

## AL JENNINGS, THE PEOPLE'S CHOICE

By Duane Gage

Since statehood, gubernatorial campaigns in Oklahoma have been characterized by the candidacy of large numbers of ambitious men, each of whom is apparently motivated by the Jacksonian idea that he is as capable of filling the governor's chair as is anyone else. An average of nine Democrats have entered each governor's race, and in every campaign at least one candidate has resorted to mud-slinging and character assassination tactics in an attempt to destroy the reputation of his opponents and attract voter attention to himself. The 1914 Democratic primary was no exception.

Of the six Democratic candidates in 1914, the two leading contenders were J. B. A. Robertson, a Chandler attorney, and Supreme Court Chief Justice Robert L. Williams, a crusty pugnacious bachelor who had played a prominent role in the 1906 Constitutional Convention and had strong party support throughout the state. Judge Williams opened his campaign by promising to bring harmony to the Democratic Party and establish confidence in government; then he charged Robertson with being a stooge of Governor Lee Cruce. Supporting Williams, the influential *Daily Oklahoman* suggested that a deal had been made four years earlier when Robertson withdrew from the governor's race and endorsed Cruce. Governor Cruce then published a long letter in which he attacked Judge Williams, insinuating that Williams was morally unfit to govern. In an obvious attempt to confuse the voters, two additional R. L. Williamses filed for governor, but were denied a place on the ticket. Williams charged that the Cruce administration was attempting to steal the election.<sup>1</sup>

Bringing national attention to the campaign was the candidacy of a convicted train robber, Al Jennings. Late in 1913 Jennings became a national figure through publication of his biography in the *Saturday Evening Post*, the *Kansas City Star*, and other leading publications. Jennings' life story sounds much like a plot from one of the dime novels he allegedly enjoyed reading. Born in Virginia in 1863, he studied law there, then in 1889 came to practice law in Oklahoma, where his father had been appointed probate judge at Woodward. Al settled at El Reno, took part in frontier politics, and in 1892 was elected county attorney of Canadian County. Following his defeat for re-election in 1894, Jennings went to Woodward to practice law with his

<sup>1</sup> *Daily Oklahoman* (Oklahoma City), July 13-20, 1914.

brothers, Ed and John. There he became friends with several outlaw characters, and often represented them in court.

On October 8, 1895, the Jennings brothers were in court defending several young men charged with stealing a keg of beer from a Santa Fe freight car. Assisting the prosecution was the noted orator and gunman-lawyer, Temple Houston. During the proceedings an argument occurred between Al Jennings and Houston, in which the hot-tempered Jennings shouted, "You're a liar!" Bystanders averted trouble, but only temporarily. That evening in a gunfight in which Houston and his friend Jack Love confronted Ed and John Jennings, Ed was killed and John severely wounded.<sup>2</sup>

In reporting the incident the *Daily Oklahoman* stated "the Jennings boys are fighters from away back, and have had many difficulties since coming to Oklahoma. They are grit clear to the backbone, and it is believed they will take up the matter again."<sup>3</sup> When Al learned of his brother's death, he vowed to kill Houston and Love. "All of the ambition of life went out of me," he later declared. "The future, which had seemed so bright to me as a young lawyer in a new country, died there with my brother. I reverted to the primitive man that was within me."<sup>4</sup> After Houston was tried and acquitted for the murder of Ed Jennings, Al and his brother Frank arranged to avenge his death. But they never met Houston again. Instead they went to Tecumseh, where their father had moved, and associated with reckless characters in that region.<sup>5</sup>

Jennings' actual outlaw career, from which he later garnered so much publicity, officially spanned less than four months. On August 16, 1897, bandits held up the Santa Fe passenger train at Edmond but the express messenger, who recognized the Jennings brothers among the group, refused to open the express car, and the conductor, whom they had forgotten to capture, ran them off with a lantern.<sup>6</sup> Two weeks later the gang attempted to hold up the MK&T passenger train south of Muskogee by piling ties on the tracks, but the engineer raced through the barricade. On October 1, 1897, they flagged down a Rock Island passenger train north of Chickasha, collected \$300 from the passengers, then dynamited the express car and seized a jug of whiskey and a bunch of bananas.<sup>7</sup>

<sup>2</sup> Glenn Hirshy, *Six-Gun and Silver Star*, (Albuquerque: Univ. of New Mexico Press, 1955), pp. 150-200.

<sup>3</sup> *Daily Oklahoman*, October 11, 1895.

<sup>4</sup> *The Literary Digest*, XLV (September 21, 1912), p. 487.

<sup>5</sup> Zee A. Tishman, *Norshal of the Last Frontier* (Glendale, Calif.: The Arthur H. Clark Company, 1949), p. 241.

<sup>6</sup> *Daily Oklahoman*, August 17, 1897.

<sup>7</sup> *Ibid.*, October 2, 1897.

For two months following the Rock Island holdup, the gang eluded a posse led by deputy marshal James F. "Bud" Ledbetter. Then on November 29, Ledbetter and his men surrounded the gang at a farm house in eastern Oklahoma. Al Jennings was wounded in both legs as the outlaws shot their way out and escaped into a thicket. A week later the entire gang was captured as they fled toward Arkansas. On February 17, 1896, Al Jennings was sentenced to life imprisonment for robbing the United States mail.<sup>8</sup> On June 23, 1900, through the efforts of political friends of his father, President McKinley commuted his life sentence to five years, with allowances for good behavior. On November 13, 1902, Jennings was released and returned to Oklahoma.<sup>9</sup> He located at Lawton, practiced law, and married. It was to his wife's influence that he credited his rehabilitation. He became determined to win a respectable place in society where by nature he felt he belonged. On February 2, 1907, President Theodore Roosevelt issued him a full citizenship pardon.

From Lawton, Jennings moved to Oklahoma City and set up a suite of law offices in the State National Bank Building. By 1912 he was earning \$5,000 per year. Then he plunged into politics again by announcing his candidacy for Oklahoma County attorney. Jennings' campaign appeal was unique, to say the least. "When I was a train robber I was a good train robber," he asserted, "and if you choose me as prosecuting attorney I will be a good prosecuting attorney."<sup>10</sup> His opponents publicly questioned his sincerity. "If Jennings is in earnest about reforming," remarked one opponent, "his place would be beneath the redeeming blood and cross of Christ, not in the county attorney's office."<sup>11</sup> Apparently his candidacy had a wide human appeal, for the Democratic voters nominated him over several others.

Although Jennings lost to Republican D. K. Pope in a disputed general election, his Democratic primary victory—in addition to the widespread publicity from his serialized biography—encouraged him to fight his way back from the past by seeking the governor's chair in 1914. He closed his offices and opened his campaign by announcing a platform which called for honesty in government. "It takes a real man to make that word HONEST mean something," he declared:<sup>12</sup>

"I have the nerve, the ability, the determination, and the remorse besides of human nature necessary. . . . Whom would you rather have—

<sup>8</sup> *Jennings v. United States*, 53 S.W. 456.

<sup>9</sup> *re Jennings*, 118 Federal Reporter, p. 478.

<sup>10</sup> *Literary Digest*, XLV (September 21, 1912), p. 487.

<sup>11</sup> *Daily Oklahoman*, August 3, 1912.



AL JENNINGS (Oklahoma Historical Society)

Jennings had made the comeback in his standing as a citizen of the State. This photograph taken in the winter shows how he maintained the character of a rugged individual in his appearance as a sheriff type — the broad brimmed hat, flannel shirt, cartridge belt, and winchester — mounted on his white horse ready for his coming crusade during the campaign in 1914.

a man who has managed all his life to avoid open conflict with the law, . . . or a man who has run the gamut of human experience, . . . who understands the psychology of crooks he will have to deal with. . . . When you want a rough job done do you examine the applicant's lines or look at his hips? You have a rough job to do in Oklahoma. I insist that I am the man to do it."

Incredible as it seemed to observers outside Oklahoma, Jennings' candidacy was not taken lightly. Lacking organized support, he toured the state—via passenger train—and generally drew large crowds. They came to hear him out of curiosity, expecting him to gloss over his past. But he bared his record, and they seemed to warm to him. To a gathering in Shawnee he pointed out "it takes the same sort of nerve to be an honest governor as to rob a train or bank," and to an interviewer from the *Kansas City Star* he said:<sup>13</sup>

"Man, just look at me. Al Jennings, train-robber, hoodit, with the brand of convict all over him; untried and a citizen today by the grace of good men who believe in me. . . . I've got to make good. I've just one aim in life, and that is to be governor of this State and have the world point to me and say: 'There's an ex-convict that made good; they can come back if they get the chance.' . . . Maybe, then, they wouldn't remember quite so much that I was a convict as that I was a good governor."

Observers noted something pathetic and touching in the man who had once been a life terner, with lawmen's bullets still in his body, planning great things to do when he became governor. The large state newspapers either ignored his campaign or made a joke of it, and so did his chief rivals, J. B. A. Robertson and Judge Williams. Throughout the campaign Jennings lashed out at his opponents, whom he declared were guilty of more stealing, looting, and disregard for the rights of others than he ever knew as an outlaw.

Early in July, 1914, at a gathering in Konawa, Jennings charged that Williams was guilty of immoral conduct, and that Williams had talked disrespectful of Miss Kate Bernard, state commissioner of charities and corrections. A few days later in an unscheduled speech at a picnic at Wapanucks, Jennings charged that the press had been bought off by Judge Williams, and that they had reported that Williams had called him a liar, when in fact Williams had not, and would not dare do such a thing. Whereupon Judge Williams unexpectedly emerged from the crowd, and answered: "I did say that you were a liar, that your ridiculous charges were false; I repeat that you are a liar."<sup>14</sup>

<sup>13</sup> *Harlan's Weekly* (Oklahoma City, 1912-1940), V (April 25, 1914), p. 30.

<sup>14</sup> Quoted in *The Literary Digest*, XLVIII (February 28, 1914), pp. 455-56.

<sup>15</sup> *Daily Oklahoman*, July 24, 1914.

Jennings' face turned red and there was an uproar from the crowd while Judge Williams stood calmly looking the ex-bandit squarely in the face. Jennings rose and tried to say something, but his voice did not carry. Then he left the platform and went away quietly, perhaps remembering an incident many years earlier when a charge of lying had passed between him and another man.

State editors were more apprehensive of Jennings than was Judge Williams. One newspaper stated, "It is the general expression that if Jennings could talk to all the voters of the state, he would unquestionably be the nominee." Another warned:<sup>15</sup>

If Al Jennings gets twenty votes out of a hundred and the other five candidates each get sixteen votes out of a hundred, then Al Jennings, with eighty per cent of the votes against him wins the nomination. How would you like to hear your youngster say to you: "Papa, I am going to be a train robber and then I may get elected governor of Oklahoma."

On the final day of the campaign Jennings spoke at several places in Oklahoma County, then closed his campaign with an address at the corner of First and Robinson. He pledged himself to the enforcement of every law, and noted that he would be especially competent to deal with prison reform. He promised to parole such prisoners as showed themselves worthy. "However, I do not intend that the prisons remain empty," he assured the crowd of nearly 10,000. "I would replace the men who are there now with Oklahoma's crooked politicians."<sup>16</sup>

The outcome of the election was so close that results were uncertain for several days. Finally Williams was declared the winner. He received 35,606 votes, only 27% of the total. Robertson placed second with 33,504 and Jennings received 21,732. Republicans were accused of registering as Democrats and voting for Jennings in order to embarrass the party. Jennings disputed the outcome of the contest, then supported the Republican nominee, John Fields, who barely lost to Williams in the general election.<sup>17</sup>

Shrugging off his rejection by the Oklahoma voters as simply another of the thousand obstacles in his pathway back to respectability, Jennings turned to evangelism. In 1917 he sought to have President Wilson commission him to raise a regiment of men above military age for guard duty on the Mexican border. Eventually he became a chicken farmer in Southern California, and a ghost writer for several motion

<sup>15</sup> 1914. August 3, 1914.

<sup>16</sup> 1914.

<sup>17</sup> Oklahoma did not have a runoff election law until 1929. The runoff law was repealed in 1937, and re-enacted in 1944.

picture companies. Several movies were made, "plots" of which were loosely based on his life story. The legend of train robber Al Jennings contributed no small part to the world's image of Oklahoma.