

## THE SEQUOYAH CONVENTION

By Amos Maxwell\*

### PART II

The separate statehood constitutional convention which opened in Muskogee on August 21, 1905, afterward called the Sequoyah Constitutional Convention, attracted considerable attention throughout not only Indian Territory, but the Middle West as well. Besides a number of newspapermen from Indian Territory, the managing editors of the *Saint Louis Republic* and the *Kansas City Journal* and the Washington writer for the News Enterprise Association, a department of the Scripps-McRea Press Association, were there to cover this unusual convention for their readers.<sup>1</sup> There was good cause for this convention to attract widespread interest, for it was the first time since 1889 that a people had met to draft a constitution for statehood without first having an enabling act passed by Congress authorizing such a convention.

Just prior to the opening of the convention at eleven o'clock Monday morning, August 21, Charles N. Haskell was requested by Green McCurtain and John F. Brown, Principal Chiefs of the Choctaw and Seminole Nations, to serve as chairman of the convention. This Haskell declined, stating that Chief Pleasant Porter of the Creek Nation should serve and thereby give it the appearance of Indian leadership. Porter agreed if Haskell would serve as vice-chairman and relieve him of the routine.<sup>2</sup> Shortly after this meeting

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<sup>1</sup> *Muskogee Phoenix*, August 20, 1905, p. 1, col. 6.

<sup>2</sup> Fowler, *op. cit.*, p. 51. (The preliminary organization of the executives of the Five Civilized Tribes to promote an international constitutional convention for the admission of the Indian Territory as a separate state had taken place at a convention held at Eufaula on May 21-23, 1903, under the call of Green McCurtain, Principal Chief of the Choctaw Nation. Representative of this original organization, the final call for the constitutional convention to be held at Muskogee on August 21, 1905, was issued by Principal Chief Green McCurtain of the Choctaw Nation and by Principal Chief William C. Rogers and James A. Norman of the Cherokee Nation. Neither Chief Rogers nor Mr. Norman were elected as delegates to the Muskogee convention. However, as executive of the Cherokee Nation, Chief Rogers was the duly constituted representative of the Cherokee and was doubtless serving at this time as chairman of the original organization that had held over from the Eufaula convention in 1903. In the meeting of this original organization held on the morning of August 21, 1905, Chief Rogers by virtue of his position was selected to open the constitutional convention later on the same day in the Hinton Theatre, at which time temporary officers were chosen, followed by the election of permanent officers.—Ed.)

the convention opened in the Hinton Theatre. It was reported there were "probably sixty delegates and twice as many spectators, many of them ladies."<sup>3</sup>

Immediately after Chief William C. Rogers of the Cherokee Nation rapped the convention to order Reverend A. Grant Evans, president of Henry Kendall College, offered the invocation. Reverend Evans was followed by Mayor F. B. Fite, who welcomed the delegates to Muskogee, and William H. Murray responded to Fite "eliciting as prolonged applause as any speaker during the session."<sup>4</sup> Murray's response was followed by George W. Scott of Eufaula proposing that a resolution of the chiefs of the Five Civilized Tribes be accepted. This resolution, nominating temporary officers, was accepted unanimously, and D. C. McCurtain, son of Chief McCurtain, thanked the delegates for electing him temporary chairman.<sup>5</sup> Shortly after this, on the motion of William H. Murray, a Committee on Permanent Organization, Rules, and Order of Business was appointed.<sup>6</sup> Upon the appointment of this committee, with one member from each of the Five Civilized Tribes, the convention adjourned until after lunch.

When the afternoon session began that day, the first important business to be considered was a report of the Committee on Permanent Organization. The part of their report, which was a list of nominees for permanent officers, was adopted as read. The officers elected included: Pleasant Porter as chairman, Charles N. Haskell as vice-chairman, and Alexander Posey as secretary; the other officers may be found listed in Appendix C.<sup>7</sup> The remainder of this committee report consisted of six parts. The first part stated that a quorum should consist of a delegate, or delegates, from fourteen or more districts. Part two recommended the appointment of three committees: a committee on drafting the constitution, a committee on resolutions, and a committee on finance; the first and third of these committees were appointed. Part three recommended that all resolutions be submitted to the proper committees. Part four sug-

<sup>3</sup> *Muskogee Phoenix*, August 22, 1905, p. 1, col. 1.

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

<sup>5</sup> *Ibid.*, cols. 1-2. Names of temporary officers are in *Appendix C*.

<sup>6</sup> *Ibid.*, col. 2. Names of this committee's members are in *Appendix D*; this committee is hereafter referred to as the Committee on Permanent Organization.

<sup>7</sup> *Muskogee Phoenix*, August 22, 1905, p. 1, col. 3. William H. Murray has written that not Alexander Posey, but J. Hampton Tucker was the secretary. The author is in possession of a letter from Tucker, dated February 22, 1949, in which he states that he did not even attend the convention, and thus could not have been the secretary. Several writers have stated that, excepting Pleasant Porter, each of the principal chiefs of the Five Civilized Tribes, with William H. Murray representing the chief of the Chickasaw Nation, served as a vice-chairman of the convention. Newspaper reports of the convention fail to indicate this to have been the case. It is possible there was a silent understanding among all of the officers that those men would be considered as vice-chairmen to compensate for Chief William C. Rogers not being chosen as a delegate from any district in the Cherokee Nation, even though he had been a signer of the original Norman call.

gested that all speeches be limited to ten minutes, unless the speaker was granted permission from the convention. This fourth recommendation was not followed. The fifth recommendation was that the convention should convene at nine o'clock and at two o'clock each day. The last suggestion was that Cushing's Manual on Parliamentary Rules be used in the convention.<sup>8</sup>

After the above report of the Committee on Permanent Organization was adopted, Theodore Potts suggested that since there was no rule on voting that voting should be by districts. Charles H. Haskell then countered with a motion which carried; it was: if a vote was requested by ten delegates then there was to be a roll call of the districts, with each district being allowed seven votes; the seven votes could be cast as a unit or divided as the particular delegations chose.<sup>9</sup>

Later in the afternoon a committee was appointed to investigate the three delegates from the Atoka, or the twenty-third recording district, whom it was claimed were single staters. The three delegates were: William Bassett, D. N. Robb, and Paul B. Smith. The names of the committee appointed to investigate the three may be found in Appendix D. That night the committee asked for and received more time to investigate the delegates in question.<sup>10</sup>

During the night session, August 21, A. Grant Evans suggested that the chairman appoint a committee of one delegate from each district to work up sentiment for the ratification of the constitution to be written.<sup>11</sup> This committee for campaigning was later created, but with one delegate chosen by each delegation rather than by the chairman.

S. M. Rutherford read a letter that night which he had received from Silas Armstrong. The letter stated the Quapaw delegation was prevented from attending the convention due to swollen streams.<sup>12</sup>

When the convention convened at nine o'clock, Tuesday morning, August 22, the names of the members of the Committees on Constitution, on Campaign, and on Finance were announced.<sup>13</sup> The names of all the members of these committees may be found in Appendices E, F, and G respectively.

H. L. Muldrow, who was named as a member of the Finance Committee, wrote this writer:<sup>14</sup>

<sup>8</sup> *Ibid.*, cols. 3-4.

<sup>9</sup> *Ibid.*, col. 4.

<sup>10</sup> *Ibid.*, cols. 4 and 6.

<sup>11</sup> *Ibid.*, col. 5.

<sup>12</sup> *Ibid.*

<sup>13</sup> *Muskogee Phoenix*, August 23, 1905, p. 1, col. 1.

<sup>14</sup> H. L. Muldrow to Amos Maxwell, August 11, 1949.

I may have been a member of the Sequoyah Constitutional Convention but even if so I was not active and Governor Murray was right in telling you that I did not attend the convention in Muskogee. If I was listed as a member of the Finance Committee, I was never advised of it and certainly did not serve. As a matter of fact, I was not in Muskogee while the Convention was in session.

There were probably a number of others named as members of committees who were not present, for on the first day it had been reported, as previously stated, there were only about sixty delegates in the convention, yet one hundred and two men had been appointed to these three committees of the three hundred and five delegates and alternates who had been elected. William H. Murray has stated: "I was the only one from the Chickasaw Nation that was at the convention from start to finish."<sup>15</sup> This statement of Murray's is certainly substantiated by an editorial from the *Muskogee Phoenix*.<sup>16</sup>

We sincerely trust Mr. Murr[a]y will succeed in getting someone here to assist him in representing the Chickasaw Nation. Not that he and the Pauls Valley delegation are not equal to the emergency, but it would be less embarrassing on the roll call if districts 16, 18, 19, 20, 21, 22, and 26 had some one to answer present.

Reford Bond, elected as a delegate from the nineteenth district, although a single stater, stated that he did not attend the convention because he was a young man with a heavy law practice to take care of.<sup>17</sup> Not being in sympathy with the announced aims of the convention, it was only natural for him to refuse to neglect his practice.

On Tuesday morning, August 22, Robert L. Owen moved that James A. Norman, author of the first call for the convention, be elected as an assistant secretary. In viewing Norman's past efforts for separate statehood, it was only fitting that he be given some position in the convention, and a logical place was a seat on the secretariate, for it was headed by Alexander Posey, an Indian newspaperman who had not been elected as a delegate. Owen's motion was approved by the convention.<sup>18</sup>

That morning the committee named to investigate the Atoka delegation reported they had nothing to investigate, for the three delegates in question had not been certified by Chief McCurtain. Robert L. Owen, possibly wishing to avoid any open fights in the convention, moved that they be seated as delegates-at-large. This set off a prolonged debate, and several members demanded a statement from Paul B. Smith, only one of the three present. Smith, it was reported, then made a "red hot speech in favor of separate statehood." Leo F. Bennett followed Smith with a motion to seat

<sup>15</sup> Interview with William H. Murray, August 9, 1949.

<sup>16</sup> *Muskogee Phoenix*, August 23, 1905, p. 4, col. 1.

<sup>17</sup> Interview with Reford Bond, Member Oklahoma State Corporation Commission, August 15, 1949.

<sup>18</sup> *Muskogee Phoenix*, *loc. cit.*, p. , cols. 2-3.

the entire Atoka delegation, but Joseph M. LaHay opposed this and read the single statehood resolution adopted by that delegation on August 7. John R. Thomas, A. Grant Evans, and others then made speeches in favor of the Bennett motion, and it was carried with only William H. Murray dissenting.<sup>19</sup>

The *Phoenix*, while covering the convention with greater thoroughness than any other paper, could not escape the temptation to cast a few slurs and some compliments to individual members of the convention. Reporting on Robert L. Owen's reading of a memorial, it stated: "He did so, making a masterful address, from his viewpoint, the hour and a half which he consumed never occasioning the least impatience among the delegates."<sup>20</sup> The same type of reporting may be seen when it wrote that Solomon J. Homer, whom they stated was a full-blood Choctaw and Harvard graduate, made "One of the best addresses of the entire convention."<sup>21</sup>

That afternoon, Theodore Potts of the Wagoner district moved the adoption of an oath for all members of the convention. The oath he presented was: "I do solemnly swear that I will support the constitution and laws of the United States and will honestly and faithfully discharge the duties of the office on which I am about to enter." James S. Davenport moved that the words, "and laws" be stricken from the oath. This caused quite a discussion among the members, but the oath was finally adopted as amended by Davenport.<sup>22</sup> This refusal of the delegates to include supporting the laws of the United States within their oath later caused some rather caustic editorials in the newspapers of the territory.

In the Tuesday afternoon session before any mention had been made on the floor of the convention for a recess, William H. Murray moved that the chairman appoint a committee of five to select prominent men to address the convention after the recess. This move came as a surprise to many of the convention delegates, but it was unanimously passed.<sup>23</sup> Later that afternoon Murray moved that the convention reassemble, after a recess, in South McAlester. Murray withdrew his motion when U. S. Russell, one of the delegates from South McAlester, cited the lack of hotel facilities in his city.<sup>24</sup> Just before five o'clock, Charles N. Haskell proposed that the convention adjourn for two weeks, leaving the Constitution Committee to draw up the constitution. The convention was then to convene

<sup>19</sup> *Ibid.*, cols. 1-2.

<sup>20</sup> *Ibid.*, col. 3 and p. 5, col. 1.

<sup>21</sup> *Ibid.*, p. 1, col. 3.

<sup>22</sup> *Ibid.*

<sup>23</sup> *Muskogee Phoenix*, August 23, 1905, p. 1, col. 3. Names of the committee members may be found in *Appendix D*.

<sup>24</sup> *Ibid.*, p. 5, cols. 1-2. The paper did not state Murray's reasons for suggesting moving the convention to South McAlester.

to approve or disapprove the committee's work. At five o'clock, the convention adjourned for two weeks; it was due to reconvene at nine o'clock on September 6.<sup>25</sup>

That night the Constitution Committee held a meeting in the Commercial Club in Muskogee. In this organizational meeting W. W. Hastings of Tahlequah was elected chairman, John R. Thomas of Muskogee, vice-chairman, and Reverend A. Grant Evans, also of Muskogee, was chosen as secretary. P. A. Byers of Pryor Creek was later made assistant secretary. On the motion of Cheesie McIntosh the chair was authorized to appoint a committee of three to aid the chairman and vice-chairman in recommending the appointment of sub-committees. Those so named were Charles N. Haskell, Robert L. Owen, and David M. Hodge. Before the meeting adjourned, Owen spoke briefly on adopting an Indian name for the state, preferably Sequoyah.<sup>26</sup>

The other large committees, the Committee on Finance and the Committee on Campaign, met that night, but they adjourned shortly to await results from the Constitution Committee.<sup>27</sup> The following day the Finance Committee met again to receive a report from some of its members. This report recommended financing the campaign, election, and other expenses by the issuance of non-interest bearing bonds in denominations of \$1 to \$25 on the condition that the new state would assume the debt. Connell Rogers of Fort Gibson, a member of the committee appointed from the Constitution Committee to meet with the Finance Committee, was reported to have objected to this report in strong terms. He advocated instead voluntary subscriptions and then put \$25 in cash "in the hands of the Chairman of the Finance Committee."<sup>28</sup>

In the meeting of the committee to draft the constitution which took place on Wednesday morning, August 23, Chairman Hastings made his appointments to the eleven subcommittees recommended. Pleasant Porter and Charles N. Haskell, chairman and vice-chairman of the constitutional convention, as well as committee chairman Hastings, were made ex-officio members of all the sub-committees. No one of the various sub-committees to draft portions of the constitution was more important than the other; they each had important duties, and they were staffed by highly capable men. The eleven sub-committees met daily and nightly from that morning until August 29; they worked hard and fast, meeting in various offices in Muskogee.<sup>29</sup> The short amount of time in which they

<sup>25</sup> *Ibid.*

<sup>26</sup> *Muskogee Phoenix*, August 23, 1905, p. 1, col. 4.

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*, August 24, 1905, p. 7, col. 3.

<sup>29</sup> *Ibid.*, col. 4. Names of all members of the sub-committees and where they met may be found in *Appendix E*.

were able to prepare their reports is ample testimony to the fact that there could have been but few prolonged arguments within the sub-committees, most of whom were undoubtedly chaired by a fairly strong and highly intelligent individual.

Wednesday afternoon the Anti-Horse Thief Detective Association, holding a barbecue in Hyde Park in Muskogee, requested and received two speakers from the Constitutional Committee. The two who went out to speak were Robert L. Owen and Solomon J. Homer.<sup>30</sup>

After meeting but one day, the Sub-Committee on Suffrage, Election, and Preservation of Purity of Government, headed by Joseph M. LaHay, was reported to be consuming much time in listening to lady callers demanding women's suffrage. A newspaper report stated: "Joe says the chairman realized what he calls 'the eternal fitness of things' when he appointed him chairman of that particular committee."<sup>31</sup> Just what LaHay meant by "the eternal fitness of things" was left to be assumed by the readers.

On Tuesday, August 29, after a week of sub-committee meetings, the Constitution Committee met again and during the day and night sessions approved the reports of two of the sub-committees. These reports dealt with the preamble, the bill of rights, and the judiciary. Other partial reports were heard with no action being taken on them.<sup>32</sup>

The preamble approved contained the name of the proposed state as the State of Sequoyah. This naming the new state, Sequoyah, caused a "hot discussion." *Indianola* was suggested by Masterson Peyton, and *Tecumseh* by George W. Grayson, but Charles N. Haskell and others made speeches in favor of the reported name. It was finally adopted but without unanimous consent. The name, Sequoyah, according to the *Phoenix*, was first suggested in a poem by J. S. Holden, published sometime in 1898 in the *Fort Gibson Post*.<sup>33</sup>

In approving the bill of rights, there was reported debate on but three major items. The first item was over a recommendation that defendants in criminal cases be furnished an abstract of all the evidence to be brought against them. Judge John R. Thomas, A. S. McKennon, and Theodore Potts all objected to this provision, declaring it would be unsafe and cause endless delay. Robert L. Owen, S. M. Rutherford, and James S. Davenport defended the provision, but accepted an amendment by Cheesie McIntosh. The amendment

<sup>30</sup> *Ibid.*, col. 3.

<sup>31</sup> *Muskogee Phoenix*, August 25, 1905, p. 8, col. 3.

<sup>32</sup> *Ibid.*, August 30, 1905, p. 1, col. 5 and p. 8, cols. 3-4.

<sup>33</sup> *Ibid.*, August 31, 1905, p. 6, col. 4. The poem mentioned above may be seen in *Appendix J*.

was that defendants be provided with only an abstract of evidence submitted before the grand jury. There was discussion on whether a simple or two-thirds majority of jurors should be required for decisions in civil cases. W. W. Hastings urged final acceptance of the simple majority as used in the Cherokee courts; this was finally adopted. The third provision which aroused debate was a provision allowing any citizen to carry arms to defend his home or property. This was amended in order that one could carry arms for common defense, but it did not justify the carrying of concealed weapons.<sup>34</sup>

In a night session on Tuesday, August 29, the Sub-Committee on the Judiciary reported. This group recommended that five supreme court justices be provided for in the constitution, but after Cheesie McIntosh, S. M. Rutherford, Solomon J. Homer, William H. Murray, and Joseph M. LaHay had spoken it was agreed to reduce the number to three. Also adopted was a provision outlawing the acceptance of a railroad pass by any judge of the courts of the state.<sup>35</sup>

That day the Finance Committee had reported they had already received \$1,200 in contributions to pay the expense of later printing the constitution, ballots, and other miscellaneous expenses. At this time it was seen necessary to appoint an auditing sub-committee to take care of the funds collected and disbursed.<sup>36</sup>

On Wednesday, August 30, the first really personal clashes of the convention occurred. These arguments were between Charles N. Haskell and S. M. Rutherford, and they were later continued after the convention had reassembled in September. In the morning session a heated argument took place over whether four Congressmen should be elected or one delegate. Haskell held the former should be done, while Rutherford the latter. It was at this time that Haskell stated there were four conditions under which Indian Territory legislation should be considered; these were: "statehood for Indian Territory; territorial form of government; go straight to the devil; or be joined with Oklahoma." He added: "These steps are arranged in order of my preference. We can gain nothing by asking for second choice when we are just as likely to get first choice."<sup>37</sup> The Haskell position was upheld by the committee. That afternoon Rutherford moved to have the report of the sub-

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<sup>34</sup> *Ibid.*, August 30, 1905, p. 1, cols. 5-6.

<sup>35</sup> *Ibid.*, col. 3. Louis M. Hacker has stated: "Judges, juries, and state officials were recipients of the largess of the railroads: the pass was the least of the common evils indulged in." Louis M. Hacker and Benjamin B. Kendrick, *The United States Since 1865*, p. 264. It might also be noted that the Elkins Act of 1903 prohibited variation from published rates but not the granting of passes to public officials.

<sup>36</sup> *Ibid.*, col. 4. Names of the members of this sub-committee may be found in *Appendix G*.

<sup>37</sup> Fowler, *op. cit.*, pp. 55-57 and *Muskogee Phoenix*, August 31, 1905, p. 1, cols. 1-2.



committee on county boundaries sent back to the committee. He wanted the state divided into thirty-three counties instead of the forty-eight as recommended. At this time Rutherford accused Haskell of supporting the forty-eight county plan for personal and financial reasons and not for the good of the future state. Joseph M. LaHay disagreed with Rutherford and Masterson Peyton took issue with LaHay, but the forty-eight county plan was finally adopted by the group.<sup>38</sup>

The report of the Sub-Committee on Militia and Minor Administrative Departments was adopted on Wednesday as were several partial reports. Before the committee adjourned, Theodore Potts was selected to draft a provision for the constitution regulating the issuance of charters to corporations by municipal governments.<sup>39</sup>

On Thursday, August 31, the reports of the Education, the Executive, and the Suffrage Sub-Committees were all accepted, each with some changes in its original form. On this day also a sub-committee was named to redraft and edit all of the reports then, or later, adopted by the full committee.<sup>40</sup>

On Friday, September 1, the remainder of the draft of the constitution was adopted. Among some of the provisions adopted were the following: naming the forty-eight counties and outlining their boundaries; setting up twenty-one senatorial districts, eight circuit court districts, and three supreme court districts; the naming of Fort Gibson as temporary capital of the state for six years; the adoption of a corporation commission modeled on the Virginia commission; and providing for a modified form of prohibition of intoxicants. That night the committee turned over to the editing sub-committee all of the material approved by the Constitution Committee. This was to be prepared for presentation to the constitutional convention the next week when it convened.<sup>41</sup>

The work of drawing up the map of forty-eight counties aroused considerable interest throughout the territory, probably more interest than any other part, or parts, of the convention proceedings. As William H. Murray has written:<sup>42</sup>

It was the especial duty of C. N. Haskell and the writer [Murray] to draw the map of the Counties. I recall many amusing incidents of how we forced prominent lawyers to recognize our Convention, and to visit our Committee. We insisted upon their filing petitions in writing and signed by them. This was often effected by drawing tentative County lines through

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<sup>38</sup> *Ibid.*

<sup>39</sup> *Ibid.*, col. 2.

<sup>40</sup> *Ibid.*, September 1, 1905, p. 1, col. 5. The names of the members of this sub-committee may be found in *Appendix E*.

<sup>41</sup> *Ibid.*, September 2, 1905, p. 1, cols. 3, 4, and 6 and p. 4, cols. 3-4.

<sup>42</sup> William H. Murray, "The Constitutional Convention", *The Chronicles of Oklahoma*, IX (1931), 129.

the center of a town, then making changes when petitions were filed. As the map would appear in the Daily Press from day to day, more petitioners would come to Muskogee.

In another work, Murray has written that the sub-committee drew a county line through the town of Ardmore and then required a petition from the townspeople stating why it should be changed. The county line was changed to three miles south of Ardmore, but by doing this Murray and Haskell and other leaders of the convention were able to have the convention recognized and respected by its most hearty opponents.<sup>43</sup> In verification of Murray's statements on his part in the county boundary question, the *Muskogee Phoenix* published six different items on its editorial page in one issue referring to the county line situation. One such item read: "It now looks as if Mr. Murry [sic] of the Chickasaw Nation might have a strenuous time with some of his counties when the convention meets Tuesday."<sup>44</sup>

On Tuesday, September 5, the Constitution Committee met to receive the final edited draft of the constitution as prepared by the editing sub-committee. During that day several changes were made and some suggested changes were voted down. After a heated debate on women's suffrage, an amendment providing for it was rejected. A few of the boundaries of counties were changed including the boundary of the county in which Ardmore was located. A petition was presented by George W. Grayson of Eufaula asking that the capitol be located at that town instead of Fort Gibson. The petition from the citizens of Eufaula cited the fact that the town was only three miles from the exact center of the proposed state, and they agreed to furnish all of the buildings and land needed.<sup>45</sup>

On Tuesday, September 5, a proclamation drawn up by Chief Pleasant Porter, and signed by the other cooperating chiefs, was presented to the Constitution Committee. This proclamation was about four hundred words in length and was to be made a part of the campaign literature. It was an eloquent testimonial to the Indian's belief in Christianity and the just American government under which he lived. It ended: ". . . our present governments shall not be annihilated but transformed into material for a nobly builded state. 'Thus shall we have life not death.'"<sup>46</sup> Along with this proclamation was printed in the *Phoenix* the next day an address by Reverend A. Grant Evans. The address was about twenty-five hundred words and covered one-half of the page. In general, it dealt with three questions: was separate statehood right; was it

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<sup>43</sup> William H. Murray, *Memoirs of Governor Murray and True History of Oklahoma*, I, 315-316.

<sup>44</sup> *Muskogee Phoenix*, September 3, 1905, p. 4, col. 1.

<sup>45</sup> *Ibid.*, September 6, 1905, p. 1, cols. 3 and 4, and p. 2, cols. 1 and 2.

<sup>46</sup> *Ibid.*, p. 2, cols. 1-2.



desirable; and was it practical? The answer of course was in the affirmative.<sup>47</sup>

General Pleasant Porter, chairman of the Sequoyah Constitutional Convention, called the convention back to order at nine-twenty, Wednesday morning, September 6, in the Hinton Theatre. The stage had been decorated with ferns and flowers and with life-size portraits of prominent Indians. Above the speaker's rostrum was a huge picture of President Theodore Roosevelt, surrounded on either side by American flags. There was a drawing of the seal of the proposed State of Sequoyah; it was decorated with flowers and fern. As the convention opened, it was reported there were not over forty present, but this number increased later to "probably one hundred." There were a few delegates there who had not previously attended and were administered the oath; two of those were from the Chickasaw Nation. John R. Goat, a full blood Creek, asked to have the proceedings translated into the Creek language, and Chairman Porter translated his request and agreed to have a translator appointed.<sup>48</sup> Thus the Sequoyah Constitutional Convention was in full and open session for the second time in two weeks.

Almost as soon as the convention opened Wednesday morning, S. M. Rutherford attempted to bring up the county boundary issue. He was immediately declared out of order.<sup>49</sup> At this time W. W. Hastings, chairman of the Constitution Committee, presented the constitution to the convention and moved it be adopted. He made what was termed "a neat speech" on the labor of his committee.<sup>50</sup>

Following Hastings' motion for adoption of the constitution, Reverend Evans read the address of the Chiefs and the one he had written, both of which were published in the previous day's newspapers. Following Evans' reading of the addresses, the Financial Committee read its report. It was stated in the report that the total taxable wealth of Indian Territory was \$418,000,000.00.<sup>51</sup>

Charles N. Haskell gained the floor after the reading of the financial report. He had a poem called "Wahoma", written by Mrs. M. Zoe Duckworth of Claremore, a daughter of John Bullette, a Delaware citizen and member of the convention representing district number four. After being asked to sing the poem, Haskell finally agreed to read it. The poem follows:<sup>52</sup>

Sweet the solemn intonation, sad the chimes so faint so low,  
Marking the time for dying nations once supreme, now fading so.

<sup>47</sup> *Ibid.*, p. 3.

<sup>48</sup> *Muskogee Phoenix*, September 7, 1905, p. 1, col. 1.

<sup>49</sup> *Ibid.*

<sup>50</sup> *Ibid.*

<sup>51</sup> *Ibid.*

<sup>52</sup> *Ibid.*, cols. 1-2.

Drop a tear from memories vessel, for the quaint old days of yore,  
 When our souls were held in common—child and nature's at nature's door.  
 Soon the lives of many nations, scions of a new world's throng—  
 Follows down as falls the mighty, hand of God direct, control the strong.  
 Faithful to the great white father, loyal child of council fire,  
 Sacred peace pipe, empty quiver, spirit one on high enquire—  
 Ere we reach the sunset station, Hearts pure son of love proclaim.  
 All glory to the dying nations to heaven and nature's own refrain.

The convention recessed until afternoon. All afternoon was spent reading the constitution.

In the evening session, Wednesday, September 6, three major events took place. First was the passage of Articles I and II, the bill of rights and the powers of government, respectively; second, "Wahoma" was sung by a Mr. Ware, accompanied by A. W. Roper; and third, the county boundary fight broke in full force on the floor of the convention. This injection of the county boundary issue came during a discussion on Article III on the legislature. S. M. Rutherford moved to reduce the counties to thirty. Haskell called Rutherford out of order because he was a member of the committee recommending the constitution. Chairman Porter ruled such to be the case. U. S. Russell of South McAlester then moved to send this provision back to the committee. Masterson Peyton seconded Russell's motion. Rutherford then got the floor and spoke on the need for economy, saying the taxable wealth of the new state would be only \$100,000,000, not over \$400,000,000 as reported that morning. Following him, W. W. Hastings and William H. Murray spoke in favor of having forty-eight counties. Walter F. Fears of Eufaula then spoke for recommitting the county map back to the committee. Joseph M. LaHay spoke briefly for the proposed map, and Russell again asked that it be recommitted to the committee. W. H. H. Keltner followed Russell with "a humorous speech which aroused much laughter." Haskell and Cheesie McIntosh then spoke in favor of the forty-eight county map, and Peyton again asked for the map to be sent back to the committee. During this debate it was reported that Rutherford and Haskell "indulged in a few spicy exchanges . . ." Nothing definite was settled at the time, and the convention closed after Mr. Ware sang, "State of Sequoyah" improvised to the tune of "Dixie."<sup>53</sup>

Immediately after the invocation on Thursday morning, September 7, Charles N. Haskell and S. M. Rutherford offered their apologies to the convention for their action on the previous day and night. This "was accepted by a rising vote amid great applause."<sup>54</sup> Throughout the morning the only business transacted by the convention was the reading of, voting on, correcting, amending, and adopting of section after section of the constitution. Only

<sup>53</sup> *Ibid.*, cols. 2-3.

<sup>54</sup> *Muskogee Phoenix*, September 8, 1905, p. 1, col. 1.

one incident in the entire morning marred the peaceful spirit of the occasion. This developed when it was proposed to change the name of a county from "Tume-chi-chee" to "McIntosh." When the motion was objected to, Cheesie McIntosh, who had made the proposal, withdrew it. A few minutes later McIntosh received the floor "and directed strong remarks at Chief Porter. General Porter replied and McIntosh then retracted his remarks."<sup>55</sup> There was no statement by the press as to whether the remarks addressed at Porter were on his ruling or some other matter. The remarks of each were probably in the Creek language.

Four Congressional nominees were selected by the convention to be approved or disapproved by the electorate at the election on ratifying the constitution, already set for Tuesday, November 7. The four were: John R. Thomas, Muskogee; C. L. Long, Wewoka; Joseph M. LaHay, Claremore; and D. C. McCurtain, South McAlester. The first two were Republicans and whites, while the latter two were Democrats and Indians.<sup>56</sup> All four men were unanimously approved. The first three thanked the convention for the honor bestowed upon them; D. C. McCurtain was absent from the session.<sup>57</sup>

Thursday afternoon, September 7, was devoted entirely to approving various articles of the constitution. During the session the final attempt to cut the number of counties from forty-eight to thirty occurred. During the course of the debate on Article XII on the boundaries and divisions of and within the proposed state, a motion was made by Walter F. Fears to send the article back to the committee and increase this particular sub-committee by the addition of one member from each recording district. Cheesie McIntosh then made a motion to table the Fears' motion and a vote was taken. By a vote of one hundred and forty-seven to six the Fears' motion was tabled, and the attempt to reduce the number of counties to thirty ended.<sup>58</sup> After this, a few county boundary changes were made before the supper recess.

The *Phoenix* reported: "The evening session [Thursday, September 7] opened with the opera house well filled all the boxes being occupied by ladies who have begun to take a great interest in the proceedings."<sup>59</sup> After an hour of reading and adopting various articles a "spirited debate" took place over the naming of the capital. W. W. Hastings, Cheesie McIntosh, A. S. McKennon, George W. Grayson, Walter F. Fears, William H. Murray, William P. Thompson, and others entered into the debate arguing for the selection of Fort Gibson, Eufaula, and South McAlester as the

<sup>55</sup> *Ibid.*

<sup>56</sup> Charles Evans and Clinton O. Bunn, *Oklahoma Civil Government*, p. 80.

<sup>57</sup> *Muskogee Phoenix*, September 8, 1905, p. 1, col. 1 and p. 5, col. 3.

<sup>58</sup> *Ibid.*, cols. 3-4.

<sup>59</sup> *Ibid.*, col. 4.

capitol city. Fort Gibson was eventually decided upon by "a large majority."<sup>60</sup> Following this a resolution was introduced by Thomas H. Owen and approved by the convention appointing a committee of six to bear the constitution and the memorial to be prepared to Congress. The committee was composed of Charles N. Haskell, William H. Murray, and the four Congressmen.<sup>61</sup> They would leave for Washington after the November election on the constitution.

Cheesie McIntosh then introduced a resolution which was passed shortly before the convention closed that night. It is reproduced below:<sup>62</sup>

Whereas, Those who are actively working for the cause of single statehood entertain the idea that because the principal chiefs of the Five Civilized Tribes are working assiduously to establish a separate state for Indian Territory, in so doing they are committing themselves to the cause of statehood of some kind and that Congress may construe their actions as warranting the bringing in of the Indian Territory with Oklahoma as a single state and that they would acquiesce in such action, therefore,

Be it Resolved, That the people of the Indian Territory are in good faith demanding separate statehood as a matter of right and not with a view of obstructing any kind of statehood if Congress should see fit to refuse this just demand and join the Indian Territory with Oklahoma and bring it into the Union as a single state with Oklahoma Territory it will do so without the consent of the Indians, as well as other inhabitants and over their most solemn protest.

This resolution was no doubt brought about to offset the influence of the editorials running in newspapers at that time predicting that the Sequoyah Constitutional Convention would further the interests not of separate statehood, but of single statehood. There was feeling also among some that the convention was being held only to prevent any kind of statehood and thus further the control of appointed Federal officials and their friends in the territory. This resolution was intended to put a quietus to such statements. That it did not will be seen in the following chapter.

Immediately prior to the closing of that night session, Thursday, September 7, a form of ballot was approved for the voting in November on the constitution.<sup>63</sup> This ballot is reproduced in Appendix I. It will be seen in examining the ballot that it was necessary to vote for ratification before being allowed to cast a vote for a county seat of the particular county in which the elector resided. Since the leaders of the convention realized it would be difficult to get out a vote among the single staters and among the Indians who wanted no change in their system of government, they were shrewd in injecting an issue calculated to draw a maximum number of voters to

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<sup>60</sup> *Ibid*; and p. 5, col. 3.

<sup>61</sup> *Muskogee Phoenix*, September 8, 1905, p. 1, col. 1.

<sup>62</sup> *Ibid*.

<sup>63</sup> *Muskogee Phoenix*, September 8, 1905, p. 5, col. 3.

the polls. A number of voters, not knowing whether Congress would approve of statehood for Indian Territory, would very likely want to vote on the county seat question to make certain their town would be chosen if Congress did create the state. This, the leaders knew, would bring out a larger vote, for they couldn't vote on the county seat question until they had voted for ratifying the constitution. As Haskell, a number of years later, stated: "I knew that if we got out a good vote we would have to put some element of personal interest in it, so we injected the county seat question."<sup>64</sup> After approval of the ballot, the convention closed until the following morning.

On the morning of the last day of the convention, Friday, September 8, an amendment to the constitution was passed which required any future railroad built within any county of the state, which passed within four miles of the county seat, to pass through that county seat unless obstructed by natural objects and provided that the county seat town granted a right of way and furnished grounds for the depot. The vote on this amendment was twenty to eighteen in its favor. During the debate on this provision, W. W. Hastings, Joseph M. LaHay, S. M. Rutherford, and William P. Thompson were opposed to it, while John R. Thomas, A. S. McKennon, and W. H. H. Keltner supported the measure.<sup>65</sup>

Following this debate A. Grant Evans introduced a resolution which was passed, appealing to Congress to purchase the Indian schools in Indian Territory for the use of the State of Sequoyah. This was asked due to the lack of public domain land for school use as in other states.<sup>66</sup>

Another amendment to the constitution was made that morning when it was voted to prohibit foreclosure of a homestead by mortgage. This provision stated that no homestead mortgage would be legal, except for the purchase of the homestead or for improvements thereon.<sup>67</sup>

Just before noon the convention adjourned, but preceding this, W. W. Hastings moved the adoption of the constitution as amended. This was done by a unanimous vote of all present, thirty-five members.<sup>68</sup> Afterwards, on the motion of S. M. Rutherford, a committee of twenty was appointed to accompany the committee of six to Washington. This committee was to lobby among the members of

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<sup>64</sup> Paul Nesbitt, "Governor Haskell Tells of Two Conventions", *Chronicles of Oklahoma*, XIV (1936), 203.

<sup>65</sup> *Muskogee Phoenix*, September 9, 1905, p. 1, col. 1.

<sup>66</sup> *Ibid.*

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*, cols. 1-2.



Congress for the passage of an enabling act.<sup>69</sup> Finally the convention adjourned, but not until a resolution of thanks had been passed. This resolution thanked the people of Muskogee for their hospitality, Pleasant Porter for his impartiality as presiding officer, Charles N. Haskell and W. W. Hastings for their hard work, and A. Grant Evans and the other officers for their performance of duties. The convention also thanked the press of Muskogee, the railroads, and the Muskogee Commercial Club. With the reading of a poem by James A. Norman, the benediction by Reverend A. Grant Evans, and the singing of "God Be With You Till We Meet Again," the convention adjourned sine die.<sup>70</sup>

As the convention closed that day at high twelve, some of those few who were there until the end and probably many of those who had left on earlier trains remembered a few of the words of Pleasant Porter when he had said to them earlier in the convention:<sup>71</sup>

From time immemorial the Indians as a heritage of the original inhabitants have been promised a state, an empire of their own. Driven west by successive invasions the Indians were forced to settle in this territory which is undoubtedly Indian country. They have taken on the dress, the customs, and the religion of the white man and they welcome him as a brother. The national government must grant us separate statehood or make a confession.

Just what the confession referred to was not elaborated on by Porter, but it most probably was understood by those who heard the speech to mean that if separate statehood was not granted, the Federal government would thus show that it had not meant to fulfill the treaties and agreements entered into with the Five Civilized Tribes during the previous seventy-five years, which had promised the Indians that no state would be created including their territory without their permission. This was a sobering thought for any man elated over the results of the convention to carry home with him. It was a thought which might inspire many of the non-Indian delegates to work even harder to get Congress to pass an enabling act for the proposed State of Sequoyah, thereby proving that the United States Government could keep its promises made to the Indians.

#### RATIFICATION OF THE SEQUOYAH CONSTITUTION

On the day the Sequoyah Constitutional Convention adjourned, September 8, the Supreme Election Board, named in Article VI of the constitution, met and elected officers. The four members chose D. N. Robb as chairman; A. B. Cunningham, vice-chairman; and Carl Pursel, secretary. The other member was David M. Hodge. Hodge and Robb were Republicans, while the other two were Demo-

<sup>69</sup> *Ibid.*, col. 2.

<sup>70</sup> *Ibid.*

<sup>71</sup> Fowler, *op. cit.*, p. 53.

crats.<sup>72</sup> During that meeting of the Supreme Election Board two rules were laid down for the conduct of the coming election. The first of these was that any recognized political party could nominate four candidates for Congress if that political party nominated them at a properly held convention. The second rule issued was that any town aspiring to be a county seat and have its name printed on the ballots must notify the Supreme Election Board by October 1.<sup>73</sup> From the time these rules were issued the campaign for ratification began in full swing.

During the campaign for ratification, just as during the convention, there was great newspaper opposition. While the convention had been in session almost every newspaper in the territory had opposed it; only a few had approved. But from the time the convention closed it was cause for notice when the campaign received any favorable publicity.

Highly played up in the newspapers was the rejection of a challenge to a debate on the Sequoyah statehood movement by H. G. Baker, chairman of the Sequoyah Campaign Committee, sent to the Single Statehood Executive Committee of Oklahoma and Indian Territory, holding a meeting in Tulsa on September 19. The challenge was rejected, they said, because it was sent on behalf of a constitutional convention which "was not representative and because of the unfair methods and the proposed way of holding election."<sup>74</sup> The Single Statehood Executive Committee then proposed holding an election in Indian Territory on the issue of uniting with Oklahoma or having a separate state.<sup>74</sup> While no such election, as suggested by the single staters, was ever held, if it had been it most likely would have approved the separate state idea. Paul Nesbitt quotes Haskell as saying the Democrats of Indian Territory "accepted . . . single statehood because they knew there was no possible chance of getting any other kind of enabling act."<sup>75</sup> William H. Murray has written concerning separate statehood:<sup>76</sup>

"The movement was unpopular. . . among all the newspapers, and professional men generally, but it was intensely popular with the Indians and farmers, most of whom belonged to the Farmers Union, to the astonishment of the element that otherwise would be called the 'Leaders of the people.' "

Dr. W. W. Groom, at present the secretary of the Scottish Rite Consistory in McAlester, told this writer that during that period when

<sup>72</sup> *Muskogee Phoenix*, September 9, 1905, p. 1, col. 2.

<sup>73</sup> *Ibid.*, cols. 2-3.

<sup>74</sup> *Ibid.*, September 20, 1905, p. 1, cols. 1-2.

<sup>75</sup> Paul Nesbitt, "Governor Haskell Tells of Two Conventions", *Chronicles of Oklahoma*, XIV (1936), 194-195.

<sup>76</sup> William H. Murray, *Memoirs of Governor Murray and True History of Oklahoma*, I, 317.

he had been a young medical doctor in Bristow he had favored separate statehood. Doctor Groom said he found most of the whites in Indian Territory favored it also, for most of them came from the South or from border states, and thus they had little or nothing in common with the "short grassers" of Oklahoma Territory, who came from Kansas or other Northern states.<sup>77</sup> Taking the statements of Haskell, Murray, and Groom as a base, one can assume that most people in Indian Territory did want separate statehood, but it might be charged that those opinions are biased since they come from men definitely favorable to separate statehood. To this charge the answer must be that they were reasonable, well-thought opinions, and each from a different facet of the question and from men well acquainted in the territory. They were not hasty, ill-considered statements made with the purpose of swaying either an audience or a reader to a cause, for each statement was made or written many years after separate statehood, as an issue, was dead, and as a possibility in the future was unthinkable.

On September 23 a convention was held in Checotah protesting against the Sequoyah movement. With about three hundred present a six-pointed resolution was approved which opposed the Sequoyah Constitution and pledged the group to single statehood.<sup>78</sup>

H. G. Baker, who had earlier challenged any member of the Single Statehood Executive Committee to a debate on the Sequoyah movement, replied September 24 to the challenge to hold an election just on single or separate statehood. In refusing the challenge he stated: ". . . we assume, of course, that you do not expect us to accept the terms. . . ." Baker then stated that a vote of "No" on the Sequoyah Constitution could be considered as meaning the people of Indian Territory favored single statehood.<sup>79</sup>

In mid-September the Independent Statehood Club of Bacone, formed of students from Indian University and Bacone College, challenged the students of the University of Oklahoma to a debate on the question: "Resolved, That Indian Territory should be admitted to the union as a state without the annexation of the Territory of Oklahoma." The Bacone club offered to support the affirmative side.<sup>80</sup> This challenge was refused.<sup>81</sup>

On Thursday, September 28, two conventions were held in Okmulgee, and each of them split over the statehood issue. In the first, the annual convention of the Indian Territory Suffrage League,

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<sup>77</sup> Interview with W. W. Groom, August 9, 1949.

<sup>78</sup> *Muskogee Phoenix*, September 24, 1905, p. 3, cols. 2-3.

<sup>79</sup> *Muskogee Phoenix*, September 26, 1905, p. 3, cols. 3-4.

<sup>80</sup> *Ibid.*, September 27, 1905, p. 7, col. 4. The date this challenge was made was not shown in the paper.

<sup>81</sup> Roy Gittinger to Amos Maxwell, September 12, 1949.

which was attended by one hundred and nine persons, one hundred members declared in a resolution for Sequoyah. The other nine members bolted the convention and held a rump convention for single statehood.<sup>82</sup> The second convention was a meeting of about eighty Negroes. When the chairman of the group, W. A. Rentie, refused to entertain a motion to pass a resolution favoring single statehood, sixty-two of the group left and reorganized in order to be able to pass such a resolution.<sup>83</sup> The original purpose of the Negro convention was not stated in the newspaper article.

In an editorial on September 29, the *Muskogee Phoenix* predicted that within two weeks after Congress convened in December that the fight for separate statehood would be dropped. To substantiate their argument they quoted John R. Thomas, one of the Sequoyah Congressional nominees as saying: "What we want is statehood and if we can not get separate statehood then let us be joined to Oklahoma, only let there be no delay."<sup>84</sup> If the *Phoenix* did not distort the meaning in the Thomas quotation, then there would be little delay in that next session of Congress in granting single statehood, for separate statehood meant a long, hard, and continuous fight, for Thomas, it can be seen, was pledging himself not to statehood for the proposed State of Sequoyah, but just to statehood. This idea of statehood, single or double, had been the original aim of Charles N. Haskell when he called on Chief Pleasant Porter the preceding July after reading the Norman call; yet as seen on page 69 the Sequoyah Convention itself passed a resolution on September 7 stating exactly the opposite. The *Phoenix*, then, if they did not distort the Thomas statement, had been right all along in predicting that the Sequoyah Convention would aid single statehood, for here was one of the Sequoyah nominees urging statehood with Oklahoma, if necessary.

That same day, September 29, the Cherokee National Council passed Joint Resolution No. 11, which opposed union with Oklahoma and resolved that the Cherokee people favored separate statehood for the area of the Five Civilized Tribes and the Quapaw Reservation. The resolution also approved the Sequoyah Constitution.<sup>85</sup>

The *Phoenix* on Sunday, October 1, in an effort to increase the advertising of the paper, boost its circulation, or just simply in the interests of good journalism, published a souvenir edition of twenty-eight pages on the Sequoyah Constitutional Convention. Other than the news and features of the normal eight page paper, this edition contained biographies of nineteen leaders of the convention,

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<sup>82</sup> *Muskogee Phoenix*, September 29, 1905, p. 1, cols. 5-6.

<sup>83</sup> *Ibid.*, cols. 1-2.

<sup>84</sup> *Ibid.*, p. 4, col. 1.

<sup>85</sup> Exhibit F to *Senate Docs.* No. 143, 59 Cong., 1 sess., ss. 4912, p. 46.

the constitution, lists of most of the committees, and pictures of many of the prominent members.<sup>86</sup> The publication of this edition did not indicate that the newspaper was changing its stand on the issue of statehood, for it did not lessen its editorial criticism and slanted stories on the campaign then in progress for ratification of the constitution.

The next day Senator Moses E. Clapp of Minnesota, slated to be the chairman of the Senate Indian Affairs Committee in the coming Fifty-ninth Congress, stopped over in Muskogee during his tour of Indian Territory. During an interview, Senator Clapp stated he had reached the conclusion that the people of Muskogee preferred separate statehood.<sup>87</sup> In view of the Senator being a member of the Republican Party this interview was widely quoted and often distorted later.

On October 7, Chairman Pleasant Porter called for all of the delegates to the Sequoyah Constitutional Convention to reconvene in South McAlester on Saturday, October 14, at ten o'clock.<sup>88</sup> This meeting was to be held in order that all of the delegates could sign the constitution.

On October 12 and 13, the *Phoenix* quoted President Roosevelt and Senator Beveridge, each of whom had given statements favoring single statehood. In an editorial the *Phoenix* on October 12 quoted the *Kansas City Star* of October 8, which had quoted the President as saying: "I want you to have statehood . . . but not for Oklahoma alone. I am with you for joint statehood for Oklahoma and Indian Territory, and I would also like to see New Mexico and Arizona come in as one state."<sup>89</sup> The day after the *Phoenix* quoted the President, a letter was printed on the front page addressed to S. T. Bledsoe of Ardmore and signed by Senator Albert J. Beveridge; two excerpts from the letter follow:<sup>90</sup>

. . . . It is my emphatic opinion that the bill making Oklahoma and Indian Territory one state under the name of Oklahoma will pass both the House and the Senate, and become a law very early in the next session. Certainly no bill making Indian Territory a state has the slightest chance of passage.

Men in public life are not surprised at schemes such as you describe the separate statehood plan in Indian Territory to be. Answering your question as to what effect such manipulation will have on the next Congress: I answer that I think it will have no effect at all. Certainly it would not have the slightest effect on myself. . . .

This letter by Beveridge was widely quoted throughout the Indian

<sup>86</sup> *Muskogee Phoenix*, October 1, 1905, pp. 9-28.

<sup>87</sup> *Ibid.*, October 3, 1905, p. 1, col. 5.

<sup>88</sup> *Ibid.*, October 10, 1905, p. 1, col. 1.

<sup>89</sup> *Ibid.*, October 10, 1905, p. 4, col. 1.

<sup>90</sup> *Ibid.*, October 13, 1905, p. 1, cols. 1-2.

Territory press in the remaining period before the vote on the Sequoyah Constitution.

In an editorial in the same issue that printed the Beveridge letter, the *Phoenix* appealed to the delegates of the Sequoyah convention, scheduled to meet in South McAlester on the next day, to withdraw their constitution and join the group urging single statehood.<sup>91</sup> This editorial was addressed to the separate state advocates in Indian Territory. In the edition of the following day, the *Phoenix* claimed the county seat elections were only being held to draw voters to the polls and that the election of November 7 was not an election on statehood at all. In six different editorial items, the *Phoenix* then urged the electorate to stay away from the polls.<sup>92</sup> Of course, the *Phoenix* was right in its statement that the county seat elections were being held only to draw voters, for had not Charles N. Haskell purposefully intended such to be the case?<sup>93</sup>

On Saturday, October 14, at ten-thirty, the Sequoyah Constitutional Convention reconvened in the Opera House in South McAlester. One hundred and forty-three delegates were there from twenty-five of the twenty-six recording districts. At this meeting in South McAlester, three major events took place: first, an anti-labor provision in the constitution was stricken; second, the time for towns being allowed to file for county seat was extended from October 1 to October 17; and third, the delegates authorized Chairman Pleasant Porter and Secretary Alexander Posey to sign the constitution for them.<sup>94</sup> This latter was done to avoid the expense of engrossing the entire document of approximately 35,000 words on parchment until they were certain that Congress would pass an enabling act.

On Tuesday morning, October 17, it was reported that E. A. DeMeules, the treasurer of the Finance Committee of the Sequoyah Constitutional Convention, resigned his post.<sup>95</sup> There was no statement as to why he resigned. The *Phoenix*, which had reported the DeMeules resignation also had a column on the requirement of the Supreme Election Board making it mandatory for each town wishing to be listed on the ballot as a candidate for county seat to pay \$100.00 to the Board. This requirement, not previously mentioned in the press, was to aid in the payment of the expenses of the convention and the printing of the ballots. The paper stating its opinion in the news item: "The surprising thing is that there are not 480 counties on that map and that efforts were not made to get

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<sup>91</sup> *Ibid.*, p. 4, col. 2.

<sup>92</sup> *Ibid.*, October 14, 1905, p. 4, cols. 1-2.

<sup>93</sup> See page 313, this publication.

<sup>94</sup> *Muskogee Phoenix*, October 15, 1905, p. 1, cols. 1-3.

<sup>95</sup> *Ibid.*, October 17, 1905, p. 1, cols. 1-2.

from three to a dozen applications for county seat privileges from each."<sup>96</sup> This statement, coupled with the DeMeules' resignation under the same heading, left the impression that the leaders of the Sequoyah Convention were only making an effort to swindle the various towns out of their money and that E. A. DeMeules could stand it no longer. This would tend to show the healthy respect held for the chances of the constitution being ratified in the coming election and efforts to swing all possible voters against it.

Two days later the *Phoenix* reported in a very biased article of the disbandment of the Separate State Club of Coweta and its reorganization into a single state club. According to the paper it occurred on the night of October 17.<sup>97</sup>

On October 21, the *Phoenix* published the statehood views of one hundred and five of the newspapers in Indian Territory. Of those, they listed seventy-eight as against separate statehood, sixteen for it, and only eleven as neutral. Of all the newspapers listed, there was only one listed as neutral from the Chickasaw Nation, and none as for it from that nation. The one neutral paper in the Chickasaw Nation was the *Wynnewood New Era*.<sup>98</sup>

A letter from Speaker Joseph Cannon to Delegate Bird S. McGuire was published under a Pawnee, Oklahoma Territory, dateline of October 24. In part the letter from Cannon read: "I would consider the very best way to defeat statehood entirely, would be to advocate separate statehood."<sup>99</sup> This letter was widely quoted throughout the territory with one aim in mind—that of counteracting the influence of the Sequoyah speakers and the Choctaw and Chickasaw National Councils passing resolutions favoring separate statehood. These two bodies had each passed resolutions opposing union with Oklahoma Territory and commending the Sequoyah Constitution to their constituents.<sup>100</sup>

While the Cherokee, Chickasaw, and Choctaw National Councils had in September and October passed resolutions favoring the Sequoyah movement, the Creek National Council passed, by a vote of forty-six to twenty-six, a lengthy resolution against it. This resolution stated that the Government of the United States had bound itself in "treaty" with the Creek Nation never to form a state or territory from the land they occupied without their consent.<sup>101</sup> Thus Pleasant Porter, who had been instructed by the twenty-three

<sup>96</sup> *Ibid.*

<sup>97</sup> *Muskogee Phoenix*, October 19, 1905, p. 1, col. 4.

<sup>98</sup> *Ibid.*, October 21, 1905, p. 4, cols. 3-5.

<sup>99</sup> *Ibid.*, October 25, 1905, p. 1, cols. 1-2.

<sup>100</sup> Exhibits D and E to *Senate Docs.* No. 143, 59 Cong., 1 sess., ss. 4912, pp. 44-46.

<sup>101</sup> *Muskogee Phoenix*, October 28, 1905, p. 1, cols. 3-4. The treaty referred to is no doubt the Creek and Seminole Treaty of August 4, 1856.

tribal leaders on July 14 to oppose any kind of statehood with Oklahoma Territory, yet had signed an agreement with Charles N. Haskell and other Chiefs of the Five Civilized Tribes on July 18 to approve such a union on the failure of Congress to agree to Indian Territory statehood, met with strong opposition in his own legislature. The resolution, which this opposition group passed, also stated that the Creek Nation was against the Sequoyah movement for if Congress did not approve it then the leaders were to work for passage of a single statehood bill. This move of the Creek legislature late in October no doubt hurt the campaign but to what extent it is difficult to determine.

On Sunday, October 29, Reverend E. M. Sweet, secretary of the Indian Territory Church Federation For Prohibition Statehood, had a full page article published in the *Muskogee Phoenix* on the prohibition article in the Sequoyah Constitution. He urged all to vote on the constitution and for those who did not vote on it to write Senator Albert J. Beveridge and Congressman Edward L. Hamilton urging prohibition. The article ended: ". . . . The enemy will endeavor to make it appear that all who do not vote for the constitution are against prohibition."<sup>102</sup> It can be seen by this that the members of the Constitution Committee had chosen wisely when it was decided to include a modified form of prohibition among the many parts of the lengthy document, for by doing so they were to garner a great number of the "dry state" votes.

As the campaign for ratification drew to a close a number of newspapers throughout the Territory fought the election bitterly. On Saturday, November 4, the *Phoenix* reprinted fourteen editorials from different newspapers which were hostile either to separate statehood or the election being held. On the morning of the election this paper climaxed its fight against separate statehood by having four different editorial items urging the people to refrain from going to the polls to vote.<sup>103</sup> These appeals to the citizenry to ignore the election were an attempt to offset speeches made throughout Indian Territory urging everyone to vote, whether they voted for ratification or not, but at least to exercise the freedom of the ballot.

The leaders of the convention did not wait for the Campaign Committee to do all the work in the campaign for ratification. In 1911, almost six years after the campaign, Charles N. Haskell wrote that he remembered speaking at some fifty-two different meetings. He also stated that doubtless other speakers, such as John R. Thomas, W. W. Hastings, William H. Murray, D. C.

<sup>102</sup> *Muskogee Phoenix*, October 29, 1905, p. 9.

<sup>103</sup> *Ibid.*, November 4, 1905, p. 4, col. 2 and November 7, 1905, p. 4, col. 1. (See *Appendix I* for form of ballot.)



McCurtain, and Joseph M. LaHay, did as much or more than he.<sup>104</sup> In the Chickasaw Nation, William H. Murray took charge of the campaign. It was in that region that the opposition was the strongest, and Murray reports there was "rough stuff" of all kinds except the throwing of eggs. Several times in the Chickasaw Nation the speakers found courtrooms and even streets closed to them.<sup>105</sup>

The election day, November 7, was a clear day, which aided in bringing out the vote everywhere except in the Chickasaw Nation. There the poll books and ballots were often acquired by the opposition and in some cases burned and otherwise destroyed. This was supposed to have occurred at Lindsay, and Murray, on finding out who did it, said to him: "Now you put it into your head that Lindsay will never be a county seat. I will be in whatever convention may be called to frame a constitution, if this fall down."<sup>106</sup> It is noteworthy that Lindsay was never made a county seat in Oklahoma.

The following day, the *Phoenix*, which at that time seldom ever used headlines on its front page, reported the election as "A WATER-LOO!" This was in inch type. The entire front page of the newspaper was devoted to returns on the election on ratifying the Sequoyah Constitution. The vote given at the time the paper went to press was 16,189 in favor of ratification, to 3,175 opposed.<sup>107</sup> A number of towns were listed as having no votes cast either for or against the constitution. On succeeding days, the *Phoenix* reported changes in the vote, and by November 14 they reported a total of 20,117 votes had been cast.<sup>108</sup> This report showed the vote by individual towns, but did not list any of the rural precincts. Two days later the *South McAlester Capital* reported by noon that day that the total vote had reached over 49,000 with over three hundred precincts yet to report.<sup>109</sup> On November 18, the Supreme Election Board issued a statement certifying the final tabulation of the election as 65,352 votes cast. Of this number 56,279 were for ratification and 9,073 were against it. The *Phoenix*, in publishing this statement, pointed out that no official tabulation of the election returns had been given out by the Supreme Election Board. The paper closed the article as follows: "In the meantime the only tabulated list of votes yet given to the public was that published in

<sup>104</sup> Charles N. Haskell to Clinton M. Allen. —Clinton M. Allen, *The Sequoyah Movement*, Appendix F (Oklahoma City, 1925).

<sup>105</sup> William H. Murray, "The Constitutional Convention", *Chronicles of Oklahoma*, IX (1931), 131-132.

<sup>106</sup> William H. Murray, *Memoirs of Governor Murray and True History of Oklahoma*, I, 317.

<sup>107</sup> *Muskogee Phoenix*, November 8, 1905, p. 1.

<sup>108</sup> *Ibid.*, November 14, 1905, p. 3, col. 1.

<sup>109</sup> *South McAlester Capital*, November 16, 1905, p. 2, col. 1.

the *Phoenix*, which will hold good until substituted by the 'official' list of places and votes."<sup>110</sup>

The Finance Committee issued its final report on November 13, showing that less than \$9,900 had been spent.<sup>111</sup> Haskell, writing of the expense of the election has stated:<sup>112</sup>

The expense of the campaign, printing, tickets, etc., amounted to some six thousand dollars. About eighteen hundred dollars of this amount was contributed by various towns that were candidates for county seat in the various counties and by numerous contributions over the state about twenty-three hundred and fifty dollars was sent into the committee, and I, myself, contributed a total of eighteen hundred and fifty dollars during the course of the campaign . . . .

The difference between the Committee's figures and Haskell's estimate was probably due to the lapse of some six years between the two reports.

Although a greater vote had been cast than was expected by either backers or opponents of the proposed State of Sequoyah, there was little to encourage any hopes for such a state, for on November 16, President Roosevelt was again quoted as favoring single statehood for the two territories.<sup>113</sup>

On the first day of the Fifty-ninth Congress, four statehood bills affecting Oklahoma and Indian Territory were introduced into the House of Representatives. Only the one introduced by Congressman Arthur P. Murphy of Missouri provided for statehood for Sequoyah.<sup>114</sup>

The next day was received the President's fifth annual message. Pertaining to statehood for the four remaining territories, he said:<sup>115</sup>

I recommend that Indian Territory and Oklahoma be admitted as one State and that New Mexico and Arizona be admitted as one State. There is no obligation upon us to treat territorial subdivisions, which are matters of convenience only, as binding us on the question of admission to Statehood. Nothing has taken up more time in the Congress during the past four years than the question as to the Statehood to be granted to the four Territories above mentioned, and after careful consideration of all that has been developed in the discussions of the question, I recommend that they be immediately admitted as two States.

This recommendation of single statehood for the territories was in line with the President's earlier commitments and the policy of

<sup>110</sup> *Muskogee Phoenix*, November 19, 1905, p. 1, col. 6.

<sup>111</sup> *South McAlester Capital*, November 16, 1905, p. 6, col. 4.

<sup>112</sup> Haskell to Allen, referred to in footnote 104.

<sup>113</sup> *Muskogee Phoenix*, November 16, 1905, p. 1, col. 1.

<sup>114</sup> *Congressional Record*, 59 Cong., 1 sess., XL, 45, 47, 49, and 54. The bills introduced were H. R. 1 by Delegate Bird S. McGuire of Oklahoma Territory, H. R. 79 by Congressman Murphy, H. R. 183 by Congressman Frank Clark of Florida, and H. R. 441 by Congressman John H. Stephens of Texas.

<sup>115</sup> Richardson, *op. cit.*, X, 7400.

his party. It was no doubt a blow to Sequoyah adherents, for it not only ignored the expressed wishes of most of the people in Indian Territory but recommended violation of the Atoka Agreement, which had been enacted into law in 1898, and the earlier treaties with the Five Civilized Tribes.

During the next few days several events took place in Washington which attracted a good deal of attention in Indian Territory. Congressman Hamilton introduced three omnibus bills for single statehood for Oklahoma and Indian Territory and for Arizona and New Mexico. One of these bills was later amended and passed as an enabling act for Oklahoma and Indian Territory to form a state. Senator Beveridge also introduced an omnibus bill to grant statehood to two states formed from the four territories.<sup>116</sup> But attracting far more attention than the introduction of bills was the special train carrying at least two hundred single staters from Oklahoma City and one razor-back hog that was picked up along the way to create publicity. The hog, placarded "STATEHOOD,"<sup>117</sup> was photographed widely in Washington, and probably didn't hurt the cause of single statehood for Oklahoma and Indian Territory; because many groups had gone to Washington for one thing or another, but never one with a hog for publicity; attention was thus focused on this group and its desires.

On December 23, Pleasant Porter returned from Washington to Muskogee and made the statement that a single statehood bill would pass during that session of Congress after a hard fight.<sup>118</sup> A few days later Congressman Murphy of Missouri was visiting his wife's parents in Muskogee and complained because there were no advocates of Sequoyah in Washington to aid him in gaining support in the two houses of Congress for such a state.<sup>119</sup> The newspaper, in commenting on Murphy's statement, asked what had become of the committee of twenty appointed to lobby in Congress for the proposed state, the four Congressmen elected, and the others who were working for such a bill.

Just exactly what did happen to these committees is shrouded in mystery. It is known that on the last day of the Sequoyah Constitutional Convention two committees were appointed to go to Washington; this is recorded in the report of the day's session in the *Muskogee Phoenix* of September 9, 1905. One of those committees as stated was composed of the four Congressional nominees and Charles N. Haskell and William H. Murray. David M. Hodge,

<sup>116</sup> *Congressional Record*, 59 Cong., 1 sess., XL, 116, 222, 778, and 1407. The bills introduced by Hamilton were H. R. 3186, 10719, and 12707; the bill by Beveridge was S. 1158.

<sup>117</sup> *South McAlester Capital*, December 14, 1905, p. 4, col. 6, and p. 6, cols. 5-6.

<sup>118</sup> *Muskogee Phoenix*, December 24, 1905, p. 4, col. 4.

<sup>119</sup> *Ibid.*, December 31, 1905, p. 4, col. 2.

who was not a member of either committee, left his home in Broken Arrow on December 3 to join a group in Muskogee, leaving for Washington to lobby for the proposed state.<sup>120</sup> It is probable that Hodge represented the Supreme Election Board and went along to certify the election figures. The writer has not been able to determine who was among the group that went or when they left Muskogee and when they returned. Oscar Presley Fowler has written of the meeting of the group with President Roosevelt in the White House, and Roosevelt's telling the group that it was against party policy to form separate states from Oklahoma and Indian Territory. Fowler then relates the shock felt by Hodge upon hearing the President tell them it was not expedient to form the State of Sequoyah, and then that Hodge was so disgusted that he walked out of the White House with Roosevelt calling for him to come back and talk things over. It is said he caught the next train west for Indian Territory and changed that day from a life-long Republican to an active Democrat.<sup>121</sup> William H. Murray has written that C. L. Long, one of the Republican Congressmen elected in the Sequoyah election, was the only one who stayed in Washington and actively lobbied for passage of a Sequoyah enabling act.<sup>122</sup> Murray also stated that he and Haskell had been appointed on the committee of six with the four Congressmen because it was intended that the first legislature of the proposed State would elect them as U. S. Senators, but that neither he nor Haskell went with the group to Washington to aid in urging passage of an enabling act. Why neither he nor Haskell went, he did not relate.

On January 8, 1906, the first Jackson Day dinner of the Democratic Party of Oklahoma and Indian Territory was held in Oklahoma City. S. M. Rutherford served as toastmaster, and Haskell, who was one of the principal speakers, called for unity in the party organization for the two territories. The fact that these two men had been two of the hardest workers in the Sequoyah Convention, and Haskell had even been vice-chairman, was pointed out in an editorial in the *Muskogee Phoenix* two days later.<sup>123</sup> It could hardly be forgotten by the paper's readers that only nine days before, Congressman Murphy was complaining because of lack of support of Sequoyah lobbyists. Although it is difficult to set the date for the change from a live to a dead political issue, it is no doubt true that

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<sup>120</sup> *Tulsa Democrat*, December 8, 1905, p. 1, col. 6.

<sup>121</sup> Oscar Presley Fowler, *The Haskell Regime, The Intimate Life of Charles Nathaniel Haskell*, pp. 58-59.

<sup>122</sup> William H. Murray to this writer, September 4, 1949.

<sup>123</sup> *Muskogee Phoenix*, January 10, 1906, p. 4, col. 2. It should be remembered that Haskell had been chosen as an alternate to the Oklahoma City Single Statehood Convention on July 12, 1905, and was reported to have agreed to pay certain expenses of the Sequoyah Constitutional Convention if the Indian chiefs would agree to single statehood if Congress rejected separate statehood.

on the night Haskell called for a unified Democratic Party in Oklahoma and Indian Territories, the Sequoyah issue was dead.

Eight days after the Jackson Day dinner referred to above, Senator Joseph B. Foraker, a Republican from Ohio, presented to the Senate the memorial and constitution prepared by the Sequoyah Constitutional Convention. It was referred to the Committee on Printing, and when printed, the memorial was twenty-seven pages long, its six exhibits twenty pages long, and the constitution was forty pages long; a colored county map of the proposed state was attached.<sup>124</sup> The memorial lists eight major reasons why Sequoyah should be admitted as a state; they are as follows: first, this reason was broken down into eleven different items such as area, population, etc.; second, under the laws and treaties of the United States; third, under precedents used in interpreting the constitution; fourth, in the consideration of the welfare and "true interests" of the country; fifth, political party pledges; sixth, the welfare of the Mississippi valley; the seventh and eighth reasons are quoted in full:<sup>125</sup>

- Seventh: (a) Joint statehood with Oklahoma would violate the treaties of the United States and its contracts as to statehood and as to prohibition.  
 (b) Would do violence to the wishes of the people of Sequoyah.  
 (c) Would be contrary to the wishes of the people of Oklahoma.  
 (d) Would be against the interests, sentiments, and ideas of both communities.  
 (e) Would violate every precedent in the admission of States, as Congress never in the history of the country have compelled the merger of two States or of two Territories.

Eighth: The Constitution herewith submitted represents the will of the people of the State of Sequoyah; the wishes of a people who have been grossly misrepresented by a propaganda advocating a union with Oklahoma, in the promotion of selfish interest, on behalf of the railroads, the liquor traffic, ambitious town promoters, and professional politicians.

This introduction of the memorial with these eight reasons covered but two pages; they were elaborated upon in the twenty-five pages of the memorial which followed. The memorial was signed by Pleasant Porter and Alexander Posey.<sup>126</sup>

The six exhibits were lettered from A to F. Exhibit A was a protest from the Creek National Council to Congress against single statehood, dated December 15, 1903. Exhibit B contained the resolutions of the Eufaula Convention of May 21, 1903; a memorial from the Cherokee Nation against single statehood, dated November 14, 1901; a letter to Congressman Edward L. Hamilton from Principal Chief Green McCurtain, a memorial to Congress from the Choctaw Nation against single statehood, both of the latter without

<sup>124</sup> *Senate Docs.* No. 143, 59 Cong., 1 sess., ss. 4912.

<sup>125</sup> *Ibid.*, p. 2.

<sup>126</sup> *Ibid.*, pp. 3-26.

a date but from the context it may be assumed they were written in October of 1903; and a letter to the Republican members of Congress from the Republican Territorial Committee of Oklahoma Territory against single statehood, dated July 8, 1903. Exhibit C was a report of the Creek conference of July 14, 1905, held in Muskogee and authorizing Pleasant Porter to work for separate statehood and expressly opposing "any scheme of alliance with the present citizens and Territory of Oklahoma. . . ." Exhibit D was a resolution by the Choctaw National Council approving the Sequoyah Constitution. Exhibit E was a resolution by the Chickasaw National Council approving the Sequoyah Constitution. Exhibit F was a resolution by the Cherokee National Council approving the Sequoyah Constitution.<sup>127</sup>

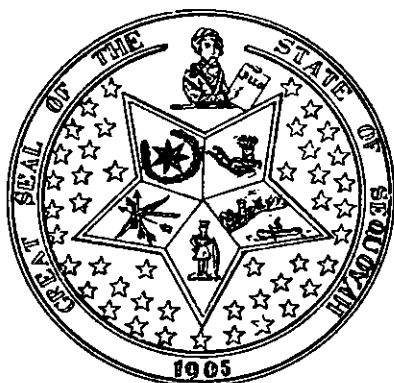
The Sequoyah Constitution is a very lengthy document, approximately thirty-five thousand words and second only in size to the constitution adopted by Oklahoma in 1907. It is made up of eighteen articles and two hundred and seventy sections. William H. Murray has written that soon after he moved to Indian Territory he decided that the Populist theories were largely correct.<sup>128</sup> Others of the committee that wrote the constitution no doubt were influenced just as strongly by Populism, for their work is largely Populist doctrine. The entire Sequoyah Constitution shows a lack of faith in the legislative branch of the state its writers were attempting to form. W. Brooke Graves has written that the decline in prestige of legislatures "has been due largely to the failure of the legislatures to respond to the trust imposed in them. . . ." <sup>129</sup> Nowhere is this distrust exhibited more clearly than in Articles III and XII, containing descriptions of the legislative branch and all of the divisions and boundaries of the state respectively. Much that was included in Article III could have been left for enactment as statutes or as rules by the legislature. Article XII, which contained almost six thousand words, described the boundaries of every county, senatorial, and circuit court district of the state besides a number of other provisions; only a very minor amount of what was written in this article needed to have been included within the constitution. The county boundaries were without doubt included with the thought in mind of bringing out the vote by having a fight over the county seat in each locality. In general the Sequoyah Constitution followed the trend of that decade: it was long, detailed, harnessed and double-checked the legislature, and embodied much Populist doctrine.

Among the many similarities between the Sequoyah Constitution and the Oklahoma Constitution adopted in 1907, none stand

<sup>127</sup> *Ibid.*, pp. 27-46.

<sup>128</sup> William H. Murray, *Memoirs of Governor Murray and True History of Oklahoma*, p. 308.

<sup>129</sup> W. Brooke Graves, *American State Government*, p. 57.



State Seal adopted by the  
Sequoyah Convention

out more clearly than the sections describing the official seal and the county boundaries. Although Oklahoma was the forty-sixth state admitted to the Union, its constitution varied little from other state constitutions, except for the description of county boundaries.<sup>130</sup> The resemblance of the official seals described in the two constitutions is so close that it clearly shows the same person designed them. Reverend A. Grant Evans, in designing the Great Seal of the State of Sequoyah placed a five pointed star in the center with one point at the bottom; each of the five points contained the symbol from the seal of one of the Five Civilized Tribes. The upper left hand point contained the symbol from the Cherokee seal; the upper right hand point contained the symbol from the Creek seal; the lower left hand point the symbol from the Choctaw seal; the lower right hand point the symbol from the Seminole seal; and the lowest point contained the symbol from the seal of the Chickasaw Nation. Between the two upper points was the figure of Sequoyah containing a tablet with the letters "A J J Q C", meaning "We are Brethren." Between the points of the star were forty-five other stars representing the other forty-five states of the Union.<sup>131</sup> The seal itself was designed by Evans and drawn by C. H. Sawyer. Of its presentation it was said: "The original drawing when submitted to the committee was greeted with great enthusiasm and both Mr. Evans and Mr. Sawyer here highly complimented on their work."<sup>132</sup>

<sup>130</sup> Frederick W. Blachly and Miriam E. Oatman, *Government of Oklahoma*, p. 19.

<sup>131</sup> *Senate Docs. No. 143, 59 Cong., 1 sess., ss. 4912, p. 82, Sequoyah Constitution, Art. XVI, Sec. 1.*

<sup>132</sup> *Muskogee Phoenix*, September 6, 1905, p. 4, cols. 1-2.

In but one major policy did the Sequoyah Constitution differ from the Oklahoma Constitution; this was on the prohibition issue. Prohibition was to be the state law, but it was a modified form of prohibition. It provided for the operation of a whiskey dispensary in each county of the state to dispense liquor for medicinal purposes only. It was also provided that the possession of a federal liquor dealer's permit should be prima facie evidence of intention to violate the regulation.<sup>133</sup> Although violation of this article was to be punishable by a fine of from \$50 to \$1,000 and by imprisonment of from sixty days to one year and one day, such violation was not to be considered under any condition a felony nor could such a violation ever prohibit one from holding an office of trust in the state.<sup>134</sup> Such a prohibition article is hardly worthy of commendation, for it merely invited violation.

In a thorough study of the constitution which Senator Foraker presented to the Senate on January 16, 1906, one finds four major views expressed. The four are: first, the agency theory, or, that the government of the state is merely the agent for a sovereign people; second, the doctrine of separation of powers; third, the doctrine of checks and balances; and fourth, the doctrine of natural rights. The first and fourth of these doctrines are reiterated throughout the entire constitution.

Seven days after Foraker's presentation of the Sequoyah memorial and constitution the majority and minority reports on H. R. 12707 were issued. This bill was an omnibus bill providing for statehood for two states composed of Oklahoma and Indian Territories and Arizona and New Mexico Territories. The portion of the minority report dealing with the first two territories stated in part:<sup>135</sup>

Oklahoma and Indian Territory are entitled to separate statehood, and we prefer that each should be admitted as a State, but being convinced that the people of the Indian Territory prefer one State with Oklahoma, rather than no State, the minority reluctantly consent to vote for the measure . . . .

The following day the *Muskogee Phoenix* quoted an editorial from the *Saint Louis Republic*; part of it read as follows:<sup>136</sup>

It has long been apparent that this Republican Congress will give no heed to the promises of separate statehood by which the Indians of the Five Tribes were induced to surrender their tribal governments. But the Indians are powerless to enforce the bargains which Congress made with them, and organized government is absolutely necessary to the whites who have gone, and are still fast going into the Territory.

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<sup>133</sup> *Senate Docs.* No. 143, 59 Cong., 1 sess., ss. 4912, pp. 81-82, Sequoyah Constitution, Art. XV, Sec. 2.

<sup>134</sup> *Ibid.*, p. 49, Art. III, Sec. 9.

<sup>135</sup> *House Report* No. 496, 59 Cong., 1 sess., ss. 4906, p. 17.

<sup>136</sup> *Muskogee Phoenix*, January 24, 1906, p. 4, col. 2.



On January 25, Senator Porter J. McCumber of North Dakota, introduced a bill providing for the admission of the State of Sequoyah.<sup>137</sup> His bill had come too late though, for it was already recognized by the minority report of the House of Representatives on H. R. 12707 that such a bill had no chance of passage.

Within less than five months, on June 16, 1906, President Roosevelt signed the amended H. R. 12707 making Oklahoma and Indian Territories a single state.<sup>138</sup> Beveridge's biographer, in writing of the signing of the enabling act, has quoted the *Indianapolis Star* of June 17, 1906:<sup>139</sup>

"When Roosevelt signed the statehood bill, he reached across the table to grasp Beveridge's hand and say: 'Senator Beveridge, the congratulations are due you, and now with all my heart I congratulate you upon the great work finished and a great battle splendidly fought.' "

The fight referred to was not over Oklahoma and Indian Territories, but over Beveridge's attempt to also form a state from Arizona and New Mexico. The latter provision had been deleted from the bill before its passage. Thus ended all hope for a separate state for Indian Territory.

#### CONCLUSION

With the signing by President Roosevelt of the Enabling Act on June 16, 1906, all opposition to a union of the two territories was effectively silenced. Since almost every writer on this phase of Oklahoma's history has credited the Sequoyah Constitutional Convention with aiding the passage of that single statehood act, it is well that one should determine how far this is true, and if so, why. In concluding this study, it should be shown why a separate statehood bill failed of passage by Congress, and also other results of the Convention.

The Sequoyah Constitutional Convention did show to Congress that the Indians of Indian Territory were capable of organizing a state government; at least it showed they could write a charter for such a government. While most of the constitution was not written by full-bloods, much of it was written by men of Indian blood. Members of Congress could have recognized this ability of the Indians prior to this time, if they had chosen, but since they did not, the Sequoyah Constitutional Convention dramatized this native Indian trait. This one convention proved to those Congressmen who had doubted this Indian ability that their doubts were unfounded.

<sup>137</sup> *Congressional Record*, 59 Cong., 1 sess., XL, 1527.

<sup>138</sup> *Ibid.*, 8743.

<sup>139</sup> Claude G. Bowers, *Beveridge and the Progressive Era*, pp. 234-235.

In another and even more important way did the Sequoyah Constitutional Convention aid in bringing single statehood. A number of the leaders of the convention had agreed that if Congress would not grant statehood to Sequoyah then they would agree to union with Oklahoma Territory. Three of the principal Chiefs of the Five Civilized Tribes had signed such an agreement with Charles N. Haskell in Muskogee on July 18, 1905. To most Indians, and more especially to such a tower of strength as Chief Pleasant Porter, such an agreement could not honorably be broken. Thus when Porter saw the hopelessness of such a state as promised by Congress being formed, he acquiesced in silence. Haskell and William H. Murray had no doubt seen the same future for the proposed state even earlier than Chief Porter, for they did not even bother to go to Washington to help lobby for the object of their labors of several months.

Regardless of all the promises Congress might make, either in treaty form or as statutes, Congress itself is the final judge as to whether it shall keep those promises. If the promise made is with an equal power, it more than likely will keep it, but if the promise is made with a weak and helpless people, the chances are that it will be kept only if it is politically expedient. In the case of promises made to the Five Civilized Tribes in both treaty and statute form relating to their right to forming a state, they were not kept because it was not expedient to do so. Angelo C. Scott has stated the issue very concisely when he wrote that the Republicans, ". . . . felt that a state created out of Indian Territory would always be Democratic and that Oklahoma would be at best doubtful, and didn't want always two and generally four Democratic United States senators from this section of the country."<sup>140</sup>

The Democratic senators could have filibustered the question and prevented Indian Territory from being joined with Oklahoma Territory, but they would not have been able to bring a bill for Sequoyah out of the committee headed by Senator Albert J. Beveridge, for had not Senator Beveridge written, "Certainly no bill making Indian Territory a state has the slightest chance of passage."<sup>141</sup> Such a bill would have had to wait several years, but the conditions in Indian Territory demanded immediate action. Thus all chance for a separate statehood bill failed because the Republicans feared it would mean four Democratic senators and because the Democrats realized that the chaotic conditions in Indian Territory demanded a state government, even if it was in union with Oklahoma Territory.

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<sup>140</sup> Angelo C. Scott, *The Story of Oklahoma City*, p. 126.

<sup>141</sup> Albert J. Beveridge to S. T. Bledsoe, *Muskogee Phoenix*, October 13, 1905, p. 1, cols. 1-2.

What were the other results of the Sequoyah Constitutional Convention, both direct and indirect. There were three main results of that convention which have not been related here. They were: first, it formed the nucleus of a group that remained strong in Oklahoma politics for over thirty years after the convention adjourned; second, it prepared a model constitution for use by the Oklahoma Constitutional Convention held in Guthrie; the third, it succeeded, through the refusal of Congress to grant statehood to Sequoyah, in breaking down the strong vocal opposition of the Indians to union with Oklahoma Territory. Each of these will be discussed separately.

The leaders of the Sequoyah Constitutional Convention controlled to a great extent the Oklahoma Constitutional Convention held soon after the passage of the enabling act. As for the State's first elected officials, it is common knowledge that Charles N. Haskell, Robert L. Owen, and William H. Murray received three of the four highest political positions in the new state. W. W. Hastings was later elected as Congressman from the Second Congressional District and served in that capacity for a number of years. William H. Murray later served as a Congressman and from 1931 to 1935 as Governor of Oklahoma. Even at the present time he is a force to deal with in the political campaigns of this state. Numerous other leaders in the Sequoyah Constitutional Convention held minor offices in the state.

The constitution written in Muskogee between August 21 and September 8, 1905, was no doubt of great aid to the framers of the Oklahoma Constitution. The similarities between the two documents are numerous. The Great Seal and the description of the counties are almost identical in form. Other similarities which may be found by comparing the two constitutions are: many of the county names in eastern Oklahoma are as shown in the Sequoyah Constitution; the bill of rights in the two closely resemble each other; the requirement of teaching agriculture and domestic science in the public schools may be found in each; the article forming the Corporation Commission is quite similar in the two constitutions; and finally, and most important of all, is the Populist spirit of distrusting the elected officials which is embodied in both the Sequoyah and Oklahoma Constitutions.

Effective Indian opposition to union with Oklahoma Territory died out after Congress refused to grant the admission of Sequoyah. More than one writer has heralded this as a feat of which to boast, but it was in reality anything but that. Excepting the highly intelligent, vocal, and politically ambitious Indian of the Five Civilized Tribes, the Indian became apathetic over his condition. Added evidence was given the Indian to confirm his opinion that the white man would not keep his word even when written in laws and treaties. While it is true that some of the Indians became very active participants in the new state government, it

may also be true that more of them would have taken a greater part in a government formed exclusively over Indian Territory. There is reason to believe that an Indian state might have protected the Indians to a greater degree from the land sharks who preyed upon them during the first years of the State of Oklahoma's existence.

Thus the Sequoyah Constitutional Convention, as a chapter in the history of Oklahoma, was an important event. It marked the final culmination, in a spectacular form, of a tableau of broken treaties with a weak minority group in this country by the United States Government. There is a physical law that when a vessel is too small to contain the water within it, that the water will overflow and seek its own level; likewise, there is a natural law among men and nations that when one nation or people is stronger than its neighbor the stronger will overwhelm the weaker. This natural law which ignores all treaties was exemplified by Congress when it rejected the bid for statehood for the proposed State of Sequoyah.

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### APPENDIX C

#### OFFICERS OF THE SEQUOYAH CONSTITUTIONAL CONVENTION\*

##### Temporary Officers

Chairman.....	D. C. McCurtain
Secretary.....	Alexander Posey
Reporter.....	J. G. Bennett
Stenographer.....	D. J. Dickey

##### Permanent Officers

Chairman.....	General Pleasant Porter
Vice-Chairman.....	Charles N. Haskell
Secretary.....	Alexander Posey
Assistant Secretaries.....	William H. Paul
	James Culberson
	A. B. Cunningham
	James A. Norman
Sergeant at Arms.....	Robert Nichols
Assistant Sergeant at Arms.....	Fred Wiswell
Official Reporter.....	E. H. Doyle
Official Stenographer.....	D. J. Dickey

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\* *Muskogee Phoenix*, August 22, 1905, p. 1, cols. 1-3.

## APPENDIX D

COMMITTEES APPOINTED, OTHER THAN CONSTITUTION,  
CAMPAIGN, AND FINANCE COMMITTEES\*

Committee on Credentials	General Pleasant Porter, Chief of the Creek Nation Green McCurtain, Chief of the Choctaw Nation John F. Brown, Chief of the Seminole Nation William C. Rogers, Chief of the Cherokee Nation
Committee on Permanent Organization, Rules, and Order of Business	Charles Baggs, Chickasaw Nation U. S. Russell, Choctaw Nation Alexander Richmond, Seminole Nation S. M. Rutherford, Creek Nation J. C. Bushyhead, Cherokee Nation Joe M. LaHay, Quapaw Reservation
Committee on Investigation of Atoka Delegation	G. A. Melton Joe M. LaHay Charles LaFlore
Committee to Select Speakers to Address the Convention	Charles N. Haskell, Chairman Joe M. LaHay William H. Murray U. S. Russell W. W. Hastings
Committee to Work for Passage of Enabling Act	D. M. Hailey George W. Benge W. W. Hastings William P. Thompson S. H. Mayes W. A. Welch Cheesle McIntosh Solomon J. Homer D. M. Faulkner J. G. McCombs H. C. Nash J. Henry Shepherd F. R. Brennan Leo F. Bennett Rev. A. Grant Evans Charles Baggs G. D. Sleeper Silas Armstrong Theodore Potts George W. Scott

\* *Muskogee Phoenix*, August 22, 1905, p. 1, cols. 2, 4-6; August 23, 1905, p. 1, col. 3; August 24, p. 7, col. 4; September 8, 1905, p. 1, col. 1; September 9, 1905, p. 1, col. 2; and October 1, 1905, p. 25, col. 1.

Committee to Bear the  
Memorial and Constitu-  
tion to Congress

Charles N. Haskell  
William H. Murray  
John R. Thomas  
D. C. McCurtain  
Joe M. LaHay  
C. L. Long

Committee to Nominate the  
Four Congressmen

John Bullette, Chairman  
Members were not listed.

APPENDIX E

COMMITTEE ON CONSTITUTION, ITS OFFICERS, AND ITS SUBCOMMITTEES\*

Chairman.....W. W. Hastings  
Vice-Chairman.....John R. Thomas  
Secretary.....A. Grant Evans  
Assistant Secretary.....P. A. Byers

MEMBERS

Appointed by District Delegations

1. No delegation
2. James S. Davenport
3. Robert L. Owen
4. John Bullette
5. W. T. Tilly
6. W. W. Hastings
7. Theodore Potts
8. F. R. Brennan
9. George Harveson
10. John R. Thomas
11. J. G. McCombs
12. George W. Grayson
13. John F. Brown
14. W. A. Welch
15. R. B. Coleman
16. T. C. Walker
17. E. M. Moore
18. Joe Colbert
19. Benjamin J. Vaughan
20. Frank O. Smith
21. Andy Hutchings
22. William H. Murray
23. D. N. Robb
24. P. J. Hudson
25. Solomon J. Homer
26. W. H. H. Keltner

Appointed by Chairman Porter

- Cheesie McIntosh  
David M. Hodge  
Joe M. LaHay  
William P. Thompson  
L. B. Bell  
George W. Bengé  
Thomas J. Carlyle  
George W. Scott  
J. M. Webb  
Charles Baggs  
J. Hamp Willis  
J. Henry Shepherd  
Masterson Peyton  
Leo F. Bennett  
Connell Rogers  
Thomas H. Owen  
S. M. Rutherford  
A. S. McKennon  
D. C. McCurtain  
D. M. Halley  
William A. Sapulpa  
B. H. Whittaker  
Richard Hill  
Guy Bowman  
R. W. Harrison  
P. A. Byers

P. A. Byers was appointed to fill vacancy created by illness of J. Hamp Willis.

\* *Muskogee Phoenix*, August 23, 1905, p. 1, col. 4; p. 5, cols. 1-2; August 24, 1905, p. 7, cols. 3-4; and September 1, 1905, p. 1, col. 5.

## APPENDIX E

## Subcommittee to Recommend Appointment of Subcommittees

Charles N. Haskell  
Robert L. Owen  
David M. Hodge

## Subcommittee to meet with the Finance Committee

Cheesie McIntosh  
Connell Rogers  
William H. Murray

## SUBCOMMITTEES FOR DRAFTING THE CONSTITUTION AND THEIR MEETING PLACES IN MUSKOGEE

Subcommittee	Chairman	Members	Meeting Place
Preamble, Declaration of Rights, and Powers of Government	Robert L. Owen	George W. Grayson Solomon J. Homer E. M. Moore Guy Bowman	2d Room of Commercial Club
County Boundaries, County Seats, and Enumeration of Population	Leo F. Bennett	D. C. McCurtain George W. Benge William H. Murray Joe M. LaHay	3d Room of Commercial Club
Legislative and Executive Department	Thomas H. Owen	Theodore Potts George W. Scott Joe Colbert John R. Thomas	Office of Bailey & Owen, English Block
Judicial Department	John R. Thomas	William P. Thompson Charles Baggs Masterson Peyton S. M. Rutherford	Office of Thomas & Foreman, Turner Hardware Building
Education	J. Henry Shepherd	Cheesie McIntosh Benjamin J. Vaughan R. B. Coleman J. M. Webb	Prohibition Statehood Office, Iowa Building

APPENDIX E (Continued)

	Chairman	Members	Meeting Place
Subcommittee			
Militia and Minor Administrative Departments	D. M. Hailey	Connell Rogers John Bullette F. R. Brennan Frank O. Smith	Office of Peyton, Harrison, & Blair, Masonic Building
Corporations	James S. Davenport	Thomas H. Owen J. G. McCombs Andy Hutchings Richard Hill	Office of Bailey & Owen, English Block
Suffrage, Election and Preservation of Purity of Government	Joe M. LaHay	David M. Hodge W. A. Welch B. H. Whittaker P. J. Hudson	Office of Hutchings & Murphy, Indianapolis Building
Rights and Exemptions of Property	John F. Brown	S. M. Rutherford L. B. Bell W. T. Tilly T. C. Walker	Office of Cravens, Rutherford & Cravens, English Block
Finance and Revenue	David M. Hodge	John F. Brown Thomas J. Carlyle W. H. H. Keltner R. W. Harrison	Rock Island Trust Office, Iowa Building
Miscellaneous Provisions Including Constitutional Amendments and Prohibition	A. S. McKennon	D. N. Robb George Harveson P. A. Byers W. A. Sapulpa	Thomas Sanson's Office, Masonic Building
Subcommittee on Redrafting and Editing Constitution After Subcommittee Reports Were Made		Charles N. Haskell John R. Thomas William H. Murray Rev. A. Grant Evans Solomon J. Homer	

Five members served on two subcommittees; they were: John F. Brown, David M. Hodge, Joe M. LaHay, Thomas H. Owen, and John R. Thomas.



## APPENDIX F

## COMMITTEE ON CAMPAIGN\*

Chairman.....	H. G. Baker
Vice-Chairman.....	John R. Thomas
Secretary.....	James G. Bennett

One member was chosen by each recording district delegation:

District	Member
1	No delegation
2	William P. Thompson
3	J. A. Tilotson
4	J. C. Bushyhead
5	S. H. Mayes
6	A. S. Wylie
7	Guy Bowman
8	W. W. Holder
9	J. A. Roper
10	Rev. A. Grant Evans
11	J. F. Shackelford
12	J. B. Couch
13	G. A. Alexander
14	John W. Frederick
15	D. C. McCurtain
16	W. H. Campbell
17	Milas Lasater
18	Ben Lillard
19	H. B. Johnson
20	William Gilbert
21	William Warren
22	T. K. Whitthorn
23	Paul B. Smith
24	Lem W. Oaks
25	Sam W. Maytubbee
26	T. D. Talliferro

## Advisory Board

U. S. Russell	William H. Murray
George W. Scott	J. B. Couch
J. F. Shackelford	Benjamin F. Marshall

Chairman Baker and Secretary Bennett were not members of the convention.

\* *Muskogee Phoenix*, August 23, 1905, p. 5, cols. 2-3; and October 1, 1905, p. 25, col. 6.

APPENDIX G

COMMITTEE ON FINANCE\*

Chairman.....S. K. Cordon  
 Secretary.....C. E. Myers  
 Treasurer.....E. A. DeMeules

One member was chosen by each recording district delegation:

District	Member
1	No delegation
2	Sam F. Parks
3	J. H. Bartles
4	W. E. Sanders
5	J. C. Hogan
6	E. W. Buffington
7	G. D. Sleeper
8	Joseph Bruner
9	Charles E. Myers
10	E. A. DeMeules
11	S. K. Cordon
12	J. Burdet
13	Johnson Tiger
14	J. E. Reynolds
15	Henry P. Ward
16	R. H. Vaughtner
17	J. D. Murray
18	E. Burfield
19	R. M. Johnson
20	George Trent
21	G. W. Young
22	H. L. Muldrow
23	Charles LaFlore
24	W. W. Wilson
25	J. M. Webb
26	J. T. Case

Auditing Subcommittee

J. Burdet  
 E. W. Buffington  
 G. D. Sleeper

APPENDIX H

SUPREME ELECTION BOARD\*

Chairman.....D. N. Robb  
 Vice-Chairman.....A. B. Cunningham  
 Secretary.....Carl Pursel  
 Member.....David M. Hodge

D. N. Robb and David M. Hodge were Republicans, while  
 A. B. Cunningham and Carl Pursel were Democrats.

\* *Muskogee Phoenix*, August 23, 1905, p. 5, col. 2; August 24, p. 7, col. 3; and August 30, p. 8, col. 4.

\* *Muskogee Phoenix*, September 9, 1905, p. 1, col. 2.

## APPENDIX I

## FORM OF BALLOT\*

Indian Territory, Proposed State of Sequoyah

For Ratification of Constitution

Yes

No

For County Seat of.....County

.....  
.....  
.....For Congressman at Large to represent the State  
of Sequoyah in the 59th Congress of the United  
States, from the date of admission of this State:.....  
.....

(Note—The voter, on the ratification or rejection of the Constitution, will vote either “yes” or “no”, distinctly erasing the other. If, the voter votes “no”, that is, for the rejection of the whole Constitution, he will ignore the remainder of the ticket. If the elector votes “yes” on the ratification of the Constitution, he may vote for the town of his choice for county seat of the county designated, and for four representatives of his choice for Congressmen, in all cases erasing all words and names for which he does not desire to vote.)

## APPENDIX J

## SEQUOYAH\*

By J. S. Holden

The Cadmus of his race—  
A man without a peer;  
He stood alone—his genius shone  
Throughout the Hemisphere.  
Untutored, yet so great;  
Grand and alone his fame—  
Yes, grand and great—the future state  
Should bear Sequoyah's name.  
In ages yet to come,  
When his Nation has a place,  
His name shall live in history's page,  
The grandest of his race.

\* *Muskogee Phoenix*, September 8, 1905, p. 5, col. 3. This form of the ballot used is an exact reproduction as to form and spelling.

\* *Muskogee Phoenix*, August 31, 1905, p. 6, col. 4.