burkhart with killing Bill Smith's sister-in-law Anna Brown, but after a hearing, a judge dismissed the charge.<sup>55</sup> The county attorneys who prosecuted the unsuccessful charges told Weakley that Bryan Burkhart had been unjustifiably nervous while in court and was probably guilty of a conspiracy to funnel the money from the victims toward Mollie Burkhart. The county attorneys had figured it out too.<sup>56</sup>

In late July or early August Weakley finally began actively investigating what had long seemed obvious to many in the community: Hale and his goons were killing people for their money. For three months the BOI's agents and operatives had limited the investigation almost entirely to collection of opinions and hearsay. Those in charge had then dismissed this information as hearsay and opinion and, therefore, as unreliable. But near the end of his report dated



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July 20–August 4, 1923, Weakley forged outward into independent investigation of facts that might bolster the widely held circumstantial theory implicating the Hale gang. He found documentation that Joe Grayhorse, one of the more than twenty Osage killed in the previous two years, had given Hale an undivided interest in two tracts of land in August 1920. The two transactions were separate, about ten days apart. The purchase price was “. . . \$1 and other considerations.”<sup>57</sup> As a practical matter, Grayhorse had given these interests in land to Hale for free. If Hale survived Joe Grayhorse, he would inherit the parcels of land, with Grayhorse’s heirs. And that is precisely what happened: Grayhorse died “suddenly” in late 1921.<sup>58</sup>

For months during 1922 and 1923, then, the developing sequence of events made it ever more apparent to many on the Osage Reservation that having something William Hale wanted was bad for an Osage Indian’s health. Barely a month after Grayhorse died, Annie Brown had died too, leaving a substantial probable estate to nephew Ernest Burkhart’s wife, Mollie. Another couple of months passed and Lizzie Q. Kyle had died, potentially leaving millions in headrights and other wealth to Mollie Burkhart, Minnie Smith, and Rita Smith. In early 1922 Minnie Smith had died, leaving Mollie Burkhart and Rita Smith as Lizzie Kyle’s only natural heirs. In February 1923 Henry Roan died, leaving Hale the beneficiary to a life insurance policy worth twenty-five thousand dollars. In March 1923 Rita Smith was killed in the big explosion. Under normal circumstances, her death would have left all to Hale’s nephew’s wife. Weakley remained unconvinced by the body count, however. In view of Hale’s potential pecuniary interest in each of these deaths, many of them demonstrably murders and the others at least suspicious, Weakley’s evaluation of the Grayhorse land deals is mildly astonishing: “From this investigation of [the Grayhorse] transactions with Hale which occurred practically a year prior to his death there is nothing to cause suspicion.”<sup>59</sup> With this credulous conclusion, the possibility imperiously suggests itself that Agent Calvin Weakley was not the man for this task.

Even after Weakley had confirmed that most of the property in the Kyle family would descend to Mollie Kyle (Mrs. Ernest Burkhart), he remained unconvinced. “Most of the information obtained has been rumor and conclusions based upon theories founded upon circumstances rather than facts,” he noted.<sup>60</sup> The first agent on the case, Frank Wright, saw where the circumstantial evidence pointed. Calvin Weakley never did. Relying, as he was wont to

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do, on private investigators, Weakley attended a meeting with Gustafson and Attorney General Short. Gustafson suggested that the Burkhart brothers be thrown in jail without bail. (Bryan Burkhart was the last person known to have seen Anna Brown alive.) Sweating a co-conspirator in jail on separate charges remains one of law enforcement's most time-honored and successful methods of obtaining testimony or a confession. Gustafson suggested it then. Weakley probably agreed with Attorney General Short, who said there was insufficient evidence to obtain a warrant.<sup>61</sup>

Next, during the week of August 13–18 Weakley got the opinion of a Fairfax attorney identified only as "Gray." Gray was administrator of Anna Brown's substantial estate and had been clerk of the coroner's inquest that ruled the Smiths' deaths to be by murder. Gray had also communicated with some of the private investigators. He told Weakley that "there had been suspicions which was practically the opinion of the entire community that these crimes were the outcome of the efforts of the Burkharts and Bill Hale in order to center the inheritance of the one family in Mollie Burkhart and that the death of Henry Roan was for the purpose of collecting the insurance. . . ." An otherwise unidentified Mrs. John Kennedy also outlined the same theme for Weakley.<sup>62</sup> Other citizens provided the same rumor. Nevertheless, Weakley said everybody was tired of the case and had given up on it unless somebody involved started talking. He then expressed doubt that the case could be brought to a successful conclusion.<sup>63</sup>

Within a few days he wrote a discouraged memo to Special Agent in Charge Findlay in the bureau's Oklahoma City office. Notwithstanding the clear pecuniary interest of Hale and the Burkharts in the deaths of the Kyle family, Weakley wrote, "No one seems to have any definite data or any information through which to work, and I at present must admit I am at a loss as to any avenue through which any evidence can be obtained." He again exhibited his willingness to forfeit responsibility for the investigation to the mixed bag of private detectives working the case. Referring to potential witnesses (but hardly exhibiting confidence in the great investigative skills and training the print and cinematic versions accorded the agents involved), he reported, ". . . if I can locate them, [I] doubt seriously if I get any information as it seems that they have already been interviewed by the private detectives and no information has been secured. As I have previously explained, it seems that every available party has previously been interviewed a long time ago by

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the private detectives, shortly after these murders happened and no material direct evidence was obtained." Complaining that within two days he would exhaust all possible leads, he told Findlay, ". . . at present I do not see any possible chance of unravelling [*sic*] this case, and believe at present any continued investigation is useless."<sup>64</sup> Weakley then recommended that the Bureau of Investigation give up on the Osage Murders.

His recommendation was rejected. Findlay sent a letter to Hoover complaining of the Oklahoma attorney general's failure to fulfill promises of meaningful assistance and of the failures of local law enforcement and prosecutors. He attached Weakley's memo, told Hoover that Weakley had "proceeded as best he could," and asked for instructions. Hoover forwarded both items to Director Burns, who tersely replied, "Have our office continue the investigation and keep after the State Atty. General." Hoover drafted a letter to that effect for Burns' signature on August 29, 1923.<sup>65</sup>

As Washington and Oklahoma City exchanged correspondence about the flagging investigation, Attorney General Short finally provided an investigator. Weakley met with Findlay in Oklahoma City, where he repeated his conclusion that the investigation was stymied, and he then returned to making desultory enquiries. A witness had come forward and claimed that Burkhart had stated an intention to kill Bill Smith, and Weakley indulged his habit of milking private investigators for information.<sup>66</sup> Now, finally, late in August 1923 the Bureau of Investigation got its first break in a while.

The Oklahoma Attorney General's office assigned Thomas F. Weiss to the investigation, and he reenergized it. On September 6 Special Agent in Charge Findlay wrote to J. Edgar Hoover urging that Weiss receive a temporary appointment as a BOI agent and that he be given the assistance of an additional agent to augment the process. Findlay hastened to clarify that he meant to cast no aspersions on Weakley and that he wanted him to remain involved. Weakley, however, had concluded that the murders could not be solved. Weiss, to the contrary, told Findlay he thought he could solve both the Anna Brown murder and another reservation murder unrelated to the Smith bombing. So confident was Findlay in Weiss's abilities that he suggested that if the bureau could not appoint Weiss, the Bureau of Indian Affairs in the Department of the Interior should be approached about an appointment. Curiously, Hoover's memo to Director Burns referred to Findlay's request as "reinstatement." Burns concurred in the request that Weiss be "reengaged."<sup>67</sup> He apparently had been employed as a BOI agent un-

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til August 28, 1923, when he had left to work the Osage Murders for the Oklahoma attorney general. Now Weiss wanted the prestige and authority of federal credentials again, and Special Agent in Charge Findlay “unhesitatingly” supported his request.<sup>68</sup>

Within a month Weiss knew what he wanted to do. He composed a forty-page digest of the evidence and theories of the case and set forth in detail the persuasive circumstantial case against Hale and the Burkharts in the Smith bombing, as well as the evidence in the Anna Brown and Henry Roan cases and others. He interviewed and tracked down witnesses in numbers and places Calvin Weakley never imagined. Other BOI agents soon took over the case and made countless discoveries of evidence and witnesses. But it was the *theory*, which Weiss adopted, after Frank Wright’s false start and Calvin Weakley’s dismissive attitude, that brought down Hale, Burkhart, and Morrison. The murderers’ motives and activities were exposed and were seen to have transpired in just about the way tribal attor-

*Investigations continued into the mid-1920s, and evidence mounted to indicate William Hale’s involvement with the Osage murders (FBI File on the Osage Murders).*

Department of Justice

TELEGRAM RECEIVED

Oklahoma City, Okla.  
Jan. 15, 1926.

Director

After considerable grilling have obtained statement from Denny Selph concerning murder of Anna Brown which believe same. Statement implicates himself charging Blanche Sourd with actual murder and W.M. Hale with inducing and paying Sourd to commit murder, also implicates Mel Morrison and Byron Burkhart. Am having information followed out quickly as possible. Would like use all Agents for while specially assigned this case.

Two White.

Rec'd. 3\*45  
Decoded J  
To Director 3\*50

12

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ney Woodward had theorized to BOI Agent Wright in his first week in Osage County during April 1923.<sup>69</sup>

After four trials, William Hale was finally convicted and sentenced to life in prison in 1929; he was paroled in 1947 and moved to Phoenix, Arizona. Ernest Burkhart received a life sentence in 1926 and went to federal prison. He was paroled in the late 1930s, was reincarcerated in 1946, and was pardoned in 1965. Other accomplices, including Kelsey Morrison and bootlegger John Ramsey, were also apprehended, tried, convicted, and imprisoned on either state or federal charges.<sup>70</sup>

None of this was mentioned in the book or the movie that received J. Edgar Hoover's imprimatur in 1956 and 1959. On the contrary, the book suggests that FBI undercover men who played colorful roles and met stealthily in the dark Osage Hills night slowly constructed a motive and developed suspects. A few lines from Woodward's book suffice to summarize the author's fawning approach: "FBI agents moved into Fairfax and found an almost impenetrable wall of fear. People were afraid to talk and witnesses who might have given information had long since disappeared. There were rumors which sent the agents off for days at a time on false leads. Someone, they knew, was deliberately 'planting' stories to confuse their search. But the hunt continued."<sup>71</sup>

A lot of admissible evidence *was* needed, and was gathered by BOI agents, before a prosecutable case could be brought against either Hale or his men. Undercover agents were a part of that. However, the case's voluminous FBI files clearly show that the suspects, the motive, and the *modus operandi* of the Smith bombing and several of the other Osage Murders were neither mysterious nor as secret as book and movie suggest. They were obvious to many residents of Osage County and were made clear to the Bureau of Investigation within days of its beginning to work on the case. Much is made here of the halting early months of the investigation. After criminals have been apprehended, confessed, tried, and convicted it is always easy to look back and say what clues, hints, and evidence law enforcement should have immediately gathered in the heat of the chase. Ultimately, the Bureau of Investigation confronted numerous obstacles in the investigation of the Osage Murders and eventually solved crimes that, in fact, nobody else could or would. In doing so they ended a gruesome, three-year murder spree on the Osage Reservation. They deserve credit for so doing. The six-year investigation and prosecution required enormous patience and persistence. It was during the Osage Murders investigation that J. Ed-

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gar Hoover replaced William Burns as BOI director, cleaned house, and began building the modern Federal Bureau of Investigation out of the scabrous United States Bureau of Investigation that existed during the era of Warren G. Harding, Harry Daugherty, William J. Burns, and Gaston Means.

An accurate representation of this accomplishment apparently was not good enough for Hoover. Why did Hoover so enthusiastically endorse such stylized versions of the truth? The episode in the movie *The FBI Story* dealing with the Osage Murders is so fictionalized and takes such great license with the facts that an analysis of its accuracy is not merited. Nevertheless, in its fictionalization the movie suggests something about the role of the West in American life, and its real significance may lie in its decision to use the Osage Murders investigation to illustrate the essence of the agency's history.

The episode based on the Osage Murders takes place in fictitious Ute City, Oklahoma. It is a Hollywood representation of Osage oil boomtowns like Pawhuska, Carter Nine, Whizbang, Hogshooter, and Wildhorse. They were rowdy towns, and *The FBI Story* characterizes them with thrumming oil wells salaciously erect in every street and alleyway, women of the town flinging themselves from ubiquitous saloons to catfight in muddy streets, while gullible, cardboard-cutout "blanket" Indians are taken in by comically sleazy hucksters and confidence men. Finally, the Nordic-looking lawman in this case, FBI Agent Chip Hardesty, and his dutiful, pregnant wife, Lucy Ann, survive hardship and tragedy together when they lose the child while trying to tame this crude and hostile western environment. The Ute City of *The FBI Story* is the cinematic West in transition: oil illuminated and then powered the West into a new era. Western bonanza and boomtowns like Dodge City and Deadwood had their final incarnation with the mix of gushers and Indians in Oklahoma. The modern, petro-industrial West was kicking and screaming at birth in Ute City, and an incipient, technocratic federal law enforcement agency was being tested as a replacement for the now obsolete, ineffective sheriff of the Old West. Yet at the same time, it supplanted the local marshal, who in the movie just could not figure out the (fictionalized version of) the Osage Murders. The FBI exhibited the very values and standards of the supplanted Old West lawmen of literature and lore. Hoover's G-man just brought a more disciplined, educated, white-collar approach to the Anglo taming of the Wild West. As part of the transition to the larger American myth, the new lawman *cum* FBI made Ute City

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safe and civilized for red and white man alike. It was a familiar Hollywood story in the late 1950s.

“Essentially, across the span of the nation,” historian Anne Butler suggests, “many Americans—young and old, men and women—indulged their western fantasies so completely that they tolerated and encouraged misrepresentations of history.”<sup>72</sup> *The FBI Story* is a movie in which J. Edgar Hoover’s Federal Bureau of Investigation was the modern, sophisticated law enforcement agency Jeffersonian America needed to hold the line against modern, sophisticated criminals and international Communism. And in this fictionalized Hollywood version of the Osage Murders the FBI demonstrated through its western experience in Oklahoma that it too passed the test of the American West. Of all the thousands of cases Hoover, Nichols, and the FBI could have chosen to fictionalize, they included one in which they can be shown to civilize the uncivilized in the American West. It must have been pretty important to them.

### ENDNOTES

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<sup>1</sup> Thomas F. Weiss Report, April 4, 1923, FBI File on the Osage Indian Murders (Wilmington, Del.: Scholarly Resources, Inc., 1986), Microfilm, 3 Rolls, Roll 1:279 (hereafter cited as FBI File, roll number, page number. The materials were microfilmed in the exact order in which they were released by the FBI and are generally in chronological order. The page numbers used throughout these endnotes are the numbers of the microfilm frames. The FBI File on the Osage Murders may also be viewed on the Internet at the FBI’s web site by accessing the Freedom of Information Act [FOIA] page).

<sup>2</sup> *Washington Daily News*, January 13, 1923, FBI File, 1:26.

<sup>3</sup> Clarence Weakley Report, July 20–August 4, 1923, FBI File, 1:140.

<sup>4</sup> *Ibid.*, 1:142; Frank V. Wright Report, April 10, 11, 14, 1923, FBI File, 1:51, 54; Frank V. Wright Report, April 2–4, 1923, FBI File, 1:42.

<sup>5</sup> William Burchardt, “Osage Oil,” *The Chronicles of Oklahoma* 41 (Fall 1963): 260–61; James R. McCarthy, untitled feature article, King Features Syndicate, 1933, FBI File, 1:14.

<sup>6</sup> Clarence Weakley Report, July 20–August 4, 1923, FBI File, 1:143.

<sup>7</sup> Frank V. Wright Report, April 2–4, 1923, FBI File, 1:41–42.

<sup>8</sup> *Ibid.*, 42–43.

<sup>9</sup> Arthur H. Lamb, *Tragedies of the Osage Hills, as Told by the “Sage of the Osage”* (Pawhuska, Okla.: The Osage Printery, 1931), 106, 117, 120–22, 151–81.

<sup>10</sup> *Daily Oklahoman* (Oklahoma City), November 15, 1932.

<sup>11</sup> McCarthy, untitled feature article, King Features Syndicate, 1933.

<sup>12</sup> Lawrence J. Hogan, *The Osage Indian Murders: The True Story of a Multiple Murder Plot to Acquire the Estates of Wealthy Osage Tribe Members* (Frederick, Md.: Amlex, 1998).

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<sup>13</sup> J. Edgar Hoover, "Foreword," in Don Whitehead, *The FBI Story: A Report to the People* (New York: Random House, 1956), xiv; Curt Gentry, *J. Edgar Hoover: The Man and the Secrets* (New York: Norton & Company, 1991), 446.

<sup>14</sup> Hoover, "Foreword," *The FBI Story*, xiv.

<sup>15</sup> Assistant FBI Director Louis Nichols to FBI Associate Director Clyde Tolson [memo], October 27, 1955, FBI 77-68662-25, in *From the Secret Files of J. Edgar Hoover*, ed. Athan Theoharis (Chicago: Elephant Paperbacks, 1993), 306-07.

<sup>16</sup> Ovid Demaris, *The Director; An Oral Biography of J. Edgar Hoover* (New York: Harper's Magazine Press, 1975), 68-69.

<sup>17</sup> FBI Director J. Edgar Hoover to FBI Assistant Directors Clyde Tolson and Louis Nichols [memo], March 16, 1956, FBI 77-68662-26, in *Secret Files*, 307; FBI Assistant Director Louis Nichols to FBI Associate Director Clyde Tolson [informal memo], June 21, 1956, *ibid.*

<sup>18</sup> Hoover, "Foreword," *The FBI Story*, xv.

<sup>19</sup> Whitehead, *The FBI Story*, vii- viii.

<sup>20</sup> *Daily Oklahoman*, October 9, 1959; Nick Martin and Marsha Porter, *Video Movie Guide 2000* (New York: Ballentine Books, 1990), 367. The latter characterizes the movie as "a glowing history of the FBI from Prohibition to the cold war [with] some good episodes reminiscent of Warner Brothers G-man pictures of the Thirties. . . ."

<sup>21</sup> Demaris, *The Director; An Oral Biography*, 69, 70.

<sup>22</sup> Gentry, *J. Edgar Hoover*, 447.

<sup>23</sup> Demaris, *The Director; An Oral Biography*, 27, 28.

<sup>24</sup> Burchardt, "Osage Oil," 266; Gentry, *J. Edgar Hoover*, 127. Hoover became permanent director later in 1924.

<sup>25</sup> Frank V. Wright Report, April 5-6, 1923, FBI File, 1:37.

<sup>26</sup> Burl Noggle, *Teapot Dome: Oil and Politics in the 1920's* (Baton Rouge: Louisiana State University Press, 1963), 56, 126; J. Leonard Bates, *The Origins of Teapot: Progressives, Parties, and Petroleum, 1909-1921* (Urbana: University of Illinois Press, 1963), 240; Eugene P. Trani and David L. Wilson, *The Presidency of Warren G. Harding* (Lawrence: The Regents Press of Kansas, 1977), 176.

<sup>27</sup> Gentry, *J. Edgar Hoover*, 118-29; Trani and Wilson, *Harding*, 180.

<sup>28</sup> Gentry, *J. Edgar Hoover*, 111.

<sup>29</sup> *Ibid.*, 117.

<sup>30</sup> *Ibid.*, 115; Ralph de Toledano, *J. Edgar Hoover: The Man in His Time* (New Rochelle, N.Y.: Arlington House, 1973), 67; Hank Messick, *John Edgar Hoover* (New York: David McKay Company, Inc., 1972), 34-36.

<sup>31</sup> Gentry, *J. Edgar Hoover*, 118; de Toledano, *J. Edgar Hoover*, 97-98; Messick, *John Edgar Hoover*, 36-37.

<sup>32</sup> Gentry, *J. Edgar Hoover*, 119.

<sup>33</sup> Neil J. Welch and David W. Marston, *Inside Hoover's F.B.I.: The Top Field Chief Reports* (Garden City, N.Y.: Doubleday, 1984), 7, 17.

<sup>34</sup> Frank V. Wright Report, April 2-4, 1923, FBI File, 1:40.

<sup>35</sup> *Ibid.*, 1:43.

<sup>36</sup> Frank V. Wright Report, April 5-6, 1923, FBI File, 1:37.

<sup>37</sup> Frank V. Wright Report, April 2-4, 1923, FBI File, 1:46.

<sup>38</sup> Burchardt, "Osage Oil," 257.

<sup>39</sup> *Ibid.*, FBI File, 1:158.

<sup>40</sup> Thomas F. Weiss Report, September 4, 1923, FBI File, 1:253-54; Frank V. Wright Report, April 2-4, 1923, FBI File, 1:45.

<sup>41</sup> Frank V. Wright Report, April 2-4, 1923, FBI File, 1:44-46.



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- <sup>42</sup> Frank V. Wright Report, April 10, 11, 14, 1923, FBI File, 1:51.
- <sup>43</sup> *Ibid.*, 1:54.
- <sup>44</sup> *Ibid.*, 1:56; Clarence V. Weakley Report, July 20–August 4, 1923, FBI File, 1:143; Frank V. Wright Report, April 2–4, 1923, FBI File, 1:47.
- <sup>45</sup> Frank V. Wright Report, May 28, 1923, FBI File, 1:72, 74 (quotation).
- <sup>46</sup> Findlay to Burns, April 23, 1923, FBI File, 1:60.
- <sup>47</sup> Hoover to Burns [memo], May 25, 1923, FBI File, 1:67.
- <sup>48</sup> Clarence Weakley Report, July 14–20, 1923, FBI File, 1:114.
- <sup>49</sup> *Ibid.*, 1:120, 124.
- <sup>50</sup> Frank V. Wright Report, April 2–4, 1923, FBI File, 1:47.
- <sup>51</sup> Clarence Weakley Report, August 4–8, 1923, FBI File, 1:133.
- <sup>52</sup> Frank V. Wright Report, April 2–4, 1923, FBI File, 1: 47.
- <sup>53</sup> Clarence Weakley Report, July 20–August 4, 1923, FBI File, 1:143.
- <sup>54</sup> *Ibid.*, 1:144, 146.
- <sup>55</sup> *Ibid.*, 1:147, 148.
- <sup>56</sup> *Ibid.*, 1:154–55.
- <sup>57</sup> *Ibid.*, 1:157–58.
- <sup>58</sup> Frank V. Wright Report, April 10, 11, 14, 1923, FBI File, 1:51
- <sup>59</sup> Clarence Weakley Report, July 20–August 4, 1923, FBI File, 1:157–58
- <sup>60</sup> *Ibid.*, 1:159–60.
- <sup>61</sup> Frank V. Wright Report, May 28, 1923, FBI File, 1:74; Clarence Weakley Report, August 9–11, 1923, FBI File, 1:166.
- <sup>62</sup> Clarence Weakley Report, August 13–18, 1923, FBI File, 1:172–73.
- <sup>63</sup> *Ibid.*, 1:177, 180–81.
- <sup>64</sup> Weakley to Findlay, August 16, 1923, FBI File, 1:169.
- <sup>65</sup> Clarence Weakly Report, August 9–11, 1923, FBI File, 1:166; Findlay to Burns and Hoover, August 20, 1923, FBI File, 1:168–69; Weakley to Findlay, August 16, 1923, FBI File, 1:169; Hoover to Burns [memo], August 27, 1923, FBI File, 1:170; Burns to Findlay, August 29, 1923, FBI File, 1:171.
- <sup>66</sup> Clarence Weakley Report, August 27–September 1, 1923, FBI File, 1:197–99.
- <sup>67</sup> Findlay to Hoover, September 6, 1923, FBI File, 1:213; Hoover to Burns [memo], September 21, 1923, FBI File, 1:214; Burns to Findlay, September 28, 1923, FBI File, 1:216.
- <sup>68</sup> Findlay to Hoover, September 6, 1923, FBI File, 1:212–14, 219; Burns to Findlay [memo], September 28, 1923, FBI File, 1:216.
- <sup>69</sup> Thomas F. Weiss Reports, September 29–October 9, 1923 and September 4, 1923, FBI File, 1:224–87; Burchardt, “Osage Oil,” 254, 261, 265–66.
- <sup>70</sup> Hogan, *The Osage Indian Murders*, 266–70; Burchardt, “Osage Oil,” 265–66.
- <sup>71</sup> Woodward, *The FBI Story*, 117.
- <sup>72</sup> Anne M. Butler, “Selling the American Myth,” *Oxford History of the American West*, ed. Clyde A. Milner II, Carol A. O’Conner, and Martha A. Sandweiss (New York: Oxford University Press, 1994), 798–99.

# *A New Frontier in Science*



## *Robert S. Kerr, James E. Webb, and Oklahoma in the Space Age*

*By Bill Moore\**

The year was 1961. The young, newly elected president of the United States, John Fitzgerald Kennedy, had just been sworn into office in January. Cuba, a Soviet-backed island nation lying only ninety miles off the coast of Florida, provided a

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“Communist threat” on America’s doorstep. The president had signed off on a previously planned, United States–backed, paramilitary strike against Cuba by Cuban exiles and refugees. Known as the Bay of Pigs fiasco, the operation that occurred from April 17 through April 21, 1961, was a dismal and very public failure for President Kennedy’s fledgling, anti-Communist administration.

The week before, on April 12 the Soviets had dealt the United States another blow. The Communist nation’s space program successfully launched a rocket that carried the first human into space. Leaders of democratic nations blanched at the thought of the large payloads, possibly including nuclear warheads, that the Soviet rockets might be able to launch into orbit. The United States’ missiles could only manage a fifteen-minute suborbital flight for Alan Shepard on May 5, 1961.

With only this very brief accomplishment to bolster his nation’s image, and with threat of Communism’s spread around the world, President Kennedy made the bold challenge of committing the United States to go to the Moon by the end of the decade. Could it be accomplished? How would this monumental task be accomplished? This little-known chapter in the history of the space program will forever be the foundation of the August 1969 landing on the Moon. At the same time, the space program’s development will be forever tied to Oklahoma history. During this critical time of the United States’ involvement in space exploration, two of the main decision makers had strong Oklahoma connections.

The story of Oklahoma’s brief involvement in the space program had begun in the early 1950s when two formidable political and scientific minds joined forces. They were Robert Samuel Kerr, a native Oklahoman and a Democrat, and James Edwin Webb, a North Carolinian, a lawyer, and a Washington policy maker. Kerr had been elected to Congress as a senator from Oklahoma in early 1949. His reputation as a force to be reckoned with gained him quick recognition and rapidly boosted him up the ladder of power in the Senate. Webb had been appointed by President Harry Truman as director of the Bureau of the Budget in the White House Executive Office in the summer of 1946. Impressing the president with his skills, Webb was appointed by Truman as undersecretary in the Department of State in early 1949.<sup>1</sup>

Kerr and Webb began their government work separately, but at about the same time. The Korean War brought the two men together. Webb worked with Kerr to solidify backing in the Senate for the Truman administration’s policies regarding the war. Kerr’s ca-

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reer objectives consisted in moving toward the nation's highest office. When it became understood that Truman would not run again in 1952, Kerr tried to change his image from that of a man only interested in regional policies to one with the qualifications of a national candidate. To do this, he needed Webb's help. Derived from his experience in the State Department, Webb had a fund of knowledge about important issues, and Kerr wrote his speeches on foreign policy based on his discussions with Webb. In return, Webb secured the support of this ever-more-powerful senator for policies the State Department promoted. The two usually accomplished their collaboration on Sundays over breakfast in the State Department building.<sup>2</sup>

Kerr eventually lost the Democratic Party's presidential nomination to Adlai E. Stevenson, who then lost the election to Dwight D. Eisenhower. Throughout all of this, Kerr had realized how important Webb was to him and how significant he could be to Kerr-McGee Oil, Incorporated. In March 1952 Kerr told Webb, "Mr. Webb, you're the kind of man we could use in Oklahoma." He offered him the opportunity to "turn around" Republic Supply Company, a troubled enterprise that Kerr-McGee had just purchased from Republic Steel. The added enticement was that Webb might be able to make himself a millionaire in the process. Ten months later, the day after Eisenhower's inauguration, when the Republicans moved into the Executive Office and the Democrats moved out, Webb accepted Kerr's offer. In February 1953 James Webb moved his family into a house at 416 Northwest Nineteenth Street in Oklahoma City.<sup>3</sup>

Webb's strongest asset was his managerial ability. He had a sound grasp of organizational concepts, and his ability to reshape business structure was nothing short of magnificent. He immediately set out to shake up Republic Supply. Bringing in new professional managers and a chief financial officer, he initiated a new budget system. Divisions within the company had to justify expenses, and a merit-based personnel system was instituted. The company quickly progressed from losing forty thousand dollars a month to making a nice profit. A few years later Kerr-McGee sold the company back to Republic Steel at a substantial gain.<sup>4</sup>

Webb had also been brought on board Kerr-McGee as assistant to the president and a member of the board. Utilizing his skills as a manager, he actually advised Dean McGee. Changes at Kerr-McGee materialized the next year, in 1954, when Senator Kerr became chair of the board and Dean McGee became president. Kerr had

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been the president and McGee the executive vice president. Since McGee was actually running the company on a day-to-day basis, the new titles made more sense. A more formal structure was created for the management of the company. Assets rose from \$38.6 million in 1953 to \$67.5 million in 1955.<sup>5</sup>

Of course, an individual as driven as James Webb needed activities to occupy his mind. In 1955 several Oklahoma business leaders began planning ways to celebrate Oklahoma's semicentennial of statehood in 1957. They were about to settle on a theme of "a ride along the Chisholm Trail." They believed that the national media would come to the state to showcase the events and that Oklahoma would derive great publicity.

During the planning process James Webb suggested that they look to the future, rather than to the past, and he offered the thought that the future was the new frontier of science. The men listened and became enthusiastic. In September 1955 they formed the Frontiers of Science Foundation, Incorporated. James Webb was appointed the first president, with Oklahoma City oil man Dean McGee as chair of the board and the publisher of the *Daily Oklahoman*, Edward K. Gaylord, as vice chair. In 1957 Dr. James G. Harlow, an Oklahoma native, came home from a professorship at the University of Chicago to serve as executive vice president.<sup>6</sup>



*Dean McGee and James Webb at a Frontiers of Science luncheon (Copyright 1966, The Oklahoma Publishing Company).*

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A nonprofit corporation, the Frontiers of Science Foundation of Oklahoma incorporated on October 1, 1955. The stated purpose was

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to “promote a broad understanding, throughout the state, of science and technology and the opportunities that will be ours through the full utilization of science in our future development.” Management consisted in forty-one elected trustees, with a board of forty-one elected directors and an executive committee of thirty. Contributions varied from one hundred dollars to five thousand dollars. “Believing that a prosperous future of our State and Nation is dependent upon the development, understanding and dissemination of scientific knowledge in all of its phases,” the directors created standing committees to oversee Science Education, Research, Science Installation, Information and Publication, and Technical Advisory.<sup>7</sup> The by-laws of the Frontiers of Science called for the corporation to dissolve on November 16, 2007, the centennial anniversary of Oklahoma’s statehood.<sup>8</sup>

In the ensuing half century the group would plan and execute major events and programs designed to promote science education in the public schools and for the general public. For the year 1956 the group planned an “Atoms for Peace” exhibit. It would bring the multimillion-dollar United States Technical Exhibit on the Peaceful Uses of Atomic Energy to Oklahoma City. At the same time, they successfully accomplished the adoption of the standardized Iowa Tests of Educational Development for assessing the current level of students’ scientific knowledge. The National Science Fair would come to Oklahoma May 10 through 12. A new Questar-design telescope was displayed there as well. A working committee explored the augmentation of a high-speed electronic computer. The foundation also paid for special math and science broadcasts via the Oklahoma Educational Television Authority (OETA) in 1956 and 1957. Announced on February 16, 1956, the results of participating in the Iowa Tests aroused much enthusiasm. Half of the high schools and two-thirds of all high school students were taking part in them.<sup>9</sup> In addition, for the Oklahoma Semi-Centennial Exposition in 1957 at the state fair grounds, a Frontiers of Science building was constructed. It contained an exhibit area, a counseling center staffed by college faculty, and a motion picture theater showing current science and engineering films. On May 1, 1958, a Frontiers of the Space Age Conference was held in the Municipal Auditorium in Oklahoma City. The event drew thousands of Oklahoma’s finest students. A Thor missile was the centerpiece on display, as well as six guest speakers and numerous other exhibits.<sup>10</sup>

During the Webb years success was the hallmark of every Frontiers of Science effort. The foundation members toured science

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facilities at Massachusetts Institute of Technology (MIT) and AT&T's Bell Telephone Laboratories. Webb brought top scientists to Oklahoma to speak to the high school students. The tangible dividends for Oklahoma were illustrated in mid-1957 when Mervin Kelly, president of Bell Labs and a man familiar with Frontiers of Science, suggested that his company locate its new, multimillion dollar Western Electric plant in Oklahoma City.<sup>11</sup> The foundation's five-year statement characterized the efforts of the past half decade: "Oklahoma is seeking her place on the new world-wide frontiers of science, education and technological change."<sup>12</sup>

President Dwight D. Eisenhower visited Oklahoma City in November 1957, shortly after the Soviet Union's launch of Sputnik, the world's first space satellite. The free world was puzzled as to what this technological achievement meant for the Soviet Union. Eisenhower's speech at the Municipal Auditorium was broadcast nationwide on television and radio. He commended Oklahoma by saying, "Right here in Oklahoma City you have established a superb mechanism for the mobilization of needed resources to strengthen our pursuit of scientific knowledge. It is the Frontiers of Science Foundation. Today I had the great privilege of a few minutes visit with Dr. [James] Harlow and with about half a dozen of his bright youngsters. I congratulate you on them, and on the institution. You have every reason to be proud of both and I hope other States will follow your example."<sup>13</sup>

By now, James Webb felt that he was a part of Oklahoma. In an October 1957 speech in Oklahoma City at the National Editorial Writers Annual Meeting he said, "We in Oklahoma are delighted to welcome you here for a first-hand look at the great southwest. We are newer than New England; Oklahoma celebrates its fiftieth birthday as a state this year. . . ."<sup>14</sup> Webb had finished his full-time commitment to Kerr-McGee by 1958. He continued to work in Oklahoma half the time, but he was now being sought as a national advocate for science matters. One such company that called him to lead was Educational Services, an MIT affiliate. He collaborated with various educators, including Jerome Wiesner, with whom he had worked in his State Department days and while a consultant to Kerr-McGee. In 1953 Webb was writing to Wiesner, addressing him as a friend, calling him Jerry. At that time the two discussed a job for a physicist they knew at Kerr-McGee, as well as a trip they would take together to St. Louis so that Webb could introduce Wiesner to James Smith McDonnell of McDonnell Aircraft. The two

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men would discover the events of their lives to be interwoven in the near future.<sup>15</sup>

Webb's working days were full when he was in Oklahoma City. His daily calendar for 1958 shows a February 28 meeting at John Kirkpatrick's office concerning the Planetarium. There is a March 3 meeting with "Bob Kerr here" at Republic Supply. A Friday, March 7, entry set a 6:30 p.m. date at the home of Stanley Draper, managing director of the Oklahoma City Chamber of Commerce. Scheduled for the next morning, Saturday, was a 9:30 a.m. meeting in Dean McGee's office. On July 18 he had lunch with federal Judge Alfred P. Murrah, and on July 22 he met at 3:30 p.m. With Edward K. Gaylord.<sup>16</sup> However, by January 1960 Webb was spending more time in Washington, D.C., than in Oklahoma. He and his wife soon sold their Oklahoma City home and moved back to Washington.<sup>17</sup>

Meanwhile, Robert S. Kerr had been elected governor of Oklahoma and, after his term of office ended, had joined Lyndon B. Johnson and Hubert H. Humphrey as part of the new crop of senators installed in Congress in 1948. Although Kerr was the junior senator from the state, he was not a typical newcomer to Washington. He was described as fearless, confident, merciless, and quite capable of defending his views.<sup>18</sup> Always asking the question, "What's in it for Oklahoma?" Kerr fought for his home state. His very first speech in the Senate attacked the elder senator from Oklahoma, Elmer Thomas, for giving in to the utilities interests and abandoning the public interest. From this beginning, Kerr's friends and foes knew that no one was safe from his attacks if they threatened his beloved Oklahoma.<sup>19</sup>

One of his first committee assignments was to a weakened Public Works Committee, thought to be a thing of the past now that the Great Depression was only a bad memory. However, Kerr turned a negative into a positive by emphasizing the nation's future needs in water management. The committee did indeed become influential in postwar flood control. Kerr's power of granting or holding back help from this committee gave him an influence over many senators.<sup>20</sup> From the time of his election in 1948, Kerr talked continuously about his pet project, the Arkansas River Navigation System. He fought the Eisenhower administration throughout the 1950s as the president used his veto power to kill the bills.<sup>21</sup>

Lyndon Johnson enjoyed strong support from Kerr in Senate dealings. Kerr also advised him on personal investments, many of which were profitable for Johnson. Kerr supported him for the Senate whip job in 1951, as minority leader in 1953, and then as major-



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ity leader in 1955.<sup>22</sup> When the presidential race began in 1960, Kerr supported the Texan for the nomination. “Oklahoma’s interests would be better cared for,” Kerr proclaimed, “if Johnson were President and not a fellow from back east.”<sup>23</sup>

When Senator John F. Kennedy of Massachusetts won the Democratic nomination in the summer of 1960, Johnson was asked to run as his vice-presidential candidate. Kerr was called to the Johnson hotel suite to discuss the offer. House Speaker Sam Rayburn, also a Texan, and Kerr tried to persuade Johnson to decline. Kerr dreaded losing Johnson as a strong force and friend in the Senate—unless his friend might achieve the presidency. As it became evident that Johnson would accept the number two spot, Kerr and others gave him their support.<sup>24</sup>

The campaign would be both tough and costly to Kerr. Many Baptists in Oklahoma strongly opposed Kennedy because he was a Catholic. Kerr threw all of his backing to the Kennedy-Johnson ticket. At a party in August at the Skirvin Hotel in Oklahoma City, Johnson and Rayburn joined Kerr and McGee to celebrate the publication of Kerr’s book, *Land, Wood and Water*. Afterward, they all gathered at the Kerr-Mac Ranch, where Johnson predicted that Kerr would play an even greater role in the Senate after the election.<sup>25</sup> In Oklahoma City at the Municipal Auditorium, a crowd gathered to hear John Kennedy explain his priorities. “I will take my television black and white. I want to be ahead of them [the Soviets] in rocket thrust,” he proclaimed. Five days later he would be elected president.<sup>26</sup>

On election day Richard Nixon carried Oklahoma with 59 percent of the vote, and Kerr retained his Senate seat, but by the smallest margin ever. The Catholic issue had taken a lot out of him and had reduced his support in Oklahoma. Exhausted, he received a phone call from the president-elect. Kennedy told him he knew that the endorsement had cost Kerr dearly. “But I want you to know one thing,” Kennedy said, “I’ll never forget it.” Kennedy’s respect for Kerr held in store great things for Oklahoma.<sup>27</sup>

In mid-December the new Democratic power structure met in Palm Beach, Florida. The group included Kennedy, Johnson, Rayburn, and Senate majority leader Mike Mansfield of Montana. Kerr arrived the day after Christmas to share in some of his new power. Kennedy knew he would need a powerful force in the Senate to carry his program through, and Kerr was that force. *Newsweek* magazine called Kerr “the most powerful man” in the Senate, rating him above Mansfield and assistant majority leader Everett Dirksen

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of Illinois. “[Kerr’s] sponsorship of a measure is practically a guarantee of passage,” they wrote, “his opposition, the kiss of death.”<sup>28</sup> Lyndon Johnson took personal pride in the space program and wanted to continue taking part in it. His colleague of so many years in the Senate, Bob Kerr, would now work hand in hand with the new vice president as chair of the Senate Aeronautical and Space Sciences Committee. When he returned home to Oklahoma, Kerr would proclaim, “With my new committee chairmanship, I shall make every effort to help Oklahoma get a full measure of both private and public facilities in this field.”<sup>29</sup>

Kerr told the *Daily Oklahoman* on January 19, 1961, that he expected Oklahoma to develop one of the most important industrial structures in the space age. He noted that “Oklahoma has a head start in the competition, immeasurable resources, ready to be tapped, and a desirable location, far removed from the more vulnerable coastal areas. . . . Present installations may be expanded and new ones located in Oklahoma. The educational phase of the space program can mean much to our great colleges and universities. Research centers are a key to future development and progress. I am going to do all I can to see that Oklahoma grasps her opportunities in this exciting new program.”<sup>30</sup>

Johnson had led this committee while he was in the Senate. Other senators more powerful than Kerr served on the committee as well. However, only one who held seniority over Kerr did not have a committee chair, and that was Clinton Anderson of New Mexico. Kerr phoned Anderson from Palm Beach, informing him that Kennedy and Johnson wanted Kerr to have the chair. Thus Kerr achieved the position without opposition from Anderson or anyone else.<sup>31</sup>

This new realm of space exploration would be an integral part of the Kennedy administration. Kennedy’s campaign advisor on scientific matters was Jerome Wiesner. Kennedy tapped Wiesner to head a task force to study space policy. The day after Wiesner’s report was given to Kennedy, he was named his special assistant for science and technology.<sup>32</sup>

The space program was gaining momentum with this young, energetic leader. A week after his inauguration the new president promised to name a NASA administrator within a week. It was up to Johnson and Wiesner to find him. It would not be easy. The search centered on three different opinions of the type of man that was needed: One, a man with administrative experience in a scientific or engineering area; two, a scientist with an academic back-

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ground; or three, someone with political skill and experience. Numerous people were interviewed, and some turned the job down, either because of the program's uncertainty or because of Johnson's feared dominance.<sup>33</sup> Kennedy had grown tired of the process and warned Johnson and Wiesner that if they could not quickly come up with someone, he would. Johnson turned to his old friend Bob Kerr for advice. Kerr immediately touted James Webb for the job. Wiesner had also been thinking of Webb because of their past association and Webb's credentials.<sup>34</sup>

Webb was in Oklahoma City at a Friday, January 27, 1961, Chamber of Commerce luncheon honoring Senator Kerr when a note was passed to him that Jerome Wiesner was on the phone. Wiesner asked him to come to Washington on Monday to visit with the vice president and the president about the leadership of NASA.<sup>35</sup> In meeting with Johnson, Webb told him he was not right for the job because he had no background in the space sciences field. Johnson would not accept the reasons. Webb told the vice president that he could not take the job unless the president personally asked him. When Webb met with Kennedy, the no-space-background argument was immediately nullified. Kennedy told him, "There are great issues of national and international policy involved in this space program. I want you because you have been involved in policy at the White House level, State Department level."<sup>36</sup>

Webb's respect for the office would not allow him to refuse the president's request, and he accepted the job. It was one of the quickest confirmations on record. Kerr held the hearing on Webb's nomination in the Senate Space Committee on February 2, 1961, before the nomination had even been formally sent to Congress. Webb announced his intentions to resign from affiliation or sell any interest in companies related to the space program, including Kerr-McGee. No questions were asked, the committee supported him, and unanimous Senate approval came on February 9. In a letter dated February 11, 1961, Webb submitted his resignation to Dean McGee.<sup>37</sup> Webb was sworn in as NASA administrator on February 14 and began work that day.<sup>38</sup>

When Kerr first introduced Webb to the Senate Space Committee, he described him as "the greatest Oklahoman that North Carolina ever produced," referring to Webb's place of birth.<sup>39</sup> In the biography submitted to the committee, Webb listed all of his previous jobs, board memberships, and organizational memberships, including the Oklahoma Historical Society.<sup>40</sup>

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As for the Senate Space Committee, Kerr began reshaping its staff for his own chairmanship. He brought in Carter Bradley as chief clerk. Bradley, manager of United Press International (UPI) in Oklahoma City, was well known to Kerr. “Bob Kerr was looking for somebody who could help him come up to speed in the space program,” Bradley remembered. “He also wanted somebody who could go out and translate into lay language what these scientists were talking about. I had done this work with the Frontiers of Science Foundation; [it was] an important milestone for Oklahoma.”<sup>41</sup>



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*Robert S. Kerr, astronaut Gordon Cooper, and Carter Bradley were three Oklahomans taking part in the excitement of the early days of the space program (Carter Bradley Collection, OHS Research Division).*

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In his press release about Bradley’s appointment Kerr stated, “We are indeed fortunate to secure the services of this outstanding Oklahoman. Like Webb, he will be alert to the opportunities for Oklahoma to make her contribution and play a significant role in the new frontier of the burgeoning space age.”<sup>42</sup> Bradley’s first encounter with Kerr had greatly impressed the senator. Kerr was running for the Senate, and Bradley was chief of UPI. After running a poll of the forty-four newspapers statewide that were under his umbrella, Bradley’s results showed Kerr behind Roy Turner in the 1948 senate race. “He called me up and was just really unhappy,” Bradley explained. Bradley took the opportunity to put the situa-

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tion into perspective for Kerr: "You ought to look on this as a real means of getting your people charged up and go out there and win it." Kerr thought that was a good idea, and they developed a friendship. "I think he thought that advice had served him well. He got elected to the U.S. Senate," said Bradley.<sup>43</sup>

Senate Space Committee Chief Clerk Bradley would act as a liaison between NASA and the committee. "I was hired in January or February and reported in March," Bradley explained. "Kennedy had been president for less than two months. The weekend that I got to Washington, one of the first things Bob Kerr did was call down to Kenny O'Donnell at the White House and took me down there and introduced me to the president and said, 'Now, here's my man.'" <sup>44</sup> Bradley would also help Kerr's press assistant, Melvina Stephenson, to keep everyone in Oklahoma informed about space matters.<sup>45</sup> And again, with those Oklahoma connections, Bradley had worked frequently with James Webb in the Frontiers of Science Foundation in Oklahoma City.

Meanwhile, Jerome Wiesner had given President Kennedy his report. It criticized NASA expenditures and said that manned flight costs were not justified. Alarmed that he and Oklahoma might lose this great future boon of space dollars, Kerr launched an inquiry into the United States' space achievements, ordering that they be compared to those of the Soviet Union. He was going to play up the national security fear.

Just two months after James Webb was sworn in as administrator, Soviet cosmonaut Yuri Gagarin flew a single orbit, becoming the first man in space. Kerr's decision to emphasize the national security factor worked. Alan Shepard flew a fifteen-minute flight for the United States on May 5. The flight went into space, but not into orbit. President Kennedy now clearly saw the need to give the space program a boost.

James Webb had been questioned by Vice President Johnson just three weeks before as to whether the United States should go to the Moon. Webb felt that the lunar landing was the "first project we could assure the president that we could do and do ahead of the Russians." Webb further told him that "there's got to be political support over a long period of time, like ten years."<sup>46</sup> Johnson then told Kerr what Webb had related to him. Kerr said, "If Jim Webb says we can land a man on the Moon and bring him safely home, then it can be done."<sup>47</sup>

Carter Bradley remembered the big "power meeting" before approaching the president: "We go down there to the Executive Office

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Building, up there in this old ornate office where Lyndon had the Space Council quarters.” Presentations were made whether or not to send a man to the Moon. “Lyndon wanted to convince the president that we had the know-how that he could go ahead and make this dramatic announcement that our goal would be to send a manned expedition to the Moon and return in this decade,” said Bradley. Johnson told the group, “The president’s not going to do this unless you think that the Congress is ready to go along and not raise a lot of stink about this business of the missile gap. We don’t want to get into that anymore. We’re either going to the Moon or we aren’t. If we’re going to do it, it’s going to be a great national goal.” Bradley remembered Kerr turning to Styles Bridges, ranking minority leader in the Senate Space Committee, to ask what he thought. Styles answered, “Well, Bob, I think we ought to do it. It’s going to be very costly, isn’t it?” To which Kerr replied, “Yes, it is. But if we don’t do it, the Russians will.”<sup>48</sup>

Kennedy’s trust in Webb’s judgment had been strengthened during the Shepard flight. Recently burned by the media coverage of the Bay of Pigs fiasco, the president wanted to keep the media away from Shepard’s launch, in case it failed. However, Webb insisted that the openness of the space program would help the nation and the program. He also assured Kennedy that the flight would succeed. With live coverage and the flight’s success, NASA, the United States, and President Kennedy all received a boost.<sup>49</sup>

Meanwhile, Kerr was invited to a May 3 meeting with the president, vice president, Webb, other NASA officials, and Styles Bridges. All believed that the support of Kerr and Bridges for an accelerated Moon landing program was enough to ensure Senate approval.<sup>50</sup> Webb and Secretary of Defense Robert McNamara issued a joint report to the president on May 8. Titled “Recommendations for our National Space Program: Changes, Policies, Goals,” it outlined a cooperative effort between NASA and the Department of Defense and recommended a manned mission to the Moon for prestige. At this point in time in world politics, getting ahead of the Soviet Union was reason enough, even if the mission could not be justified on scientific or military grounds.<sup>51</sup>

By May 10 the president had made up his mind. The day before, Kerr had leaked the report to the *New York Times*. A front-page story was titled “600 Million More Planned to Spur Space Programs: Kerr Sees ‘Green Light.’” Kerr was quoted in the article as saying, “I think this flight [Alan Shepard’s] has given the President and the Congress the green light to go into much higher gear on the

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space program.” Kerr predicted that Kennedy would ask for a 25 percent increase.<sup>52</sup>

Kerr saw “this program as one which will enable Americans to meet their destiny.”<sup>53</sup> He had Oklahoma in mind the entire time of these discussions. He envisioned plants operating all along his planned waterway from Tulsa to the Arkansas border, supplying components for the space program. Space contractors would use the river to float their rockets and other hardware to Cape Canaveral or wherever it was needed.<sup>54</sup> He wasted no time in getting things moving in Oklahoma’s direction. He and others planned a two-day workshop to be held in Tulsa on May 26 and 27, 1961. The “First National Conference on the Peaceful Uses of Space” would include everyone “who was anyone” connected with the space program.<sup>55</sup>

Webb and Harold Stuart, a Tulsa attorney and former assistant secretary of the U.S. Air Force, assumed responsibility for planning the event. Webb issued an internal memo on March 22, 1961, telling of his agreement with Stuart and his associates to put on a one-day demonstration on May 26 in Tulsa similar to the Senate Space Committee presentation. The working title was “First National Space Planning Conference.”<sup>56</sup>

The next day Webb sent a four-page letter to Stuart recommending the format of the program. A two-day session was offered with NASA presentations on May 26 and space industry session the next day. Senator Kerr would speak at the luncheon on the topic “Opportunities for Oklahoma and Oklahomans to Participate in or Contribute to the National Space Effort.” The speech would be followed by an industry panel discussion to help identify areas of Oklahoma’s possible interest and participation. Webb asked Stuart to “select some of the most knowledgeable people from our universities and industry in Oklahoma to help answer these questions.” Webb, still feeling very much a part of the Sooner State, used the term “our” in this exchange. Kerr’s influence in these plans was evident, especially in Webb’s statement about his own speech: “The plan is for me to make the dinner speech as Administrator, but of course I have no particular personal pride in this and am only following out a recommendation made by Senator Kerr in undertaking this speech.”<sup>57</sup>

As for the industry participants, Webb listed L. A. Hyland of Hughes Aircraft, James A. Dempsey of Convair Astronautics, Dr. W. R. Lovelace of the Lovelace Clinic, James McDonnell of McDonnell Aircraft or his vice president, Kendall Perkins, Dr. Lloyd Berkner of the National Academy of Sciences, and Dr. Marvin Kelly of Bell Telephone Laboratories. Webb wrote of Kelly that he “can be very

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important in the future of Oklahoma. He got together the Frontiers of Science Foundation Program which we put on in the Auditorium in Oklahoma City that attracted so much attention with the international and national scientists." Webb went on to suggest that Stuart involve the Frontiers of Science Foundation and its current president, Dr. James Harlow.<sup>58</sup>

Webb's loyalties were evident as he suggested Dean McGee and Robert S. Kerr, Jr., for inclusion on committees that might be set up. Of course, his concern for the care of Senator Kerr was noted: "There is just one other idea that I think you will want to think about carefully. This is the introduction of Senator Kerr. He is occupying a tremendously important place here in the nation's capital. . . . Someone should give great care to the introduction that would be most appropriate for this occasion, and I am wondering if Carter Bradley . . . might not be drafted to prepare this."<sup>59</sup>

Time was short to pull such a huge event together. A brochure sent out to advertise the conference, now retitled "The First National Conference on Peaceful Uses of Space," announced that "time is short." Registration was twenty-five dollars, and a banquet reservation would cost ten dollars. Headquarters was the Mayo Hotel, with the banquet to be held there also. The conference sessions and exhibits were at the Education Building of the Tulsa State Fairgrounds. Sponsors were NASA and the Tulsa Chamber of Commerce.<sup>60</sup> A NASA Convair plane flew several participants from Virginia to the conference: Senator Kerr, Carter Bradley, Donald McBride, and Melvina Stevenson, all of Kerr's office. Also on board were NASA personnel, including Franklyn Phillips, Dr. Abe Silverstein, Dr. Robert Jastrow, and Robert Gilruth.<sup>61</sup>

The flurry of newspaper activity in the state picked up as the conference drew near. The *Tulsa World* carried a front-page story on May 25 that Webb would miss the opening events: "He has decided to remain in Washington Thursday because President Kennedy will make a major address before members of Congress involving space and defense programs."<sup>62</sup> That major address, of course, was the challenge to go to the Moon. On May 25 the president appeared before Congress and gave the now-famous "space challenge" speech: "Now it is time to take longer strides. Time for a great new American enterprise. Time for this nation to take a clearly leading role in space achievement, which in many ways may hold the key to our future on Earth. I believe that this nation should commit itself to achieving the goal before this decade is out of landing a man on the Moon and returning him safely to Earth. No single space project in



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this period will be more important for mankind nor more important for the long range exploration of space. And none will be more difficult or expensive to accomplish.”<sup>63</sup>

That same issue of the *Tulsa World* had a special supplement dedicated to the conference. Stories featured scientist Werner von Braun, Webb, and Donald Douglas. Yet right in the middle was a story about the Arkansas River Navigation system. It had no connection to the space program, except that it was Kerr’s pet project, a fact that was not mentioned. The article did, however, have a completion date that was the same as the Moon program’s—the end of the decade.<sup>64</sup>

President Kennedy opened the conference via telephone over loudspeakers. “I appreciate this opportunity,” he said, “at the invitation of Senator Kerr, who is chairman of the space committee of the Senate, to open the First National Conference on Peaceful Uses of Space, and I regret very much that I am unable to participate personally in this conference and in the discussions in which you will be engaged. . . . I am delighted that the people of Tulsa have taken the initiative in the heart of our country in making this important meeting possible, and that the response has been so widespread. It indicates the forward spirit of this city, and this state, and our country. And I hope this conference will establish a precedent as the people of America move forward into space.”<sup>65</sup> The front-page photo on May 26 included Kerr and von Braun in the exhibit hall. The article linked President Kennedy’s “space challenge” speech of Thursday to the events of the conference in Tulsa.<sup>66</sup> The *Daily Oklahoman* carried its own photo of Kerr and Harold Stuart.<sup>67</sup>

Kerr announced his support for the president’s Moon program by saying, “I believe the people and Congress will respond favorably to this challenge from the President. I believe the response will come from factory and mill, from hill and dale, from farm and ranch as 180 million Americans mobilize their resources and unite their efforts to guarantee our own survival in this modern world. . . .” He added that Oklahoma had twenty-nine plants that were manufacturing electronic equipment and that the Commerce Department estimated that the industry would increase five times its output in Oklahoma by 1970.<sup>68</sup> He actually lost his voice after ten minutes.

Carter Bradley remembered the sore throat episode well. While Kerr was rapidly becoming more and more hoarse, Bradley was outside, working with a *Tulsa Tribune* reporter. When Kerr finished, he came looking for Bradley. “Bradley, where in the hell were you?” he complained in a raspy voice. Bradley explained where he had been,

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and Kerr told him, “I was going to have you read this dern speech. You wrote it,” he said. Bradley apologized. Harold Stuart had filled in, finishing Kerr’s speech.<sup>69</sup>

At the banquet at the Mayo Hotel’s Crystal Ball Room, Dr. James Harlow served as Toastmaster, with Webb giving the principal address for the evening. The menu offered appropriate dishes: Cosmic Shrimp Cocktail, Aerospace Salad, Astrobiological Beans, Lunar Potatoes, and Interstellar Delight Dessert á la NASA. Webb’s appearance at the Friday night banquet was a natural time to promote the president’s newly announced Moon program. Referring to his tenure in Oklahoma, he announced, “Fresh from my intimate experience with the ferment of the modern Oklahoma frontier, I have had no difficulty in feeling at home on the space frontier—or indeed in President Kennedy’s ‘new frontier.’ It was only necessary to change the habit of looking forward to the habit of looking outward.”<sup>70</sup>

The conference drew broad attention that included national coverage by NBC, ABC, and CBS, both on television and radio. The names in attendance were stellar in their field in space-science activities: Dr. Robert Jastrow, George M. Low, Milton Ames, and Alfred Mayo. Industries represented were Bell Telephone Laboratories, RCA, GTE, ITT, and government offices of the FCC, the State Department, the U.S. Weather Bureau, and the U.S. Information Agency, the latter represented by Edward R. Murrow. Never to be duplicated, and paralleling the president’s Moon challenge, this international spotlight on Tulsa had been arranged by Robert S. Kerr, authorized by James Webb, and organized by Harold Stuart. It was Oklahoma’s best opportunity to shine in space activities. Bids began pouring in to NASA to host the second conference the next year, 1962. Harold Stuart put in a request for Tulsa to have it again.<sup>71</sup>

Kerr and Kennedy continued a close working relationship. When the president announced his trip to Poteau, Oklahoma, to stay overnight at Kerr’s ranch and dedicate a new highway, it was in deference to the senator. It was so obvious, in fact, that Governor J. Howard Edmondson, a supposed close ally of the president, was caught by surprise. He had tried repeatedly and unsuccessfully to get Kennedy to come to Oklahoma. When the White House staff told Edmondson that it was a personal trip, he tried to reach the president by phone. A frantic Edmondson flew to Hyannisport, Massachusetts, and found Kennedy playing golf. As he rushed the president, almost in hysterics, Kennedy smiled and told him, “Why, Howard, I’m going to Oklahoma to kiss Bob Kerr’s a—.”<sup>72</sup>

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*John F. Kennedy and Robert S. Kerr at Poteau, Oklahoma, 1961 (OHS Research Division photo).*

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In Kerr's negotiations to push his river navigation project through Congress, he was always trading. For monetary support from Texas legislators, he once helped them secure the lucrative NASA Manned Spacecraft Center in Houston.<sup>73</sup> Webb supported its location there as well, and for the same reason. He told Robert Gilruth, then chief of the Space Task Group at Langley Air Force Base, Virginia, and soon to be director at Houston, that "we've got to get the money, or we can't do this [space] program. And the first thing, we got to move to Texas. Texas is a good place for you to operate. It's in the center of the country. You're on salt water. And it happens to be the home of [Rep. Albert Thomas] the man who is controller of the money."<sup>74</sup> Thomas chaired the House Appropriations subcommittee responsible for NASA's budget. When Webb was explaining the lengthy technical reasons to Kennedy as to the selection of Houston as the site for the Manned Spacecraft Center, Kennedy looked up at Webb and asked, "How is Albert Thomas feeling these days?"<sup>75</sup>

It also helped immensely that Lyndon Johnson was a Texan. This Texas-Oklahoma power connection was perhaps best expressed by Walter A. McDougall in his book titled . . . *the Heavens and the Earth: A Political History of the Space Age*, when he wrote that "Lyndon Johnson, Speaker Sam Rayburn, Congressman Albert Thomas, and Olin Teague of key committees—Texans all; Bob Kerr, [and] James

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Webb—both Oklahomans. Clichéd though it be, the immense tablelands on either side of the Red River do nurture big thinkers and doers.<sup>76</sup>

Kerr's last press release, issued on December 19, 1962, announced that the University of Oklahoma and Oklahoma State University would receive money from NASA to sponsor ten graduate students in space-oriented study programs.<sup>77</sup> Senator Robert S. Kerr died of a heart attack at the age of sixty-six on New Year's Day, 1963. Not only did his death change Kennedy's plans, from the standpoint of losing Kerr's strong leadership, but it changed the Senate's structure. It also changed the course of Oklahoma's future. Kerr, who would bring great things to Oklahoma from the space program, died at the height of his power. In less than a year John F. Kennedy would be dead from an assassin's bullet.

What would have been and could have been in store for Oklahoma was now no longer possible. A symbiotic relationship of old friends



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*John F. Kennedy  
and James E.  
Webb toured NASA  
space facilities on  
November 16, 1963  
(NASA/LOC  
63P-133).*

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Lyndon Johnson as president and Robert S. Kerr as power mogul of the Senate could have produced an enormous amount of infrastructure for Oklahoma. But that was not to be.

After succeeding to office on November 22, 1963, President Johnson did retain James Webb as head of NASA. Webb set in place one of the most unique and successful structures of management ever. His skills in this area brought public and private sector together like never before or since. It ended in the completion of President Kennedy's challenge to land on the Moon by the end of the decade. On July 20, 1969, Apollo 11 accomplished that mission.

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Webb was no longer in office by July 1969. Johnson had determined not to run for reelection. The Democrats left office as the Republicans came in. Richard Nixon came into power in January 1969 and basked in the limelight of the Moon landing. However, it was James Webb who had made it possible for NASA and the United States to achieve the seemingly impossible leap into space. As Federation of American Scientists Space Policy Director John E. Pike said, “the reason we got to the Moon before (the Soviets) was that they had no one to pull this all together. The critical difference was, we outmanaged them.”<sup>78</sup>

Webb was brought back into the Kerr-McGee Corporation as a director of the board on February 14, 1969. He filled a vacancy caused by the death of Lloyd Austin a month and a half earlier. Webb served on various other boards during the rest of his life, including a stint as a regent of the Smithsonian Institution.<sup>79</sup> Long after the Apollo program had ended and Kerr had died, Webb sent the following note in a book he presented to Kerr’s old business partner, Dean McGee. The letter reveals his true feeling about the senator:

To Dean McGee

With best wishes, and the hope that  
some day the important support his colleague,  
Senator Robert Kerr, gave NASA in its formative  
stages will be better presented by the  
historians.

James E. Webb<sup>80</sup>

James Webb died of a heart attack at age eighty-five on March 27, 1992. When he was buried at Arlington National Cemetery, President George H. W. Bush said of him, “He will always be remembered as the man who guided the newly created space agency to its extraordinary success in the 1960s, culminating in the historic walk on the Moon by an American astronaut. . . . The American people will always be grateful for his lasting contribution to our nation and, indeed, to the entire world.”<sup>81</sup>

Webb provided the leadership and management necessary to get to the Moon. The American Association for the Advancement of Science summarized James Webb’s significance in this way: “When all is said and done, Webb is likely to look like one of the luckier figures

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of the star-crossed Kennedy and Johnson administrations, who managed to reach his new frontier.”<sup>82</sup>

### ENDNOTES

\*Bill Moore is Video Production Specialist for the Research Division of the Oklahoma Historical Society. He wishes to express special thanks to Carter Bradley for his insight into the behind-the-scenes politics of the early space program. Oklahoma Historical Society Research Division photos.

<sup>1</sup> W. Henry Lambright, *Powering Apollo: James E. Webb of NASA* (Baltimore: The Johns Hopkins University Press, 1995), 70; Ann Hodges Morgan, *Robert S. Kerr, The Senate Years* (Norman: University of Oklahoma Press, 1977), 51ff.

<sup>2</sup> Lambright, *Powering Apollo*, 68.

<sup>3</sup> *Ibid.*, 72.

<sup>4</sup> *Ibid.*, 73.

<sup>5</sup> *Ibid.*, 73–77.

<sup>6</sup> *Ibid.*, 77; Press Release, December 16, 1956, issued by Frontiers of Science Foundation of Oklahoma, Inc., in “Atoms for Peace—Frontiers of Science,” vol. 34 (1956), n.p., Public Relations Division, Oklahoma City Chamber of Commerce Collection, Oklahoma Historical Society, Oklahoma City.

<sup>7</sup> “Memorandum on Frontiers of Science Foundation of Oklahoma,” James E. Webb Papers, 1928–80, Harry S. Truman Library, Independence, Missouri [hereafter cited as Webb Papers]; *Daily Oklahoman* (Oklahoma City), September 21, 1955; “Oklahoma’s New Frontier,” prepared by the Public Relations Division [typescript, November 1955], in “Atoms for Peace—Frontiers of Science,” vol. 34 (1956), n.p.; Frontiers of Science Foundation of Oklahoma, Inc., Subscriptions to Date, December 2, 1955 [list], *ibid.*

<sup>8</sup> “Memorandum on Frontiers of Science Foundation,” Webb Papers; *Daily Oklahoman*, September 21, 1955.

<sup>9</sup> Robert MacVicar to James E. Webb, February 16, 1956, Webb Papers; *The Oklahoma Almanac Golden Anniversary Edition, 1957* (Norman: Oklahoma Almanac, Inc., 1957), 347–48.

<sup>10</sup> “Oklahoma Semi-Centennial Exposition Souvenir Program (1957),” in “Frontiers of Science,” Vertical File, Research Division, Oklahoma Historical Society, Oklahoma City; *Daily Oklahoman*, April 27, 1958, April 30, 1958, May 1, 1958, May 2, 1958; “Twentieth Annual Report, Frontiers of Science Foundation of Oklahoma, Inc. [1975],” 4–11, “Frontiers of Science,” Vertical File.

<sup>11</sup> Reports of Nine Investigatory Tours of the Frontiers of Science Foundation, 1954–57 [typescripts], in “Atoms for Peace—Frontiers of Science,” vol. 34 (1956), n.p.; “Reflections: The First Five Years; Projections: The Years Ahead [booklet, Frontiers of Science Foundation, Inc., 1962],” 78, “Frontiers of Science,” Vertical File; *Daily Oklahoman*, May 13, 1960, January 8, 1961, July 12, 1960.

<sup>12</sup> “Reflections: The First Five Years; Projections: The Years Ahead,” 18.

<sup>13</sup> Dwight D. Eisenhower, Radio and Television Address to the American People on “Our Future Security,” November 13, 1957, *Public Papers of the President of the United States, Dwight D. Eisenhower, 1957* (Washington, D.C.: Government Printing Office, 1958), 234; “Twentieth Annual Report, Frontiers of Science Foundation of Oklahoma, Inc.,” 10, “Frontiers of Science,” Vertical File.

<sup>14</sup> James E. Webb, “The Southwest Region—Its Resources and Outlook [transcript, speech],” October 10, 1957, Webb Papers.

<sup>15</sup> James E. Webb to Jerome Wiesner, June 24, 1953, Webb Papers.

<sup>16</sup> “The Visible Week, 1958 [engagement book],” Webb Papers.

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- <sup>17</sup> Ibid.
- <sup>18</sup> Morgan, *Robert S. Kerr*, 51.
- <sup>19</sup> Ibid., 50–51.
- <sup>20</sup> Ibid., 140–41.
- <sup>21</sup> Ibid.
- <sup>22</sup> Ibid., 183–85.
- <sup>23</sup> Ibid., 186.
- <sup>24</sup> Ibid., 187–88.
- <sup>25</sup> Ibid., 204.
- <sup>26</sup> Hugh Sidey, *John F. Kennedy, President* (New York: Atheneum, 1963), 115.
- <sup>27</sup> Morgan, *Robert S. Kerr*, 207.
- <sup>28</sup> “Oklahoma’s Kerr—The Man Who Really Runs the U.S. Senate,” *Newsweek*, August 6, 1962.
- <sup>29</sup> Morgan, *Robert S. Kerr*, 214.
- <sup>30</sup> *Daily Oklahoman*, January 19, 1961.
- <sup>31</sup> John M. Logsdon, *The Decision to Go to the Moon: Project Apollo and the National Interest* (Cambridge, Mass.: The MIT Press, 1970), 68.
- <sup>32</sup> Ibid., 71–75.
- <sup>33</sup> Lambright, *Powering Apollo*, 83.
- <sup>34</sup> Ibid.
- <sup>35</sup> Ibid., 82.
- <sup>36</sup> Ibid., 84.
- <sup>37</sup> James E. Webb to Dean A. McGee, February 11, 1961, Webb Papers.
- <sup>38</sup> Logsdon, *Decision to Go to the Moon*, 85.
- <sup>39</sup> Allen W. Cromley, “Adopted Son Directed the Team,” in “Man on the Moon [Special Section],” *Sunday Oklahoman* (Oklahoma City), August 10, 1969.
- <sup>40</sup> Webb Biographical Information, Political Series, Box 12, Folder 4, Robert S. Kerr Collection, Carl Albert Congressional Research and Studies Center Congressional Archives, University of Oklahoma, Norman [hereafter cited as Kerr Collection].
- <sup>41</sup> Carter Bradley, interview with Bill Moore, March 21, 1998, Oklahoma City, Oklahoma (tape in possession of Bill Moore).
- <sup>42</sup> Press Release, February 26, 1961, Political Series, Box 12, Folder 4, Kerr Collection.
- <sup>43</sup> Bradley interview, March 21, 1998.
- <sup>44</sup> Ibid.
- <sup>45</sup> Morgan, *Robert S. Kerr*, 214.
- <sup>46</sup> Lambright, *Powering Apollo*, 96.
- <sup>47</sup> Ibid., 96–97.
- <sup>48</sup> Bradley interview, March 21, 1998.
- <sup>49</sup> Lambright, *Powering Apollo*, 97.
- <sup>50</sup> Logsdon, *Decision to Go to the Moon*, 120.
- <sup>51</sup> Ibid., 125–26.
- <sup>52</sup> *New York Times*, May 10, 1961.
- <sup>53</sup> Logsdon, *Decision to Go to the Moon*, 129.
- <sup>54</sup> J. David Cox, “Senator Robert S. Kerr and the Arkansas River Navigation Project: A Study in Legislative Leadership” (Ph.D. diss., University of Oklahoma, 1972), 222.
- <sup>55</sup> “The First National Conference on the Peaceful Uses of Space [brochure, 1961],” Webb Papers.
- <sup>56</sup> Webb Memorandum, March 22, 1961, Webb Papers.
- <sup>57</sup> James E. Webb to Harold Stuart, March 23, 1961, Webb Papers.

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<sup>58</sup> Ibid.

<sup>59</sup> Ibid.

<sup>60</sup> "The First National Conference on the Peaceful Uses of Space [brochure, 1961]," Webb Papers.

<sup>61</sup> Memorandum to Mr. Phillips, May 24, 1961, Webb Papers.

<sup>62</sup> *Tulsa (Oklahoma) World*, May 25, 1961.

<sup>63</sup> "Special Message to Congress on Urgent National Needs, May 25, 1961, Delivered in Person before a Joint Session of Congress," *Daily Oklahoman*, May 26, 1961.

<sup>64</sup> *Tulsa World*, May 26, 1961 (Supplement).

<sup>65</sup> "President Says US Must Pioneer in New Frontier of Space," *Tulsa World*, May 26, 1961.

<sup>66</sup> *Tulsa World*, May 26, 1961 (photograph).

<sup>67</sup> *Daily Oklahoman*, May 26, 1961 (photograph).

<sup>68</sup> *Tulsa World*, May 27, 1961.

<sup>69</sup> Bradley interview, March 21, 1998.

<sup>70</sup> NASA News Release #61-114, May 26, 1961, Webb Papers.

<sup>71</sup> "First National Conference on the Peaceful Uses of Space," *Oklahoma Today* (Summer 1961), 35.

<sup>72</sup> Morgan, *Robert S. Kerr*, 221.

<sup>73</sup> Ibid., 165.

<sup>74</sup> Lambright, *Powering Apollo*, 107.

<sup>75</sup> Kenneth O'Donnell, *Johnny, We Hardly Knew Ye* (Boston: Little, Brown and Company, 1972), 11.

<sup>76</sup> Walter A. McDougall, . . . *the Heavens and the Earth: A Political History of the Space Age* (Baltimore: The Johns Hopkins University Press, 1997), 361.

<sup>77</sup> Ibid.; Press Release, December 19, 1962, Political Series, Box 12, Folder 24, Kerr Collection.

<sup>78</sup> Lambright, *Powering Apollo*, 215.

<sup>79</sup> "New Director," *Kermac News* (February-March 1969), 13.

<sup>80</sup> Robert L. Rosholt, *An Administrative History of NASA, 1958-1963* (Washington, D.C.: Government Printing Office, 1966), inside front cover, handwritten note by James Webb.

<sup>81</sup> Lambright, *Powering Apollo*, 213.

<sup>82</sup> Quoted in Allen W. Cromley, "Adopted Son Directed the Team."





## NOTES AND DOCUMENTS

### Oklahoma Historians Hall of Fame

**Joe C. Jackson, Denzil D. Garrison,  
Alice Tyner Timmons, and  
Robert F. Read, Sr.**

*By Linda D. Wilson*

Since 1993 the Oklahoma Historical Society has annually honored up to four individuals, both professional and amateur, in its Oklahoma Historians Hall of Fame. Recipients are selected on the basis of their contributions to the preservation, collection, interpretation, and dissemination of Oklahoma history. This criteria was first published in *The Chronicles of Oklahoma*, 72 (Summer, 1994).

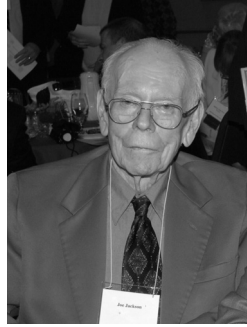
Early honorees included Grant Foreman, Joseph B. Thoburn, Muriel H. Wright, Edward Everett Dale, and Angie Debo. In addition to historians, the award has been bestowed on artist Charles Banks Wilson, Cherokee genealogist Emmet Starr, author John Joseph Mathews, and Apache and educator Mildred Imach Cleghorn. The inductees are honored at the Awards Banquet held during the Oklahoma Historical Society's Annual Meeting in April each year. In April 2006 Joe C. Jackson, Denzil D. Garrison, Alice Tyner Timmons, and Robert "Bob" F. Read, Sr., were inducted into the Oklahoma Historians Hall of Fame. (The accompanying photos were produced by Fred Marvel).

**Joseph "Joe" C. Jackson**, educator, received his Ph.D. from the University of Oklahoma in 1950. As an historian he has focused on education in Oklahoma, beginning with his dissertation entitled "The History of Education in Eastern Oklahoma from 1907 to 1915."

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Between 1951 and 1968 he published four articles in *The Chronicles of Oklahoma*.

Born on April 24, 1911, near present Gene Autry, Oklahoma, Jackson was the eldest of seven children of tenant farmer Walter West Jackson and his wife, Bessie Florence Crider Jackson. Joe Jackson attended rural schools near Buckhorn and graduated from Sulphur High School in May 1930. Despite the Great Depression, Jackson garnered enough money to attend Park College in Parkville, Missouri. In 1931 he transferred to the University of Oklahoma, where he received the bachelor's degree in 1934 and the master's degree and the doctorate in education in 1940 and 1950, respectively.



While working on his master's degree, he taught at the Sulphur and Bristow high schools. In Bristow he also served as assistant principal of the high school, principal of the junior high school, and dean of the Bristow community junior college. In 1948 he accepted a position at Central State College (now the University of Central Oklahoma, UCO), where he taught history, political science, and debate. From 1951 to 1976 Jackson was president of academic affairs at Central State College. On July 1, 1976, he retired from full-time teaching but continued to teach part time until 1996.

Jackson has served in various civic, historical, and educational groups and societies. For many years he has served as an official evaluator for the Oklahoma State Regents for Higher Education. In 1996 Jackson was inducted into the Oklahoma Higher Education Hall of Fame. In April 2002 the UCO graduate college was renamed the Joe C. Jackson College of Graduate Studies and Research. For his many contributions to Oklahoma education, the Oklahoma Historical Society names Joe C. Jackson to the Oklahoma Historians Hall of Fame.

### **Dissertation**

"The History of Education in Eastern Oklahoma from 1898 to 1915." University of Oklahoma, 1950.

### **Books**

*Memories and History of the Jackson and Crider Families: Or, the Beckoning Hand.*  
7 vols. Edmond, Okla.: Joe C. Jackson, 1988.

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- “Schools Among the Minor Tribes in Indian Territory,” *The Chronicles of Oklahoma* 32 (Spring 1954): 58–69.
- “Summer Normals in Indian Territory After 1898,” *The Chronicles of Oklahoma* 37 (Fall 1959): 307–29.
- “Church School Education in the Creek Nation, 1898–1907,” *The Chronicles of Oklahoma* 46 (Fall 1968): 312–30.

**Denzil D. Garrison** wrote the book *Remembrances of a Redleg: The Story of a Korean War Artilleryman of the 45th Thunderbird Division*, published by the Oklahoma Heritage Association in 2003. An attorney, Garrison was born on November 20, 1926, in Norman, Oklahoma. Following graduation from Norman High School in 1944, he joined the U.S. Army. Commissioned as a second lieutenant, he served in the field artillery in Europe. In 1950 he was recalled to serve in Korea. As a first lieutenant he commanded Company B, 171st Field Artillery Battalion, 45th Infantry Division. Retiring after twenty years of service, Garrison holds the rank of major. He received the bachelor and doctor of law degrees from the University of Oklahoma in 1953 and 1970, respectively.



Garrison served as a state representative from 1957 to 1959 and as a state senator from 1961 to 1972. Since 1953 he has had a general law practice in Bartlesville. He has been a member of the Oklahoma Bar Association, the American Bar Association, and the American Judicature Society and has been president of the Washington County, Oklahoma, Bar Association. In addition to membership in civic and fraternal organizations, Garrison has served on the Oklahoma Historical Society Board of Directors since 1970.

He served as president of the board from 1984 to 1987 and from 2002 to 2005. His most recent presidential term occurred during the planning and construction phases of the new Oklahoma History Center. For his tireless service and leadership on the board and for his publications focusing on the Korean War, Denzil D. Garrison has been named to the Oklahoma Historians Hall of Fame.

### Books

- Remembrances of a Redleg: The Story of a Korean War Artilleryman of the 45th Thunderbird Division*. Oklahoma City: Oklahoma Heritage Association, 2003.

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*Honor Restored*. Scheduled for publication in June 2006 by Tate Publishing Company, Mustang, Oklahoma.

### Articles in Journals

"Reminiscences of a Redleg: An Oklahoma Artilleryman in the Korean War," *The Chronicles of Oklahoma* 79 (Winter 2001–02): 388–407.

**Alice Tyner Timmons**, Cherokee, and her brother James W. Tyner coauthored twelve volumes of *Our People and Where They Rest*, a compilation of maps and descriptions of abandoned cemeteries of the old Cherokee Nation. Alice Timmons, born in 1914 near Vinita, Oklahoma, is the great-great-great-granddaughter of Quatie Snaketail, who walked the Trail of Tears at age sixty-eight from Hiwassee River, Tennessee. Alice Timmons provided inspiration and invaluable service to the Cherokee National Historical Society in researching its Tsa-La-Gi Ancient Village. In 1999 she was one of the first recipients of the Cherokee Honor Society Award.



Timmons attended school at Pawhuska, the Chilocco Indian School, Northeastern State College in Tahlequah, and the University of Oklahoma (OU) in Norman. In 1937 she married Boyce Timmons of Pawhuska, and they had four children. She worked at OU for twenty years, eighteen of those in the Western History Collections. For her service at the university she received the George Lynn Cross Merit Award from the American Association of State and Local Historians as well as the Distinguished Service Award from the Oklahoma Heritage Association.

Timmons has been an active member of numerous Native American history societies, including the Cherokee National Historical Society and the National Congress of American Indians. For her contributions to American Indian culture, she was named to the Oklahoma Historians Hall of Fame.

### Books

*Our People and Where They Rest*. 12 Vols.

Vol. 1-8. Norman, Okla.: American Indian Institute, University of Oklahoma, 1969–1973.

Vol. 9. Muskogee, Okla.: Chi-ga-u, Inc., 1976.

Vol. 10-12. Norman, Okla.: Chi-ga-u, Inc., 1978–1985.

## NOTES AND DOCUMENTS

**Robert “Bob” F. Read, Sr.**, railroad enthusiast and educator, was born on July 22, 1920, in Cushing, Oklahoma. He and his son, Robert Read, Jr., devoted decades to studying and collecting memorabilia relating to trains and railroads. In 1970 they opened the Cimarron Valley Railroad Museum in Cushing, where they house their collections. The museum is the Santa Fe depot from Yale, Oklahoma, which was purchased and moved to Cushing. Read, Sr.’s, father had worked as an agent at that depot in the 1930s. Bob Read, Sr.’s, knowledge of railroading was valuable to the Oklahoma History Center curators when they developed the transportation exhibit for the new museum that opened in November 2005.



Read graduated from Cushing High School in 1937. He received the bachelor’s degree in 1942 from East Central University in Ada and the master’s degree in 1952 from Oklahoma State University in Stillwater. He served in the U.S Army for three and one-half years during World War II. In 1942 he married Mazie Cox, and they had one son. In 1946 Read, Sr., taught and was principal at the school in Schlegel, Oklahoma. He later worked at the Hillside school. During the last decade of his career he was an administrator in the Cushing school system.

Through the years Read, Sr., has served in, founded, and/or belonged to more than a dozen railroad organizations. He has been involved in civic and fraternal organizations, the Boy Scouts of America, and historical societies. However, he is best known as an enthusiast and historian of trains and railroad companies. For his educational career as well as his extensive railroad knowledge, he was named to the Oklahoma Historians Hall of Fame.



## BOOK REVIEWS

**ELIAS CORNELIUS BOUDINOT: A LIFE ON THE CHEROKEE BORDER.** By James W. Parins (Lincoln: University of Nebraska Press, 2006. Pp. 252. Illustrations. Notes. Bibliography. Index. \$60.00 cloth).

Elias Cornelius Boudinot was a Cherokee riddle wrapped in a mixed-heritage mystery inside an American enigma, an Indian who thought like anything but—for his era. The key to understanding him, to further expand Churchill's quip about Russia, is his self-interest, which perfectly fit his concept of Cherokee national interest. He sought to dismantle Cherokee government, to promote white settlement, to foster Oklahoma statehood, and he even worked with notorious boomer David L. Payne. Yet Boudinot was as Cherokee as the chief. James Parins picks all of Boudinot's locks, revealing the egoism of a man once removed from family greatness, the ambitions of one desperate to rejoin the upper classes, and the magnetism, positive and negative, of a Cherokee frontier intellectual boldly fording the future, hold backs be damned.

Parins keeps Boudinot's story to ten tidy chapters, a feat considering Boudinot's voluminous writings as journalist, lawyer, politician, and boomer. "Background and Boyhood" places young Boudinot at the margins of the bloody "Treaty Party" dispute. When Boudinot was a toddler, his father and cousin John Ridge favored removal from Georgia and were assassinated in 1839. The slayings forever placed Boudinot at a contradictory fissure in Cherokee society—the split between mixed-heritage Cherokees, who accepted removal and allied with the South in the Civil War, and the full bloods, who sided with the Union but then fought territorialization.

"The Young Man in Arkansas," "Confederate Soldier and Congressional Delegate," and "Peace Negotiator" place Boudinot at the center of Cherokee affairs during the secession crisis. At that time, his uncle, Stand Watie, was a Confederate officer and *de facto* Cherokee chief, and the Cherokees' future appeared to have a Southern hue. Parins's work on Boudinot's political and journalistic maneuverings in Arkansas helps explain his high standing with the Democratic Party and his status with the Confederacy, serving as a battlefield colonel and delegate to Richmond. Parins's research into Boudinot's role in the 1866 peace treaties at Fort Smith, Arkansas,

where Union subterfuge humiliated the already divided and defeated tribes, helps explain why Boudinot forevermore abandoned any trust in treaties. He knew that they were worthless even before Congress admitted as much by discontinuing treaty making in 1871.

Boudinot as businessman is the subject of “The Tobacco Tycoon,” “Railroad Man,” and “The Hotelier at Vinita.” His self-interest is clear; he advocated dismantlement of Indian governments and white settlement as public policy and on principles of personal ambition. The tobacco factory he owned with Watie, the railroads he promoted against tribal wishes, his hotel at Vinita—all were caught in the knots that formed when tribal law, land use, and business practices tangled with those of the United States. “The Washingtonian” and “Missionary” explore Boudinot’s 1870s to 1880s work as journalist, political force, and gadfly in Washington, D.C., where he unrelentingly promoted territorialization, individual land allotment, and open settlement of Indian lands. The final chapter, “Lawyer, Rancher, Businessman,” puts Boudinot in Paw Paw, a mostly intruder settlement at the southeastern tip of the Cherokee Nation across the Arkansas River from Fort Smith. Boudinot ranched, owned a ferry, and practiced law in Fort Smith until his death in 1890.

Parins brings Boudinot full circle, painting him as a marginalized young man, at the center of Southern Cherokee life in the secession years, then as a visionary—although hated by most Indians for his stances on sovereignty and settlement. While Cherokees resented Boudinot long after his death, Parins documents that Boudinot enjoyed respect among tribal leaders by his later years. His passing was memorialized at a funeral, with graveside services that drew one thousand in Fort Smith and with a ceremony in Judge Isaac C. Parker’s federal courtroom, where Boudinot practiced law and once defended Payne.

Parins’s book is sound. However, the narrative annoyingly changes tense and is riddled with wrong words—errors that computer spell checkers cannot catch and can perpetuate. The word “county,” for example, is “country” in every instance. Parins is a well-established author, professor, and associate director of the Sequoyah Research Center at the University of Arkansas at Little Rock. He deserved better copy editing.

Richard Mize  
*The Oklahoman*  
 Oklahoma City, Oklahoma



NO PLACE TO CALL HOME: THE 1807–1857 LIFE WRITINGS OF CAROLINE BARNES CROSBY, CHRONICLER OF OUTLYING MORMON COMMUNITIES. Edited by Edward Leo Lyman, Susan Ward Payne, and S. George Ellsworth (Logan: Utah State University Press, 2005. Pp. viii–508. Notes. Bibliography. Index. \$29.95 cloth).

Almost immediately after establishing headquarters in the valley of the Great Salt Lake in 1847, Brigham Young began sending missionaries westward from Utah to California and on into the Pacific islands. These “missions” included responsibility both for proselytizing and for establishing Mormon colonies which could serve as way stations for a constant stream of converts arriving on the West Coast and heading for Salt Lake City. Jonathan Crosby, a convert to The Church of Jesus Christ of Latter-day Saints, was one of those missionaries. Between 1850 and 1857, when Brigham Young called the colonizers back to Utah, Crosby’s wife, Caroline Barnes Crosby, kept an almost daily journal of their travels and experiences.

This volume reproduces Caroline’s journals as exactly as possible, even preserving occasional crossouts and corrections, and carefully retaining original punctuation and spelling. The result is an exhilarating preservation and presentation of Caroline Barnes Crosby’s own voice.

Caroline’s frank personal writings neither degrade nor whitewash the Mormon experience. She mentions conversations with individuals who struggle personally with challenging doctrines (polygamy of course being the most difficult). She talks about men and women who partake unduly of spiritous beverages, about women who suffer domestic abuse, and about men who suffer when their women can no longer endure the hardships of the colonization experience. In her matter-of-fact, ladylike voice she also records faith-promoting experiences and sacrifices by men and women for their religion, the comfort she receives through prayer and service, and the simple goodness of people, both Mormon and non-Mormon, who band together to establish the United States in its westering expansion. This is a book that gives voice, with immediacy, to the real, non-storybook hardiness of the American woman.

In fact, what Caroline Barnes Crosby’s journals actually do is invite the reader into the world of the nineteenth century. We know



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what she reads—scriptures, newspapers, lectures, and novels, including *Uncle Tom's Cabin*; what she studies—religion, politics, geology, geography, astrology, medicine, spiritualism, and phrenology; what she teaches—religion, grammar; and what she wears, buys, cooks, and eats. Caroline and her neighbors enjoy constant socialization, with formal calls and careful reciprocal visits, and they attend each other at sickness, childbirth, and death. They prepare feasts and dances and weddings and lay out the dead for funerals. They provide their own music and listen avidly to lectures. They make quilts and clothes and plant trees and make preserves. They shop and trade and search for bargains and delight in new purchases. Caroline dabbles in spiritualism (table tipping) and finds it great entertainment. She pores over newspapers from New York, Salt Lake City, and London, as well as local ones. She reads about and records simple details of local events, including a couple of murders and a sensational divorce dispute in which she serves as a witness. She studies “the water cure” and, after determining that it has some value, experiments with it during her own sicknesses (it involves cold-water baths and warm-water foot baths, among other things). If we tend to think of most nineteenth-century pioneer women as relatively isolated or homebound, this book will reveal the fallacy of that assumption.

A genealogical chart, helpful in identifying many of the people Caroline mentions, appears in the introductory materials. Perhaps because of the length of the journal itself (some 490 pages) the book seems somewhat short in endnote information, and the endnotes themselves assume a foundational knowledge of Mormon history. But the careful attention to preservation of Caroline's voice as part of her story makes the volume singularly important and a truly significant source of undiluted information about women's roles in “Manifest Destiny.”

Sandra Ailey Petree  
*Northwestern Oklahoma State University*  
Alva, Oklahoma



## THE CHRONICLES OF OKLAHOMA

A REDISCOVERING OF CADDO HERITAGE: THE W. T. SCOTT COLLECTION AT THE AMERICAN MUSEUM OF NATURAL HISTORY AND OTHER CADDO COLLECTIONS FROM ARKANSAS AND LOUISIANA. By Bobby Gonzalez, Robert Cast, Timothy K. Perttula, and Bo Nelson (Binger, Okla.: Caddo Nation of Oklahoma, 2005. Pp. xv, 167. Illustrations. Photographs. Maps. Notes. Bibliography. Appendices. \$25.00 paper).

Since the passing of the Native American Graves Protection and Repatriation Act of 1990 (NAGPRA), a below-the-radar war has often raged between museums that possess a variety of American Indian archaeological items and Indian nations that would like to know exactly what the museums have that may belong to Indian people. Museums fear the loss of prize artifacts and artwork, while some Indian peoples demand the return of virtually everything Indian, whether they can prove it belonged to their people or not. Distrust is usually the order of the day.

For the Caddo Indian nation near Binger, Oklahoma, whose ancestral lands were around the Red River area of the Ark-La-Tex, the museum problem became immediate. The ancient Caddos were great pottery and utensil makers with a tradition of burying their dead with a variety of grave goods. This made their burials targets of both pot hunters and academic archaeologists. By the turn of the twenty-first century the Caddos, backed by NAGPRA, became much more interested in what Caddo items museums possessed. The potential for a fight between museums, archaeologists, and the Caddos was there.

However, this book is a study in cooperation among all three. At the center is the W. T. Scott Collection, housed at the American Museum of Natural History (AMNH) in New York City. In the 1890s Scott owned land near Atlanta, in far northeastern Texas. In the late nineteenth century he uncovered a trove of Caddo burials filled with grave goods. In 1900 he sold his collection of beautiful clay bottles, plates, spear points, and shell figurines to the AMNH for two hundred dollars. The site was excavated in the 1930s by University of Texas archaeologists. Unaware the Scott Collection existed, they designated the burial site as the Clements Site and determined it to be a Caddo cemetery dating from the late 1600s and early 1700s.

In 2001 Bobby Gonzalez and Robert Cast, members of the Caddo Nation NAGPRA Committee, heard of the Scott Collection and learned it had never been studied by archaeologists. Here were Caddo artifacts that had never been officially designated as such. The Caddos planned their study, and in 2003, with archaeologists

Timothy Perttula and Bo Nelson in tow, they contacted the AMNH. Rather than dig in their heels, the AMNH went out of its way to assist Gonzalez and Cast. The Caddos were also fortunate in that they had two very good, expert archaeologists. Perttula and Nelson are true friends of the Caddos, and Perttula, author of *The Caddo Nation*, has always worked closely with them on his excavations.

The book itself is a typical archaeological study. After all, who but an archaeologist knows the difference between a Taylor Engraved and a Keno Trailed bottle? But it is more than worth it to read Bobby Gonzalez's detailed description of Caddo funeral rites. And the pictures of beautiful Caddo pottery and carvings are just breathtaking. Gaze at these large, round jars with narrow necks, amazingly decorated with whorls, lines, and colors, all shaped without pottery wheels or molds, and you have to wonder how they did that.

A string of blue glass beads indicated the Caddos were already exchanging goods with Europeans when they buried their dead at the Clements Site. The Spanish, French, and American traders of the seventeenth, eighteenth, and nineteenth centuries would attest to Caddo friendliness and cooperation. The Spanish in Texas knew them as the Tejas, a corruption of the Caddo word for "friend." This cooperation between the Caddos, archaeologists, and museum shows that the same Caddo spirit continues to this day.

David La Vere  
*University of North Carolina Wilmington*  
Wilmington, North Carolina



**CHOCTAW WOMEN IN A CHAOTIC WORLD: THE CLASH OF CULTURES IN THE COLONIAL SOUTHEAST.** By Michelene E. Pesantubbee (Albuquerque: University of New Mexico Press, 2005. Pp. xi, 208. Illustrations. Notes. Bibliography. Index. \$39.95 cloth, \$21.95 paper).

This study treats the French colonial era in the early 1700s as a watershed event that witnessed shifts in Choctaw gender roles and eroded women's influence. The transition was complex, and analysis emphasizes multiple, interrelated explanations for it. Women's status, the author contends, was not so bad on the eve of contact. This assertion is based on admittedly sparse documentation. Pesantubbee relied on oral history, archaeology, and comparative

## THE CHRONICLES OF OKLAHOMA

cultural analogy. She suggests women most likely made important contributions to society. Females were primary producers and handlers of the corn plant. They probably traveled with diplomatic missions and raiding and hunting parties. Women also determined the fate of captives. Some perhaps were esteemed as "Beloved Woman." Few documents imply such a title, but Pesantubbee explains how many women carried out similar functions associated with its bestowal in nearby Indian nations. If no "beloved" title existed, various means still were available to earn public recognition.

French colonization contested that status. Pesantubbee concedes the extent of women's earlier participation in politics is elusive. Still, she argues lack of evidence does not negate a possibility it was common. Whatever its magnitude before contact, woman's role as decision maker was slight thereafter. Escalating violence prompted withdrawal from public space. External pressures, natural calamities, and civil war undermined the ethic of restitution and altered gift-giving practices, both areas of female influence. Captivity increasingly became a basis for commercial exchange rather than a means for women to restore balance to the world. The matrilineal system wherein women determined family membership deteriorated. Catholic missionaries, moreover, sought to eradicate female customs deemed licentious, barbarous, or sinful. Women's economic role also declined due to the commercial deerskin trade, diminished corn production, and infiltration of French ideas on inheritance. Finally, Pesantubbee estimates European introduction of new forms of concubinage, slavery, disease, alcohol, and misogynistic attitudes further eroded women's status.

The author uses the Green Corn Ceremony to show how a material cultural artifact, one closely identified with women's power, theoretically could disappear from historical memory. She states it is uncertain if the ceremony was in decline or development at the time of French contact and stresses that a combination of factors led to its alleged demise. But Pesantubbee does postulate that the Choctaw held such a ceremony and later replaced it with an annual fair stripped of many features exalting women. Before then, she speculates, the Green Corn Ceremony was central to spiritual life. It celebrated sacred corn and women's special role as guardians of purity, fertility, and the life cycle. Evidence of official observance is sketchy, but certain Choctaw songs and dances are similar to those performed among other Southeastern peoples. If it existed, the ceremony rapidly vanished. Geographical setting and proximity to the the Spanish and English was different from the Cherokee and Creek,

and according to Pesantubbee, it therefore persisted in those nations but disappeared among the Choctaw. War, crop failures, new trade relations, creation of medal chiefs, and other factors probably hastened a decline in women's ceremonial status. Traditional stories, values, and perhaps the appellation of "Beloved Woman," evidently lost currency or disappeared altogether, along with the Green Corn Ceremony itself.

The title was perhaps gone, but Pesantubbee claims respect for the values the concept embodied was not entirely lost. Stunned and confused in the midst of demographic disaster and social upheaval, the Choctaw began their documented historical memory anew, based on cultural survivals of the French era, including reduced public space for women. Yet this study insists women still played important if diminished social roles. They continued to be entrusted with caring for the dead to ensure transit of the spirit to the afterlife. They dominated mourning rituals, too. But women otherwise no longer sat so close to the sacred fire.

The author admits scant evidence shows Choctaw society recognized "Beloved Women." She instead looked for other clues that means were available to earn status similar to "beloved" females in other Indian nations. She also searched for indications that the French arrival eroded those niches. Her findings, though, must be qualified on several counts. First, she perhaps exaggerates cultural cross-fertilization in the Southeast. Second, she may overstate the impact of changes the French reputedly spawned. Whether traditional patterns were recent innovations or long-established practices is vital to proper understanding of the precise magnitude of change attributable to the French. Pesantubbee notes the problem but simply claims change, in either case, accelerated. At another point, though, she claims Choctaw women sought to preserve the same values they always had, suggesting more deeply entrenched social conventions. As evidence of recent timing in a decline in status, Pesantubbee relies heavily on Natchez sources that imply Choctaw women withdrew from the public forum not long before. Fair enough, but the data is thin. Indeed, lack of firsthand testimony is a serious impediment for this study. The few existing documents are mostly French sources that the author decries for Eurocentric male bias. It is proper to question their objectivity and reliability; the stress on stratified language, though, is probably overdone. Moreover, to allude to comparative categories begs for clarification of subtleties in theory and practice on all sides. An obvious problem is the concept of "beloved" itself and the elasticity of its

## THE CHRONICLES OF OKLAHOMA

meaning in both cultures. It can represent varying degrees of influence across a broad range of attitudes and behaviors. It sometimes is difficult to discern when the term reflects empowerment or attempts at co-option. In addition, the author concedes that performance of certain tasks does not prove Choctaw women ever were labeled "Beloved Women." Finally, if certain females did participate in public activities, Pesantubbee admits we may never know whether such practices were normative.

She also claims Choctaw women, even without formal recognition, still wielded direct and indirect influence. But, in their own manner, so did women in other cultures. Power relations always involve degrees of mutual accommodation; the question of substance is the relative balance of power and operative force possible at a given point in time and place that regulates control of "cultural space." Nor is formal legitimacy accorded political power a matter of little consequence, even if power bases exist outside of it. It would be helpful to compare changes across gender lines more explicitly. The author is aware of the benefits of this approach but does not develop it much. Intra-tribal comparisons might prove insightful, too.

This study employs innovative ways to theorize about women's history. Even its author, though, cautions the thesis offers only one of many possible interpretations. It is difficult, moreover, to discern whether her intent was to "re-imagine" or "reconstruct" the past; she uses both terms. Reference to history as an exercise in "inspiration" implies the former. If the goal was the latter, the study rests on a somewhat rickety foundation. Much analysis relies on theoretical or counterfactual arguments instead of a broad evidentiary base. Missing data, no doubt, will continue to plague future investigators of early Choctaw women. French colonization clearly altered the landscape of Native American society to some degree and contributed to changes in gender relations. The interpretation is plausible, but much of it is mere conjecture. Historians of an empirical bent will be dissatisfied. But, as Pesantubbee laments, to depend solely on eighteenth-century documents specific to Choctaw women basically relegates them "to the realm of the unknown" (or perpetuates "misinformation about them"). At a minimum, then, she has successfully contested the notion that revisionist studies of Choctaw women in colonial times are not feasible.

Tom L. Franzmann  
Stillwater, Oklahoma



ALONG THE EDGE OF DAYLIGHT: PHOTOGRAPHIC TRAVELS FROM NEBRASKA AND THE GREAT PLAINS. By Georg Joutras (Lincoln: University of Nebraska Press, 2005. Pp. 144. Photographs. \$45.00 cloth).

Photographer Georg Joutras works and sells out of a studio in the Haymarket District of Lincoln, Nebraska. His “photographic travels” span the Great Plains from North Dakota to New Mexico. Without question, in more than twenty years’ work, Joutras has exposed many memorable and sublime images. Whether there is a book in them is open to debate.

Some photographers are better than others at writing about their work. When Joutras says, in his introductory essay, “I want to celebrate the magnificence of the earth” (p. 16), he establishes early that his prose will be sadly conventional. His most serious disquisition about intent and point of view, in which he argues for working “on the edge,” is little more satisfying: “I am drawn to awe-inspiring scenes that show the interaction between the earth and the sky” (p. 16). Who is not?

The banality of some specific captions, too, is regrettable: “A mainstay of Great Plains agriculture, wheat fields are a common site on the central and northern plains” (p. 33). No kidding? In some passages, such as loose statements about billions of prairie dogs or a reference to a sunflower as a “bush,” the services of a fact checker would have been valuable.

Finally, as to carping, too many of the images themselves are iconographic to the point of caricature. Windmills on a glowing horizon, sandhill cranes on a Platte River sandbar, a sagging barn, a rusty truck, a lonely church—these belong on a calendar.

Joutras does several things wonderfully well, however. First, he offers luminescent landscapes. His panoramic view of Pants Butte and the Oglala National Grassland (in northwestern Nebraska), for instance, is like a Bierstadt painting. The same can be said of “Sunrise at Toadstool Park,” taken in the same district.

Second, Joutras is an opportunist who captures images compelling in pictographic fashion. Consider, for instance, his photograph of sandhill cranes silhouetted in descent or “The Island of Misfit Toys,” a lot of used farm implements dusted by snow. The first is

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sublime, the second humorous, but both are immediately appealing, without thought, as gourmet eye candy.

Most of all, this photographer has accumulated a breathtaking collection of wildlife images. These come from many years on the road, in the field, in the blind, under the sky. Joutras is a learned and patient hunter who understands that if you spend enough time with your boots on and your eyes open, you will get your shots. In his view, prairie chickens and sharptails dance, coyotes mouse, jackrabbits quake, and bison roll. Some individual images are once-in-a-lifetime, except that Joutras has many of them. An instant later, that long-billed curlew would have swallowed that grasshopper, and it would not have been held on the bird's bill like a specimen on tongs! The series of kit foxes at play is rare and delightful. Here the photographer finds in a familiar landscape scenes few of us ever will be privileged to see. Whether or not the book holds together, these moments are priceless and timeless.

Thomas D. Isern  
*North Dakota State University*  
Fargo, North Dakota



**MORE DAMNING THAN SLAUGHTER: DESERTION IN THE CONFEDERATE ARMY.** By Mark A. Weitz (Lincoln: University of Nebraska Press, 2005. Pp. xix, 346. Tables. Maps. Notes. Bibliography. Index. \$49.95 cloth).

For the armies of the Confederate States of America, desertion was a serious offense, a critical problem. It was a major contributor to the undoing of the Confederate effort, and it was insoluble given the nature of the Confederacy. So says the author of this well-researched and nicely written examination of desertion in the Civil War South.

Desertion took many forms. Some deserted in combat. Some left their units on leave of one sort or another and never went back. Some crossed enemy lines; others found themselves in Union territory when their armies retreated. Some deserted several times. Some felt the Confederacy deserted them.

That is really the key argument of this work: Desertion became a problem because of structural flaws in the Confederate system. The fatal weakness of the Confederacy was that it was based on localism, not nationalism. The Confederacy was a collection of states



that fought among themselves. In this respect, the author makes clear, the Confederacy and the colonies fighting the British in the American Revolution were similar. Further, the Confederate armies were made up of state levies, volunteer contingents that were not particularly professional fighters. In that regard, they were similar to the militias that were the bane of the Revolutionary military leadership. Amateur volunteers lacked the commitment possessed by professional soldiers.

The Confederacy had no claim to the loyalty of any citizen, for citizens belonged to the states, not the nation. The states contracted with a central government to provide certain things that the state alone could not—specifically a foreign policy and the economic and military ability to fight for and win independence.

Established as a contractual arrangement, the Confederacy failed when it proved unable to uphold the terms of the agreement. The deal was that the soldiers would fight far away from their homes and families, and in return the Confederacy and those civilians who stayed behind would guarantee the welfare and safety of those homes and families. The Confederate armies, government, and civilians, especially in the West, failed to keep the bargain, so many soldiers deserted to take care of what was theirs. Some deserters turned into guerrillas; others turned into bandits. Some deserted the army to join the local militia. The motives were mixed, but the upshot was that the Confederate armies, already outmanned by the larger Union, had difficulty maintaining an adequate force in the field.

The book traces desertion from 1862 into 1865, finding that it was a greater problem earlier than previous works, including the records and memoirs of participants, have indicated. It is the first attempt in decades to treat desertion in the entire South and the entire war, and it does so masterfully, despite the lost records that are the curse of any serious researcher.

Mark Weitz has provided an important study of a neglected topic. His research is extensive and thorough, and his writing is clear. The combination is a well done work of history that should appeal not only to students of desertion but to anyone interested in learning more about topics beyond the battles of the Civil War and the Southern myth of the noble but lost cause.

John H. Barnhill  
Houston, Texas



WAR DANCE AT FORT MARION: PLAINS INDIAN WAR PRISONERS. By Brad D. Lookingbill (Norman: University of Oklahoma Press, 2006. Pp. xiii, 290. Illustrations. Appendix. Notes. Bibliography. Index. \$29.95 cloth).

In 1875, following the outbreak of Indian hostilities on the Southern Plains known as the Buffalo War, the U.S. Army collected seventy-two tribal leaders and warriors at Fort Sill and at the military camp that would shortly become Fort Reno in Indian Territory and sent them to St. Augustine, Florida. There they were incarcerated at Fort Marion, otherwise known as the Castillo de San Marcos, which Spain had established prior to 1700. There the tribesmen, who had been selected discretionally from the Kiowa, Comanche, Cheyenne, Arapaho, and Caddo, underwent an experimental process of acculturation, education, and Christianization under the auspices of Captain Richard Henry Pratt, a Tenth Cavalry officer who had served at Camp Supply and Fort Sill.

Anyone who is interested in the Plains Indians or even slightly curious about how a group of Indian warriors reacted to imprisonment and to attempts to refit them into the mold of white society should read Brad D. Lookingbill's *War Dance at Fort Marion: Plains Indian War Prisoners*. This exceptionally well-researched and intelligently presented book traces the course of the captives in their removal from the freedom of the prairie to the subjugation of prison, their postprison training, their return to Indian communities, and their ultimate fates—both tragic and rewarding—in resuming their lives amidst the conflicting surrounds of tribal tradition and white culture.

At Fort Marion the prisoners sat in classrooms patiently learning to read and to write. They recited Bible verses, wrote letters home, practiced military drills, made and sold bows and arrows, constructed buildings, produced drawings that awakened the America public to Indian art, painted and marketed sea beans and shells, performed shows depicting Indian life and Plains warfare for tourists, participated in ocean boating races, and made friends with their teachers, townspeople, and many visitors, including Harriet Beecher Stowe. With their long hair cut short, they wore the white

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man's uniforms with coats, pants, and shoes. But, on the dark side, some died early in the dank, unhealthy cells of ancient Fort Marion.

After their return home to Indian Territory, some of the "Florida boys" became ministers, reservation employees, farmers/ranchers, freighters, teachers, and tribal police. A number acquired white men's names. But the federal government did little to advance the progress that Pratt and others had made in acculturating the former Plains warriors. There were those who, left adrift, cast off their Fort Marion conversions and became victims of the degradation and despair that reservation life wrought upon Indian people in general.

Yet, there was much about the Fort Marion experience that was uplifting and inspiring. Lookingbill deftly tells the warriors' story and that of the determined Pratt straightforwardly with an honest compassion that readers will appreciate.

Stan Hoig  
Professor Emeritus, Journalism  
*University of Central Oklahoma*  
Edmond, Oklahoma





# FOR THE RECORD

## **Minutes of the OHS Quarterly Board Meeting**

*January 25, 2006*

President Logan called the regular meeting of the Board of Directors to order at 1:35 p.m., Wednesday, January 25, 2006, in the boardroom of the Oklahoma History Center, 2401 North Laird Ave., Oklahoma City, Oklahoma.

### **Roll Call**

Bob Blackburn called the roll. Members present: Alex Adwan, Jack Baker, Roger Bromert, Bill Corbett, Thalia Eddleman, LeRoy Fischer, Deena Fisher, Denzil Garrison, Aulena Gibson, Jack Haley, James Kemm, Robert Klemme, Marvin Kroeker, Dan Lawrence, Leonard Logan, John Mabrey, Shirley Nero, Bill Pennington, Ken Rainbolt, Sally Soelle, Emmy Stidham, Barbara Thompson, and James Waldo. Members excused: Thomas Brett and Carl Sadler. Staff present: Bob Blackburn, Robert Thomas, Terry Howard, Kathy Dickson, Tim Zwink, Dan Provo, and Geneva Little.

### **Approval of Minutes (October 26, 2005)**

Marvin Kroeker moved approval of the minutes as amended. Seconded by James Kemm, approval was unanimous.

### **Presentation by OKC Community Foundation of Volunteer Service Program Grant**

Gayle Farley of the Oklahoma City Community Foundation made a presentation of a Volunteer Service Program Grant (\$5,000) to Leonard Logan, president of the board.

### **Presentation of Volunteer of the Quarter Award**

Dan Provo presented the volunteer of the quarter award to Michael Sheriff, who serves as a tour guide in the Oklahoma Museum of History.

### **Treasurer's Report/Review of Private Funds by Investment Account**

James Kemm presented the Treasurer's Report. At the present time, the Oklahoma Historical Society has \$2.3 million in cash and private funds invested in several different places. The interest rate at the Treasurer's Office is 3.9 percent. Revenues are up this quarter due to the increase in Gift Shop sales and to charging admission.

### **Executive Director's Report**

**Summary of actual expenses for FY-06:** Bob Blackburn reviewed the summary of actual expenses to date, which total \$7,165,713.00.

**Consideration of changes to the long-range plan:** Bob Blackburn reviewed the long-range plan explaining that the strike-through represents a completed or amended objective. The underline represents a new objective. The long-range plan will be revised by the April meeting with new goals, one for technology support and one evaluating the benefits of OHS membership to determine how fund-raising initiatives are overlapping with OHS membership due to two new factors, fund-raising and

the History Center. Robert Klemme moved to table consideration of the long-range plan until the April meeting. Seconded by several members, approval was unanimous.

**Consideration of a marketing plan for the Oklahoma History Center and the OHS:** Bob Blackburn reviewed the proposed marketing plan and reported that the History Center was generating a stream of revenue and recommended that \$250,000 of that revenue be allocated to select an advertising firm to professionally market the History Center as well as all OHS educational programs, sites, and museums. Dan Provo made a PowerPoint presentation outlining the key points of the marketing plan. Jack Haley moved to approve the marketing plan as set forth by Dr. Blackburn. Seconded by Dan Lawrence, approval was unanimous.

**Report on upcoming legislative session and OHS funding:** Bob Blackburn reviewed two documents, the Budget Request for FY-07 and the OHS Centennial Projects. A copy of the OHS Centennial Projects list was sent to each senator and representative on the list. The Governor's staff agreed to add an additional \$833,580.00 to the Governor's budget to complete the funding for the History Center. Hopefully, the Agency will receive a supplemental early in the session.

**Presentation of souvenir scrapbook of clippings about the History Center:** Bob Blackburn reported that clippings dating from 1996 to present were being compiled into a scrapbook about the History Center. Each board member will receive a copy when it is finished. Board members received a copy of a 30-minute program that ran on OETA on Oklahoma Stateline of the grand opening ceremonies.

### **Status of move to the Oklahoma History Center**

Robert Thomas reported that the building was accepted on November 1 as substantially complete with a punch list, which the contractor is working on. The move of the State Museum and staff has been accomplished. The Outreach Division and Publications moved on December 13. The Administration Division is scheduled to move on February 9. The SHPO move has been delayed until March 21 because furniture had to be reordered. The Research Division will move on March 1, 2, 9, and 10. The Kilgen Organ should be operational sometime in the spring.

Dan Provo made a PowerPoint presentation of a series of images of the building, the grand opening, and the galleries. Moving artifacts from the Wiley Post Building will begin February 1 and should be completed by April 1.

### **Report on Fund-raising Activities**

Tim Zwink reported that in addition to the 3,800 bricks already installed, orders continue to come in. Thirty limestone pavers have been sponsored. Leaves can be reserved on the Oklahoma Family Tree for a donation of \$1,000 each, which can be pledged over a two-year period. Proceeds will go into the Endowment Fund project. The Oklahoma Genealogical Society will maintain a book of family history for each leaf. More sponsors are needed for Red River Journey markers. Three memorial benches have been reserved. The granite bench sponsored by the Daughters of the American Revolution is complete and will be located near the fountain. The second coin series will have an Indian theme, and the History Center will receive royalties from the sale of this coin. Photographs have been selected for the 2007 edition of the Oklahoma "Past Times" calendar. The Kirkpatrick Family Fund approved a grant proposal for a \$500,000 matching grant for the endowment program. OGE approved a grant proposal for \$100,000 for the 14 Flags Plaza. A gift pledge of \$100,000 was received from the David Walters family to sponsor the Red River Outdoor Plaza. Marvin and Barbara Jirous donated \$10,000 for museum exhibit support. The Merrick Family Foundation approved a \$10,000 grant for the Frontier Military Forts and Posts Education Project. Naming opportunities remain for the Gemini 6, Mini theaters, and Outdoor Entrance Plaza. Gifts and pledges received total \$11,149,509 and exceeds the \$9,000,000 fundraising goal by 23.7 percent.

## THE CHRONICLES OF OKLAHOMA

### Report on Development Plans for the Cherokee Strip Heritage Center

Kathy Dickson reported that a group of Enid citizens led by Lew Ward put together a nonprofit group, the Cherokee Strip Regional Heritage Center, Inc., and set a fund-raising goal of \$5 million to improve the museum in Enid. By the end of March, architectural and exhibit design images should be available to allow the group to begin fund-raising efforts.

#### Committee Reports

**Research Committee:** Jack Baker reported that the Reading Room will close on March 1 and reopen April 15 or before. Detailed moving plans for the Research Division are being implemented. There are plans for the dedication of the Research Reading Room that will be named the John and Eleanor Kirkpatrick Reading Room because of their \$500,000 grant. The Research Division has over 80 volunteers. The Friends of the OHS Archives will celebrate their 10th anniversary on January 28 at 1 p.m. in the History Center, and everyone is invited.

**Development/Endowment:** Aulena Gibson stated that the Capital Fundraising Campaign had been a great success. The next goal will be planned giving. A spokesperson from the Oklahoma City Community Foundation will come in and explain what needs to be done. Ms. Gibson noted the plaque on the wall listing those who endowed a boardroom chair.

**Preservation Committee:** Emmy Stidham moved approval to hold the 2007 Statewide Preservation Conference in Guthrie and approval of the Citation of Merit awards that will be given at the 2006 Conference in Wilburton. Seconded by John Mabrey, approval was unanimous.

As chair of the Nominating Committee, Ms. Stidham reported that there were four positions on the board to be filled, one in District 2, one in District 4, and 2 at large. All incumbents are seeking re-election. Names of others who would like to be on the ballot can be submitted to the Nominating Committee.

**Outreach Committee:** Bill Corbett reported that Nell Stapler Bradshaw left an inventory of paintings to the OHS, which were to be sold and the proceeds placed in an endowment fund for the George Murrell Home. Before the paintings can be sold, they must be declared surplus property. Dr. Corbett moved to declare the entire inventory of paintings surplus property. Seconded by Denzil Garrison, approval was unanimous.

**Indian Heritage Committee:** Jack Baker reported there was a special Native American preview of the Native American Gallery on November 17 and over 300 attended. A traveling exhibit is being developed based on the Indian Gallery. In moving, the Native American Collections are being segregated by tribe instead of by type of artifact as in the past. Lewis Stiles reported on his efforts to mark the trails and highways in the Choctaw/Chickasaw Nation. Robert Klemme provided forms with the lettering "Choctaw Trail of Tears" and "Chickasaw Trail of Tears."

**Oklahoma Museum of History:** James Kemm reported the committee approved the artifacts and donations as listed and approved a development and planning outline for future activities for the museum. The education staff is now complete with four members devoted to education. Tours are in full swing. The Gift Shop was inventoried by a professional firm. During the first week of opening, a survey was done by a staff member of visitors in the museum and received good reports from all age levels.

**Publications:** Sally Soelle reported that Dr. Dianna Everett had been hired as editor and Director of Publications. The Encyclopedia project will be finished shortly. Some responsibilities of the Annual Meeting have been transferred to other divisions. The Committee evaluated articles for the Wright Award and plans to open a dialogue about fine-tuning the selection process to achieve better consistency in terms of the way articles are evaluated. Long-range plans are being developed that

## FOR THE RECORD

will impact the Publications area in three different ways: technical services; the digitizing of materials; and the possible publication of two or more books a year. Deena Fisher reported that paid membership for the quarter totaled 55; complimentary memberships totaled 70; gifts totaled 81; and Smithsonian subscriptions totaled 43. Dr. Fisher moved to accept Jorge Perez-Cruet and Stephen Jones as life members. Seconded by Jack Haley, approval was unanimous.

**Black Heritage Committee:** Shirley Nero reported that the Black Heritage Committee had been revived with nine members. Public response from the African American community to the African American exhibit has been extremely positive. Suggestions were made to possibly include collections from the Urban League of Oklahoma City and Tulsa, the one-room school in Chickasha, and the 20th Century humanitarian organizations. Senator Eason-McIntyre and Representative Jabar Shumate of Tulsa are planning citizen input meetings to be held in Tulsa to assist with area collections and exhibit information. The Committee is preparing sample items and suggestions for gift store products that support the African American exhibit.

### **Consideration of Committee Appointments to Membership Committee**

Emmy Stidham moved to approve the appointment of Robert Klemme, LeRoy Fischer, Deena Fisher, and Dan Lawrence to the Membership Committee. Seconded by several members, approval was unanimous.

James Kemm moved to approve the appointment of Paul Matthews, a former board member, to the Oklahoma Museum of History Committee. Seconded by Emmy Stidham, approval was unanimous.

### **Consideration of Actual and Necessary Expenses for Bob Blackburn**

Jack Haley moved to approve Actual and Necessary Expenses for Bob Blackburn in the amount of \$22.49. Seconded by James Waldo, approval was unanimous.

### **Proposed Executive Session**

Denzil Garrison moved to go into Executive Session under O.S. Supp. 1997 §307(B)(1) for the purpose of discussing personnel issues. Seconded by Jack Haley, approval was unanimous.

Denzil Garrison moved to dissolve the Executive Session and reconvene in open session. The motion passed. The meeting resumed in open session.

A letter incorporating a positive evaluation of the Executive Director was presented for inclusion in the personnel files.

There being no further business, the meeting adjourned at 3:50 p.m.

Leonard Logan, President

Bob L. Blackburn, Executive Director

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