WOMAN SUFFRAGE IN OKLAHOMA

R. Darcy

Suffrage has two aspects, the right to vote and the right to run for public office. During the American Revolution all but one state restricted suffrage to males. The exception was New Jersey where women had equal suffrage between 1776 and 1807. The American struggle for woman suffrage, then, began in 1775 with the first state constitutions and ended one hundred sixty-seven years later, in 1942, when Oklahoma allowed women candidates for all state executive offices.

Steps to equal suffrage were gradual and uneven. Often, women achieved the right to run for office before they could vote for that office. The pattern had no logic. Higher office was frequently opened to women before lower offices. Oklahoma exhibited this illogical pattern.

Oklahoma's struggle over woman suffrage was essentially an interaction between its political culture and its legal and political system. The culture favored women's political rights at an early period but politics frustrated appropriate legislation. The law held women back.

Oklahoma Territory 1890 - 1906

The Organic Act, 1890

On July 10, 1890 Wyoming became the first state since 1807 to give women full suffrage. Wyoming risked not being admitted as a state by insisting on woman suffrage against a hostile Congress. Colorado followed in 1893, Utah and Idaho in 1896. During Oklahoma's Territorial period, 1890 to 1906, only these four were full suffrage states.

Congress created the Oklahoma Territory with the 1890 Organic Act. Congress specified eligible voters were males but the Territorial Legislature could establish other qualifications. Territory-wide officials, judges and their clerks were to be appointed by the President and had no sex or voter
qualification. The Delegate to Congress was elected and had no sex or voter qualifications. The people elected a two house Territorial Legislature. Once elected, the Legislature created government structure for the Territory, counties, cities and townships. Territorial Legislators were required to have the “qualifications of voters” but the legislature could change this.

The 1890 Territorial Legislature

The new Territory had a Republican appointed governor and Republican majorities in the two Territorial legislative houses. Republicans were outmaneuvered, however, and both houses were organized by Democrats, Populists and three Oklahoma County Republicans who wanted the capitol in Oklahoma City.7

The First Territorial Legislature specified members of the Territorial Legislature must be male and Territorial officials, nominated by the Governor with the advice and consent of the Council, must be legal voters.9 Jurors were limited to male voters.10

The Legislature created a county government structure similar to today’s. Women could run for any county office. Cities of the first class were those with a population of 2,500 or more. Women were excluded from office as “all officers elected, or appointed, shall be qualified electors.”11 In contrast, cities, towns and villages, other than first class cities, had no qualifications that would exclude women.12 Townships and cities other than cities of the first class, elected a school board president and school board members. “In all elections for school purposes of any kind, whatsoever, all persons possessing the qualifications of electors . . . shall be entitled to vote without distinction of sex.”14

In 1890, Territorial women could vote in school elections, be elected Territorial delegate to Congress, serve in any county office and be elected to any office in cities, towns and villages not of the first class. Only service in the Territorial legislature and on a jury was explicitly linked to being male. Appointment to Territorial office or election to office in cities of the first class and townships depended on whether women had the vote. The importance of woman suffrage in the Territory, therefore, extended beyond the right to vote itself. Women could run for more offices than they could vote for.

Suffrage repeatedly came up in the Territorial legislature. Generally, Populists and Democrats were opposed, and Republicans favored, suffrage. Republican Robert J. Barker of Logan County moved a bill granting voting suffrage on December 12, 1890. In 1891, Barker would be appointed first President of the Oklahoma A&M College in Stillwater. Barker’s motion granted equal suffrage by adding the rider “Provided, That all citizens of the Territory of Oklahoma shall be entitled to the right of elective franchise regardless of
sex.” All voting Republicans supported it, all Democrats and Populists voted against. Equal suffrage lost.

**Subsequent Territorial Legislatures**

As in 1890, Democrats and Populists organized the 1893 Territorial Legislature with Republican defections. The legislature created a system of school districts replacing school systems based on cities and townships. “All female persons over the age of 21 . . .” could vote at any district meeting. Women could be elected to school offices. This system did not operate in cities of the first class which had a separate school arrangement. In cities of the first class “All officers elected, or appointed, shall be qualified electors,” excluding women.

Republicans, in 1899, controlled the legislature and the governor’s office for the first time. Woman suffrage came up in several contexts in the 1899 legislature. House Bill 41 “An Act Defining the Rights of Women” introduced by Republican C.F. McElrath passed the House on a vote joining most Republicans and Populists against most Democrats. The Council did not act on the bill.

Catt and Shuler attribute the 1899 suffrage failure to saloon interests. “Advocacy of suffrage by legislators changed overnight to opposition . . . the saloons worked hard and furiously against suffrage, having organized themselves into a ‘Saloonkeeper’s League’ with the purpose of ‘protecting our interests from unjust legislation.’ . . . the vote for the political freedom of women was bartered away . . . in the face of marked evidence that the people wanted woman suffrage the legislature filibuster checkmated all efforts to secure it for Oklahoma women.”

**Woman in Territorial Elective Office**

We do not have any systematic accounts of women contesting elective office in the Territory. But we know Populist Cora Diehl was elected Logan County Register of Deeds in 1891 and Miss Olivet Thomley, Payne County Superintendent in 1894. We do have county superintendent of public instruction results for four Territorial elections.

Women took between twenty-two and thirty percent of these county positions. There is no doubt many more women ran for, and were elected to, other county offices and positions in school districts and cities. Women were also active in party and issue politics in the Territory.
Table 1. Territorial County Superintendents of Public Instruction by Sex and Year

<table>
<thead>
<tr>
<th></th>
<th>1897-1898</th>
<th>1899-1900</th>
<th>1901-1902</th>
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<tr>
<td>Male</td>
<td>78.26%</td>
<td>78.26%</td>
<td>69.57%</td>
<td>73.08%</td>
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<tr>
<td>Female</td>
<td>21.74%</td>
<td>21.74%</td>
<td>30.43%</td>
<td>26.92%</td>
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<tr>
<td>Total</td>
<td>100</td>
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<td>100</td>
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The 1906 Oklahoma Constitution

The issue of woman suffrage was before the Constitutional Convention but in the end, the overwhelmingly Democratic delegates decided against granting women the vote. Republicans proposed an outline Constitution that set the qualifications for legislators and executive officers that included being a “qualified elector.” The Republican Constitution draft specified “Every male person of the age of twenty-one years or upwards . . . shall be deemed a qualified elector.” It went on to specify “The legislature is hereby empowered to make further extensions of suffrage . . . to all citizens . . . without regard to sex.” Republicans had little influence at the Constitutional Convention, however. The final Constitution left the question of who would be eligible to vote to the new State Legislature without mentioning woman suffrage.

The Constitution required legislators to be “qualified electors.” This excluded women from the first legislature and linked legislative service to the legislature’s decision on suffrage. But it was an advance over the Territorial requirement legislators must be male which kept women from the legislature even should they have voting suffrage.

There were twelve elected executive officers. Eight, including governor, were required to be both male and qualified electors. Corporation Commissioners were required to be qualified voters. The Chief Mine Inspector, Commissioner of Labor and Commissioner of Insurance had no sex or voter requirement. The office of Commissioner of Charities and Corrections “may be of either sex.”

Democrats controlled the Convention and were less inclined than Republicans toward woman suffrage. Kate Barnard, who opposed suffrage at the Convention, was a special case. She was a political force, a dynamic campaigner and a loyal Democrat. Democrats decided she was better within, than without, the tent. The Commissioner of Charities and Corrections position...
was crafted for her. It allowed her prestige, a platform and a salary but conveyed her no power. The Commissioner was limited to inspecting and reporting to the Governor. The Commissioner could neither appoint nor dismiss correction and charity officials. They reported to the Governor.35

Justices of the Supreme Court had no Constitutional qualifications other than they must be attorneys.36 The clerk of the Supreme Court,37 district judges in the first election38 and county judges39 had to be qualified voters. Justice of the peace had no qualifications specified.40 Jurors had to be men.41

The Constitution created county judges who were qualified voters.42 Other county offices remained the same as in the Territory with no qualifications specified. The Constitution implied county, municipal43 and township offices would continue as under Territorial statutes.44 Women, therefore, could serve in county (except judge), city, town and village offices but not in offices of cities of the first class or townships. The Constitution specifically provided women could be a notary and serve as county superintendent of public instruction.45

The Constitution did not advance women suffrage in any way. By requiring that a number of offices be limited to men it removed suffrage from legislative action and added the additional hurdle of Constitutional Amendment for equal suffrage. There was an additional twist. Amendment to the Constitution required a majority of those voting in an election to favor the proposed amendment for it to pass, rather than a majority of those voting on the amendment itself. There is huge voter rolloff from the top of the ballot to the bottom, where referendum questions are placed. Therefore, the Constitution could only be amended with extraordinary support. Constitutional restrictions on women would prove more difficult to overcome than statutory limitations.

The Constitution was approved and the first State Government elected under Territorial election provisions excluding women voters.

Kate Barnard ran for Commissioner of Charities and Corrections and was elected in 1907 and again in 1910.46 Republican Ada B. Smith was elected clerk of the district court in Beaver County and Jennie D. Flickinger register of deeds in Woodward.47 Women were also elected to twenty-three percent of the county superintendent of public instruction positions, about the proportion they held in the Territory.

STATEHOOD

The 1907 State Legislature

Democrats dominated the Oklahoma legislatures between 1907 and 1920. Women petitioned the first legislature for suffrage48 but the matter did
not reach the floor. Instead, the legislature required "The qualified electors of the State shall be male ...." 49 The legislature required Presidential Electors be "qualified electors" thereby excluding women. 50

The legislature left most county offices as they were in the Territorial period, that is, no requirement of sex or that the incumbent must be a qualified voter. One exception was county public weigher, a Territorial elective office left out of the Constitution. The Legislature re-created the position and required an incumbent to be "a legal voter." 51

The Legislature retained the 1893 Territorial stipulation women could vote in school elections. 5 2 The three person school board remained the same as well with no sex or other qualification that would exclude women. 5 3 Separate white and colored 54 school boards were created. The Democrat controlled 1897 Territorial Legislature had created them earlier. If a district had colored schools then separate white and colored school boards would be created. Only colored people could vote for, or be elected to, the colored boards; only whites could vote for or be elected to the white boards. 5 5

The Territorial Supreme Court unanimously declared separate school boards unconstitutional on January 12, 1898. "Under any interpretation that can be given this statute, it is clearly in violation of the fifteenth amendment to the constitution of the United States, which declares that 'the right of citizens of the United States to vote shall not be denied or abridged by the United States, or by any state, on account of race, color, or previous condition of servitude.' " 5 6

The Democrats' goal was complete a separation of races as possible. The Constitution required separate schools and the state legislature provided for penalties for teachers who admitted students of another race into their classes. 5 7 Given separate schools, the only remaining question was their management. Would African-Americans have any say in their schools?

**Table 2. County Superintendents of Public Instruction 1907 by Region** 5 8

<table>
<thead>
<tr>
<th>Sex</th>
<th>Oklahoma Territory</th>
<th>Indian Territory</th>
<th>Osage Nation</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Male</td>
<td>70.59%</td>
<td>77.50%</td>
<td>100%</td>
<td>56</td>
</tr>
<tr>
<td>Female</td>
<td>26.47</td>
<td>20.00</td>
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<tr>
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<tr>
<td>(n)</td>
<td>34</td>
<td>40</td>
<td>1</td>
<td></td>
</tr>
</tbody>
</table>
Obviously this posed a dilemma to African-Americans and their Republican supporters. Separate school boards, whatever their other consequences, guaranteed some political activity for African-American men and women. We know little of the workings of these colored school boards but it is certain Black women played a significant part. The 1911 Legislature ended the separate school boards and transferred their authority to the county superintendent. After 1911 African-Americans would have no control of their segregated schools. White schools continued to be run by elected school boards.

The State Legislature kept the 1893 requirement “No person shall be eligible or qualified to hold any township office who is not a legal voter . . . ” and with regard to cities of the first class that “All officers elected, or appointed, shall be qualified electors of said city.” However, the 1907-8 legislature allowed cities of the first class to adopt their own charters. Should a charter grant women municipal suffrage it would override state law. The legislature continued the statutes of 1905 for cities over 25,000 population and cities, towns and villages other than those of the first class. No qualifications were specified that would exclude women from being elected.

The 1909 State Legislature

Stephens County Democrat W.B. Anthony introduced a resolution to amend the Constitution to say “no one shall be denied the right to vote on account of sex.” Further action ended when the committee’s Democrat majority, against the votes of Republicans, recommended it not pass. The 1909 legislature modified the election code.

Precinct election boards shall provide a separate ballot box at each voting place in which shall be deposited all ballots voted for members of such school boards and electors who are not entitled to vote for other city officials, but who are entitled to vote for members of such school boards shall be allowed to vote such special ballots, and all electors entitled to vote in the regular city or town election shall be allowed to vote for members of their school board only in such special election box. Any female who is entitled to vote for members of the school board may be registered for such purpose by the regular registration officer of her precinct. . . . Females who so register shall be listed . . . separate from the general registration list.
The 1909 Legislature created a commission to prepare a Revised Code of Laws. The 1911 Legislature enacted that code and repealed all laws not contained in that revision. This is The Revised Laws of Oklahoma 1910. Without referencing any existing session law or statute, the Revised Code specified “No person shall be eligible to any county office unless he shall be ... a qualified voter of the county.” This barred women from county office. The Constitution specifically allowed women to serve as county superintendent of public instruction so that was not affected.

In the August 6, 1912, Jackson County Democratic Primary for Clerk of the District Court Miss Maude Kimbell received 1029 votes, Henry Gilliland 846, Miss Zula T. Pelly 549 and A.M. Whorton 712. Gilliland petitioned Jackson County District Judge Frank Mathews to declare him winner. “Miss Maude Kimbell ... is a female, and for this reason is not eligible to said office.” Judge Mathews denied the petition and Gilliland appealed to the Oklahoma Supreme Court.

Attorneys for the Election Board noted the Oklahoma Constitution specifically allowed women to hold the offices of notary public, county school superintendent and commissioner of charities and corrections. The great question was this: Were these the only offices women could hold? One view was “that in as much as the constitution specifically conferred the right of women to hold these three offices, the failure to mention others denied them the right to hold them.” Against this, Kimbell argued the same Constitution also specifies the governor, lieutenant governor, secretary of state, state auditor, attorney general, state treasurer, superintendent of public instruction or state examiner and inspector must be male. “To hold that women could only hold those offices enumerated, in order to be consistent must hold that men could only hold the offices enumerated ... This construction would leave quite a number of other offices to which neither man nor woman would be eligible.”

The Election Board brief concluded “They have held the office of Deputy District Clerk all over this state by common consent, and as in this case the voters of Jackson County expressed their preference for her over the strenuous protest of her male opponent, for this office, we fail to perceive any good and sufficient cause why the will of the majority of the voters of her party should be thwarted unless the constitution of the state plainly prohibits her holding office.” The Court’s opinion reflects the generally progressive attitudes of Oklahomans toward woman suffrage.

During the years prior to statehood, and the practice has been continued since, apparently by common consent, women have
creditably occupied many ministerial positions in county and state affairs... The record shows that the woman who received the nomination in the instant case over her male competitors performed the duties of the office as deputy for a considerable time immediately prior to the primaries, and it was with a knowledge of her past services in that capacity she was chosen by the electors for the office of clerk.

Women always have been admitted to the bar by the Supreme Court in this jurisdiction under both the territorial and state forms of government, and a considerable number are now practicing law with marked credit. In that connection it may be significant that the sections of the Constitution which prescribe the qualifications of the Supreme Court and district judges do not make any discrimination against any persons holding these offices on account of sex... to take the position now that women are ineligible or do not possess the necessary qualifications to fill such offices upon the ground urged by appellant would be to turn back the hands of the clock... it would be a distinct loss to the state to thus deprive it of the services of such an intelligent and efficient portion of its citizenship.75

Gilliland v. Whittle, perhaps as it involved a district, as opposed to county, office, did not directly address the 1910 statute. A more direct challenge came from Washita County in 1914. Vashti Stone, Mrs. John Stone, filed for county clerk in the August 4, 1914, Democratic primary. The county election board refused to accept her filing on the grounds she was not a qualified voter as required in the statute. The matter eventually came to the Oklahoma Supreme Court.

Stone v. Riggs turned on the constitutionality of the 1910 Revised Code Section 1549. “No person shall be eligible to any county office unless he shall be, at the time of his election or appointment, a qualified voter of the county.”76 Mrs. Stone was represented by Democratic state senator Guy P. Horton. Horton called into question the legitimacy of Section 1549. He argued the “Code Commission by interpolating said section into the Code exceeded their power and authority... we were assured that no new laws were introduced...”77

Horton argued

The right to hold office is a higher right than the right to vote. 
... modern tendencies and thought is rapidly getting away
from the old idea that a woman is only entitled to those privileges specifically granted her by the Constitution, while men are entitled to every privilege, right and immunity not specifically denied him. We are gradually coming to regard women as being almost human, and when the Constitution says that a woman can hold the office of Notary Public and Superintendent of Public Instructions and our Supreme Court says that under the Constitution she is eligible to hold other county offices, we are almost forced to believe these rights being conferred by the Constitution that she cannot be deprived of them by any act of less dignity and solemnity than the means by which this privilege was conferred.

The Legislature would have only one reason for declaring women ineligible to hold a county office and that would be upon the ground that they, as a class, did not possess the necessary qualifications. Merely to state the proposition is to convince all intelligent men of its absolute absurdity. The experience of all the States that have given this right to women has been that women make the most efficient, accommodating, intelligent and honest officials that we have. Would it not lead to a ridiculous conclusion to say that women can hold the State Office of Commissioner of Charities and... office of District Judge, Justice of the Supreme Court and in fact any of those State offices when the Constitution of the State has not stated that they shall be held by male citizens or electors, offices which require the highest order of intelligence and calling for executive ability of the first order but denying her qualifications to fill county offices that are purely ministerial?

Finally, Horton argued that while a woman may be a restricted voter in the sense she could vote only in school elections, so too were many men restricted voters.

Because a woman is a restricted voter does not mean that she is any less a voter of the county. Our Constitution provides that an incorporated city or town may by a majority of the qualified taxpaying voters... incur additional indebtedness. In every city there are a great many male citizens who would not be qualified to vote at such an election and to this extent, they would be a restricted voter. The question of restriction being only a difference of degree, thus, they would be deprived of the right to hold office, because they could not vote in all elections held in the county.
Horton asked the Supreme Court for an early opinion because there is a large number of women in the State of Oklahoma who are seeking to become candidates for the respective county offices, other than County Superintendent, and it is important to said prospective candidates and the public in general that the qualifications of women to be voted upon for said county offices be determined before the Primary, in order to avoid numerous contests and endless litigation.80

County attorney A.R. Ash, argued against allowing women to run for county office. He pointed out women in Oklahoma could not vote in townships, towns, cities, counties or the state itself except “in school districts upon questions arising therein, and in school districts alone . . . . She cannot be deemed a qualified voter of the county . . . and for that reason is not eligible to hold any county office, except that of County Superintendent.”81

The Supreme Court decided in favor of the woman candidate. The Court avoided the question of the Revised Code’s constitutionality as that would have implications far beyond the case at hand. The Court also avoided extending its decision to several offices having “elector” as a requirement. Rather, it restored the situation in counties existing since 1890. Women could hold any county office except judge because they could vote in school elections and, hence, were “voters.”82 Mrs. Stone went on to be elected Washita County Clerk.

The 1913 State Legislature

The 1913 Legislature made being “a legal voter of the district, township, city or town for which he is elected or appointed” a requirement for justice of the peace or constable.83 As the legislature clearly specified non-school jurisdictions this would exclude women despite the court decisions relating to county office.

The 1915 State Legislature

Woman suffrage was not raised in the regular session but Seminole Democrat Luther Harrison introduced a woman suffrage amendment to the Constitution at the 1916 extraordinary session.84 The amendment passed the House with a 62 - 15 vote. All voting Republicans and Socialists favored as did three-fourths of the voting Democrats.85 There was no Senate action86 and the resolution died.
It failed for two reasons. First, it passed the House February 12 and the session was over February 22. There was little time for Senate action. Second, the Legislature was taken up with another suffrage amendment, a literacy test. The ‘Grandfather Clause,’ an attempt to disenfranchise African-Americans, had been added to the constitution in 1910 only to be declared unconstitutional by the United States Supreme Court. Democratic leaders would not want another suffrage amendment on the ballot distracting from their literacy test. For Democrats of the day, taking away African-Americans’ suffrage was a higher priority than extending women’s suffrage.

The original ‘Grandfather Clause’ set up a requirement by which potential voters had to pass a literacy test to the satisfaction of precinct election officials but exempted those who were not former slaves and their descendents. That was unconstitutional. The new plan was just the literacy test without the white exemption. African-Americans would be disenfranchised through arbitrary application. Democrats hoped elimination of the exemption would allow a literacy test, arbitrarily applied by precinct level election officials, to pass constitutional muster while still disenfranchising African-Americans.

The next problem was Oklahoma’s voters. The 1910 ‘Grandfather Clause’ passed only by counting blank ballots as favoring the amendment. The trick was used in this instance as well. On the ballot, below the title, instead of boxes labeled ‘For’ and ‘Against’ they had printed “For the Amendment.” The voter had to cross that out if opposed to the amendment. If the voter did nothing, that counted as a vote in favor. No instructions on the ballot informed the voter that leaving the sentence untouched was a vote in favor. At the time Oklahomans voted with a stamp and any writing generally invalidated a ballot. There was no cause to bring a pencil to vote unless a voter was unusually informed.

Legislative leaders did not think counting blank ballots would be enough to guarantee passage of a literacy test this time. The legislature disguised the literacy test by leading with “No property qualification shall ever be imposed as a requisite for registration or voting in this State . . . the right of no citizen of this State to vote shall ever be denied or abridged on account of race, color or previous condition of servitude.” It was a simple-minded attempt to throw Federal judges and the voters off the scent. The ballot would say “Proposition prohibiting property qualification, but imposing literacy test for electors . . .” Republican opposition was fierce and time consuming but in the end, they did not have the numbers. The amendment was submitted to the people at the August 16, 1916 primary and was rejected 90,605 to 133,140. Counting blank ballots and disguising the literacy test did not work this time.
The 1917 State Legislature

Woman suffrage and the literacy test were again on the agenda in 1917. Senator O. J. Logan, Hobart Democrat, re-introduced the woman suffrage amendment as Senate Concurrent Resolution No. 1. Meanwhile, Senator Fred Tucker, Ardmore Democrat, along with Okmulgee Democrat Representative Bert Hodges in the House, introduced Senate Concurrent Resolution No. 5, the literacy test, again disguised as “A proposition prohibiting property qualification for voters. Prohibiting any discrimination on account of sex, color or previous condition of servitude . . .” Tucker, as chair of the Committee on Constitutional Amendments, combined the literacy test and woman suffrage. The revised bill dropped references to the property tax as well as the clause about discrimination on the base of race, color or previous condition of servitude. This time the literacy test was going to ride woman suffrage. The trick was obvious. On the Senate floor we have this exchange. “Senator Bickel [Democrat, Alva]: ‘Senator Ferguson, do I understand that you are in favor of woman suffrage, but you are opposed to this proposed amendment for the reason that in your opinion, if adopted, although it does confer suffrage on women, it does preclude the colored man and woman from voting?’ Senator Ferguson [Republican of Cherokee]: ‘Obviously.’”

The ballot title to be printed on the ballot would be: “A proposition to amend the Constitution, enfranchising women; defining qualifications of electors” with the usual “Shall the proposed amendment be adopted?” followed by boxes marked “Yes” and “No.” The measure passed 34 to 6 with 4 excused. The five Republicans and one Socialist were all opposed; the Democrats were all in favor.

Senator Walter Ferguson asked to have his remarks printed in the record.

I vote ‘No’ on the Resolution for the reason that a literacy test is coupled with a proposition to enfranchise women with the admitted design of promoting the success of the literacy test which failed of adoption when submitted alone. I view it that the popularity of the cause of woman suffrage is being borrowed to the benefit of the literacy test . . . I am in favor of the enfranchisement of women as a specific proposition but believe it unfair to the cause of woman suffrage to involve the possibility of its defeat by coupling it with a strict partisan measure which alone has failed of success.
Senator John Golobie, Republican of Guthrie, also asked that his remarks be printed.

I believe a test before the Supreme Court of the United States will prove the Act unconstitutional as in the case of the former Grandfather Clause, and be the means of defeating the object of extending equal elective franchise to the women of this state.  

The woman suffrage and literacy test amendment was sent to the House for its action. The House Committee on Constitutional Amendments returned the resolution with no recommendation as to whether or not it should pass. After some procedural delays, apparently by opponents of the literacy test, the House, as a committee of the whole, apparently further amended the resolution to remove the literacy test. The measure then passed the House with a vote of 73 to 8, twenty-nine members being absent. Seventeen Republicans voted in favor, none opposed and nine were absent. Fifty-six Democrats favored, eight opposed and twenty were absent.

The matter returned to the Senate where Senate sponsor Tucker moved “the Senate refused to concur in the House amendments and the Secretary was instructed to so notify the House and ask for a conference on said resolution.” Both houses agreed to confer. The conference appears to have agreed to restore the literacy test. The House, however, refused to adopt the conference report on a vote of 28-59 with twenty-three absences. One Republican voted in favor, twenty opposed and five were absent. Twenty-seven Democrats favored, thirty-nine opposed and eighteen were absent. The House asked for another conference.

On March 16, 1917, the conference committee submitted its revised proposition. The House prevailed. Woman suffrage would be decided at the November general election. There was no literacy test.

The resolution passed the Senate 36-0 with three excused and five absent and the House 76-12 with 22 absent. While there was overwhelming support from both parties, the opposition came largely from Democrats. On November 5, 1918, Oklahoma, with Michigan, became the thirteenth state to give women equal voting suffrage. The vote was 106,909 in favor, 81,481 opposed.

The woman suffrage battle was not over. Two matters remained, the national amendment to bring woman suffrage to the thirty-five states still denying women the vote, and elimination of Oklahoma’s constitutional requirement that candidates for state executive offices be male.
The 1919 - 1920 State Legislature

Congress sent the equal suffrage amendment to the states for ratification June 4, 1919. The Oklahoma House voted to ratify 84-12 with eight absent.\textsuperscript{116} In the Senate the vote to ratify was 25-14 with two excused and three absent.\textsuperscript{117} Oklahoma ratified February 28, 1920.\textsuperscript{118} Democrats were closely divided while Republicans were strongly in favor.

Several senators, all Democrats, asked to have their remarks put into the record. Senator Warren K. Snyder:

I am unwilling to force this proposed amendment upon the States . . . because it will result in surrendering to the Federal Government one of the most sacred rights of the State beyond recall, and will result in Federal supervision in States of all elections, and the end of white man's government.\textsuperscript{119}

Senator Robert L. Knie:

Believing that the ratification of the Anthony Amendment will take the last vestige of rights of the States, to control their own elections and affairs, and not being willing to enfranchise millions of the heterogeneous population of the southern States and the northern states, which have such a population, against the will of those States, I am constrained to believe that we should leave it to the sovereignty of those States.\textsuperscript{120}

Senator R. L. Hall:

I believe the right of a State to control its own affairs. I feel that upon this principle this government was founded, and that departure there from will result in untold confusion, and thrust upon States that do not want it unqualified suffrage of all women . . . colored and foreign.\textsuperscript{121}

The 1920 General Election

Women voted in an Oklahoma general election for the first time in 1920. Although women voted in school elections since the Territorial period, at least those women outside the Indian Territory, we have little information on women’s participation in Territorial and State school elections prior to 1920. Nevertheless, it will be useful to gauge women’s participation after suffrage. Voting turnout records for President before and after 1920 can be used to estimate women’s post-suffrage participation. The turnout from the period
before woman suffrage can be used to predict turnout after suffrage. Likewise, turnout after suffrage can be used to predict turnout in the election before suffrage. The difference between the predicted and the actual vote is an estimate of the number of women voters, under the assumption the difference is due to the influx of women voters. About 146,000 more voted in 1920 than could be predicted from previous Presidential elections.\textsuperscript{122}

If we assume there were roughly the same number of men and women of voting age, then the increase of about 146,000 votes is half the previous electorate of about 292,000 voters. Women in 1920 voted at about half the rate of men. Over time greater percents of women voted. Nationally it would not be until 1980 that women surpassed men in both the number and percent voting in Presidential elections.\textsuperscript{123}

It is not unreasonable to assume voting women were more Republican than non-voting women. Republicans had a stronger suffrage record than Democrats. Republicans were stronger in urban areas, Democrats in the rural areas.\textsuperscript{124} Urban women would be more likely to vote than rural women.\textsuperscript{125} The influx of women, combined with favorable Republican winds generally, turned what might have been a moderately good year into what was arguably the Republicans’ best year ever in Oklahoma.

Republicans took control of the state house of representatives, 55 Republicans to 37 Democrats, something they would not repeat until 2004. Republicans elected eleven of the state senators up for election, Democrats twelve. Republicans took the U.S. Senate, six of nine U.S. representatives, the presidential electors, corporation commissioner, the eastern district criminal court of appeals judgeship, and all four supreme court positions. Except for the three U.S. representatives and a narrow 11-12 loss of state senate seats up for election, the Republicans had a clean sweep.\textsuperscript{126} Republicans gained at the county level as well.

Women were elected to office in record numbers. Muskogee Republican, Miss Alice Robertson, was elected to the U.S. House of Representatives. Mrs. Abbie B. Hilberman and Daisy A. Riehl were Republican presidential electors. Republican Mrs. Bessie McColgin was elected to the state house of representatives from Roger Mills County and Democrat Mrs. Lamar Looney to the state senate from Hollis in Harmon County. Looney had been previously elected Harmon County Clerk. Seventy-nine women were elected to county office in 1920, up from fifty-four in 1919.

The 1923 Legislative Session

Three women elected to the House in 1922, Lulu Anderson of Drumright, Anna Laskey of Oklahoma City and Edith Mitchell of Yale, all Democrats,
Figure 1. Percent Female County Partisan Elected Officials: Oklahoma 1907 - 2005
joined Senator Lamar Looney to double the number of women legislators. On Monday, January 22, 1923, Laskey, Anderson and Mitchell introduced House Joint Resolution No. 8 to remove ‘male’ from the qualification for State executive offices. A roll-call was immediately called and the vote was 81 in favor, none opposed and 25 absent. The resolution received a two-thirds majority.

Earlier, on Monday, January 15th, 1923, Lamar Looney along with three other senators and Fred Hansen of Cotton County in the House introduced a similar Senate Joint Resolution No. 5. It passed a week later, on Monday, January 22, 1923. The vote was forty in favor, none opposed and four excused or absent. Again, the vote was a two-thirds majority. The Senate Joint Resolution then went to the House where it was amended and Laskey, Mitchell and Anderson added as co-authors. The Senate passed the amended resolution thirty-seven in favor, none opposing and seven absent or excused. The resolution set the vote “at the next ensuing state-wide primary election, or in a general state-wide election which might be called prior thereto.”

Oklahoma politics was chaotic in 1923. It was the year of three governors. In 1921 the Republican House impeached Democrat Lieutenant Governor Martin Trapp and went after Democrat Governor James Robertson. Trapp was acquitted in a Senate party-line vote and Robertson’s term ended January 8, 1923, before the House could impeach him. Democrats took control of the legislature in January 8, 1923 with Democrat Jack Walton governor. By the end of the Legislative session, March 31, 1923, House Democrats were scheming to impeach Walton. But the legislature would not meet again until January 6, 1925. House Democrats could do nothing unless the governor called a Special Session. Why would the Governor do that just to see himself impeached? House Democrats plotted impeachment schemes over the summer of 1923.

Then on September 13, 1923, Governor Walton called a Special Election for October 2, 1923, to consider five proposed amendments to the constitution, including the amendment that would complete the process of woman suffrage. Three of the amendments dealt with payouts of money to soldiers, depositors to failed state banks, or injured workers. One increased the ad valorem tax for schools. All were submitted by the legislature.

House Democrats drafted another constitutional amendment. The amendment allowed a majority of House members to call the House into session for the purpose of investigating and impeaching state officers. But the House was not in session and their actions had no validity. Secretary of the Senate W. C. McAlister was also Secretary of the State Election Board. McAlister put the impeachment amendment at the top of the October 2, 1923 ballot as an initiative petition. This was clearly illegal.
On September 16, 1923, Attorney General George Short, under written instructions from the Governor, asked for an injunction against holding the election.\(^{135}\)

Oklahoma’s constitution requires “... proposed ... amendments shall ... [be] referred by the Secretary of State to the people ... at the next regular general election, except when the Legislature by two-thirds vote of each house, shall order a special election for that purpose.”\(^{136}\) The legislature did not specify any of the amendments be set at a special election. The legislature specifically set the suffrage amendment for the primary or general election. The Governor argued his own call for a special election was invalid.

Oklahoma County District Judge T. G. Chambers granted the injunction on September 18, 1923. The matter was appealed to the Supreme Court. Lawyers for the American Legion appeared to defend the soldier bonus and Margaret McVeany appeared for the woman suffrage amendment. On September 27, 1923 the Supreme Court, in a foolish decision it would be forced to undo many times, lifted the injunction and ordered the election held.\(^{137}\)

The decision did not reach the District Court until September 29, 1923, a Saturday. Nothing could be done until Monday, October 1, 1923. On October 1, 1923, the day before the election, Governor Walton issued a proclamation canceling the election. His reasons were, because of the initial injunction, there was no publication of the arguments, pro and con, on the amendments to be voted on. Statute required such publication in each county prior to the election. The registration books were not re-opened to allow newly eligible voters to participate, as required by statute.\(^{138}\) Walton sent armed men to seize ballots and ballot boxes, to stop voting and close polling places.\(^{139}\) He did what he could to stop the election. Texas, Beaver and Cimarron counties did not participate and participation was not complete in the rest of the state. There were all sorts of difficulties getting the voting totals certified.\(^{140}\)

Three measures received sufficient votes to pass: the impeachment amendment, with 209,452 in favor, 70,638 opposed; the woman suffrage amendment with 173,262 in favor, 86,445 opposed and the ad valorem tax with 144,758 for and 116,711 opposed. The vote in favor of eliminating Oklahoma’s constitutional requirement that candidates for executive office must be male gained a two-thirds majority.

Governor Walton declared the amendments failed to carry because they were voted upon in a special election without a two thirds legislative vote, although it was he who called the election in the first place.\(^{141}\) All amendments were eventually nullified by Supreme Court rulings citing the very arguments the Court refuted in overturning the injunction against holding the election.\(^{142}\)
The impeachment referendum had its own history. The House of Representatives called itself into session with a petition signed by a majority of members when they judged the amendment had passed. Governor Walton used the National Guard to keep them out of the Capitol. They met at the Skirvin Hotel in Oklahoma City but absence of a quorum prevented conducting business. The House majority wanted to impeach Walton but could do so only when in session. The Governor was not about to call the legislature into session for the purpose of being impeached. Or was he? Inexplicably, he did just that. He called the Legislature to meet October 11. He was then impeached and removed from office. Walton’s curious action prevented a test of the constitutionality of the impeachment amendment. It was not until 1927 that the Oklahoma Supreme Court declared the amendment null and void. That year the House attempted to call itself into session for the purpose of impeaching Governor Henry Johnston but was stopped by the Court.

The impeachment mess combined with the Governor’s incompetence in calling a special election for measures which could be voted only in a general election and the Supreme Court’s incompetence in ordering the election be held, nullified lifting the last barrier to equal suffrage despite two-thirds of the people voting in favor of the measure. All this took awhile to sort out. It was not immediately clear the October 2, 1923 special election did not constitute a valid election with regard the constitutional amendments. By December 3, 1927, however, when the Supreme Court declared the impeachment amendment void it was completely clear.

The 1927 Legislature

On January 8, 1927, Lamar Looney introduced Senate Joint Resolution 2, a constitutional amendment to remove the word ‘male’ from qualifications of executive officers. The Senate Committee on Constitutional Amendments recommended it pass on March 11, 1927. The session ended March 24, 1927, however, without the resolution reaching the Senate floor.

The 1929 Legislature

On February 19, 1929, A. Duff Tillery, Noble County Democrat, introduced House Joint Resolution 20, a constitutional amendment to remove the word ‘male’ from qualifications of executive officers. Among the fourteen co-authors was the only woman in the legislature, Representative Mrs. Elma Eylar, Republican of Oklahoma City. The measure was considered by the Committee of the Whole but there was no further action. The matter was not considered by the Senate.
The Legislature met in extraordinary session from May 16, 1929 to July 5, 1929. On June 13, 1929, Mrs. Elma Eylar, with Duff Tillery as her co-author, introduced House Joint Resolution 37. There were only slight changes from Lamar Looney’s 1923 resolution. Committees were bypassed by unanimous consent and the matter put to a roll call vote June 25, 1929.

The resolution went over to the Senate that day and received committee approval in two days. On July 1, 1929, Muskogee Democrat Senator W. M. Gulager asked for unanimous consent to advance the resolution but Sulphur Democrat Jess Pullen objected. On July 3, 1929, Gulager brought the matter up again and prevailed with eighteen votes in favor, twelve against and fourteen not voting. Republicans were eight ‘Aye,’ no ‘Nay,’ and four not voting. A majority of voting Democrats were ‘Nay.’ On July 5, 1929, the last day of the session, the Senate voted on final passage. The vote was seventeen ‘Aye,’ eight ‘Nay,’ and nineteen not voting. The measure failed, lacking a majority of all senators elected, twenty-three. The amendment was dead for another legislative session.

**Looney v. Leeper**

At this point a curious twist developed. Mrs. Lamar Looney was no longer a state senator but her 1923 house co-author, Fred Hansen, was Assistant Attorney General.

On September 2, 1930, Mrs. Looney filed a request for a writ of mandamus with the Oklahoma Supreme Court. It would “force the State Election Board, and other officials involved, to place on the state ballot at the ensuing state wide general election to be held on November 4th, 1930, an amendment to the Constitution of Oklahoma known as Senate Joint Resolution No. 5, which would . . . allow women to be candidates for any major state office for which a man might be eligible.”

She argued the legislature had properly submitted an amendment for a vote of the people in 1923. It was the obligation of the executive to properly carry out the vote. As that had not been done, given the cancellation of the October 2, 1923, special election, that obligation falls to the current State election Board and other officials. Fred Hansen responded by asking the court to dismiss the case.

Hansen’s September 2, 1930, response is misleading. That is made clear in the September 9, 1930, Brief of Defendants. Secretary of State Graves Leeper asked the Attorney General June 10, 1930, if he could submit the 1923 Constitutional amendment to a vote of the people at the July 29, 1930, primary election. Fred Hansen advised they bring the case to the Oklahoma Supreme Court to prevent any subsequent legal challenge.
Justice Fletcher S. Riley with chief justice Mason and justices Clark, Cullison, Swindall and Andrews concurring, ordered the vote. The court’s opinion closely followed Fred Hansen’s brief.

The election took place November 4, 1930. 511,320 votes were cast for governor. Oklahoma’s Constitution required a majority of those voting in the election, not a majority of those voting on the question, to pass a constitutional amendment; 242,656 voted ‘Yes,’ only 119,338 voted ‘No.’ But a majority of the voters was half plus one of the governor total or 255,661. The question, although receiving greater than two-thirds majority of those voting on it, fell 13,003 votes short. Of those voting for governor, 149,324 had not made it down to the bottom of a long ballot to find the state questions. The amendment failed.

The 1935 Legislative Session

Three Joint Resolutions were introduced to remove the constitutional requirement that certain executive officers must be male, two in the house and one in the senate; House Joint Resolution 1; House Joint Resolution 5 and Senate Joint Resolution 1. House Joint Resolution 5 was already covered by House Joint Resolution 1 and was kept in committee. House Joint Resolution 1 and Senate Joint Resolution 1 were both introduced January 8, 1935. The House Joint Resolution was voted on February 1, 1935, and introduced into the Senate February 4, 1935. The wording of the House version was similar to Looney’s 1923 resolution. It passed the House 106 in favor, none opposed and fourteen excused, absent or dead.

The Senate considered its Joint Resolution March 4, 1935. It was identical to Mrs. Lamar Looney’s 1923 version. The vote was thirty-four in favor, five opposed, and five not voting. The lone Republican senator voted ‘Aye.’

The House accepted the Senate version and asked the House authors be added as co-authors. The resolution passed the House 109 in favor, one opposed and ten absent or dead. The one ‘Nay’ vote was Seminole Democrat Marvin Wooten. The resolution passed the Senate thirty-nine in favor, three opposed, all Democrats, and two not voting. The amendment was sent to a special election.

Sending the amendment to a special election eliminated the problem of voter rolloff from the top of the ballot killing an otherwise favorable vote, as happened in 1930. There would be nothing above the amendments. But there was a risk. Turnout would be small and likely weighted toward those interested in particular items. Six measures were on the ballot. The suffrage amendment, State Question 211, failed 114,968 in favor, 154,669 opposed, with only forty-two percent of those voting on it.
The September 24, 1935, voter turnout was sixty percent of the average for 1934 and forty-nine percent of the 1936 average. The biggest vote in 1935 was the last question. We can assume it was the electoral draw for the voters. That question authorized old age pensions and social security and levied taxes to create such a system. It passed overwhelmingly 204,626 to 78,783. It obviously attracted more votes from those who would receive the benefits than from those who would pay the taxes. The first question created homestead exemptions to ad valorem taxes. This, too, passed overwhelmingly, 185,058 to 91,189. The immediate beneficiaries would be the aged. Those would be the least sympathetic to women holding public office. It is difficult to speculate on the reasons for the question’s failure, but the strategy of using a special election clearly did not work.

The 1939 Legislative Session

The first day of the session Bryan Billings introduced House Joint Resolution 1 to remove the requirement state executive officers must be male. On January 24, 1939, the resolution was passed. A majority of Republicans, for the first time, voted against woman suffrage while a majority of Democrats voted in favor.

The resolution passed the Senate with thirty-one in favor, six opposed and seven not voting. Bill Ginder, the Senate’s lone Republican, voted in favor. On April 14, 1939, the House voted to accept the Senate changes with sixty-six in favor, seventeen opposed and fifteen not voting. Again, more Republicans voted against, six, than voted in favor, five, with two not voting. Why the Republicans shifted from favoring removing the male requirement is not obvious. One possibility is the additional language adding a year to the age eligibility and increasing the years by which candidates must be qualified Oklahoma voters. The amendment was one of six presented to voters at the November 5, 1940, general election.

The contest among Franklin D. Roosevelt, Wendell Willkie and Prohibitionist Roger Babson attracted 826,212 votes. Below president was the corporation commission race. It attracted 727,482 votes, a twelve percent drop off the top of the ballot. The at-large congressional race attracted 729,723 votes and races in the eight congressional districts 766,041. Voter rolloff was relatively steady as he or she preceded down the ballot. Thirty-six percent did not make it to State Question 281, the woman suffrage amendment. Of those voting on it, more than two-thirds favored removing the restriction that executive officers must be male. That was not enough. Given the rolloff, it would have required more than eighty percent voting in favor to pass. No state question passed in 1940.
The 1941 Legislative Session

On February 12, 1941, Senator Henry Timmons, Democrat of Tulsa, introduced Senate Joint Resolution 18, identical to the resolution passed by the previous legislature to remove the requirement executive officers must be male. Like the previous resolution Timmons’ amendment would raise the age of executive officers to thirty-one years old and ten years a qualified elector of the state at the time of “his or her election.” The resolution called for a special election March 11, 1941. On February 10, 1941 it passed the Senate with thirty-two in favor, four opposed and eight not voting. The Senate then voted on the special election. Twenty-two were in favor, eleven opposed and eleven did not vote. Two-thirds were required to call a special election, therefore, the amendment would go to the 1942 general election.

The House voted on Senate Joint Resolution 18 on April 15, 1941. The vote was 102 in favor, six opposed and eleven not voting. Six Republicans voted in favor, none opposed and one did not vote. The turnout in the 1942 general election was only forty-five percent of that in 1940, 447,341 fewer voters. Those voting in 1942 were likely more knowledgeable and willing to complete the ballot compared with those who rolled off in 1942. The rolloff on the state questions averaged 32.96 percent in 1940 and only 25.23 in 1942. Enough people, barely, voted for the amendment to remove ‘male’ as a requirement for state executive office for it to pass. Woman suffrage in Oklahoma was complete.

Juries

Oklahoma’s 1906 Constitution specified “A grand jury shall be composed of twelve men . . . a jury for the trial of civil and criminal cases in courts of record, other than county courts, shall consist of twelve men but in county courts and courts not of record, a jury shall consist of six men.” The first state legislature specified jurors were to be “male citizens.” Thus, both the Constitution and statute limited jury service to men.

In 1951 Representative Robert O. Cunningham, Democrat of Oklahoma County, and Democratic Senator George Miskovsky offered House Joint Resolution 2 “proposing an amendment to . . . the Constitution . . . providing . . . juries . . . shall be composed of men and/or women or both.” Representative Robert H. Sherman, Democrat of Oklahoma County introduced House Bill 145, “An Act . . . so it may be certain that women having like qualifications as men may serve as jurors.” The Joint resolution addressed the Constitutional barrier to women and the House Bill the statutory restriction.
The House passed House Joint Resolution 2 with 100 in favor, two opposed and sixteen not voting. Republicans voted sixteen in favor, one, J. Howard Lindley of Major County, opposed and two not voting. House Bill 145 passed with 85 in favor, 17 opposed and 16 not voting. The Constitutional Amendment, House Joint Resolution 2, passed the Senate Thursday, March 8, 1951, with 36 favoring, three opposed and six not voting. Three of the four Republican senators voted in favor, one did not vote. House Bill 145 also passed with thirty-three in favor, two opposed and nine not voting. Three Republican senators voted in favor and one did not vote.

The bill obligating women as well as men to serve on juries had a clause: “Any officer charged by law with the selection of jurors ... may, at any time ... file an original action in the Supreme Court for the purpose of having the constitutionality of this Act determined; whereupon the Supreme Court shall determine that question, giving precedence to such cause of action.” The act was effective May 16, 1951.

The legislative strategy was to revise the statute requiring jurors be males and provide a path for a quick court test, while at the same time revising the Constitution itself.

Tulsa County Clerk, Democrat Samuel W. Fry, filed a case in the Supreme Court. He was represented by Tulsa attorneys Mildred Brooks Fitch, Jewell Russell Mann, Norma Wheaton and Dorothy Young. At the Court’s request, First Assistant Attorney General Fred Hansen represented the state. Hansen argued the Constitution “is self-executing and mandatory and restricts jury service to males ... [while] the petitioner says the word ‘men’ used in the foregoing constitutional provisions was used in its generic sense, and therefore includes ‘women’ or ‘females.’” The Court found The word ‘male’ cannot be said to include ‘female’. The framers and adopters of the Constitution, of course, knew this. The fact that the word ‘men’ is used with reference to jurors but the word ‘male’ was used with reference to electors and state officials ... shows that the framers and adopters knew the difference that could and would be given the two words ... The act is constitutional and women possessing the other qualifications prescribed by law for jury service are qualified jurors.

Women became full and equal citizens of Oklahoma November 27, 1951.

The Constitutional amendment went to a vote of the people at the July 22, 1952, runoff primary election. It passed with a vote 236,546 favoring and 131,743 opposed, a 64.2 percent majority. It was not until 1975 that the United States Supreme Court declared “a state jury system that in effect
excluded almost all women was deemed to be based upon an over broad generalization about the role of women as a class in society” and, hence, unconstitutional.196

CONCLUSION

An awkward, and often incompetent, political system, helped by a dysfunctional Constitution, delayed full woman suffrage in Oklahoma. It was not Oklahoma’s political culture or Southern heritage that held women back.197 Knowing little of the workings of Oklahoma’s political process, we could easily assume culture was at root. It was not.

Oklahomans fought for equal suffrage in the courts and legislature from the first Territorial legislature and repeatedly came close to achieving it. Race politics and partisan battles sidelined suffrage but the votes were close. Oklahoma women did vote in school elections early in the Territorial period and many were elected to county offices. Oklahoma women achieved voting suffrage earlier than most Americans.

Oklahoma’s culture, defined as the characteristic ways Oklahomans behave, was shaped by the evolving legal structure. Women ran for, and were elected to, county offices not because society considered the county to be the women’s sphere but because the law allowed it. With voting suffrage in 1918 the percent of county offices held by women doubled. Voting suffrage signaled to Oklahomans that women running for office was perfectly acceptable. Failure to amend the Constitution to allow women to run for Governor and other executive positions, between 1923 and 1940 sent the opposite signal. The fact that in all but one of the referendums two in three voters favored allowing women to run for State executive office was less important, as far as the message sent, than the fact the Constitution nullified those majorities. After 1942, when the law was changed to allow women to run for any office, there was another upward trend in women winning county office which continued steadily through the 2004 elections.198 The courts made it clear in 1912 and 1914 women made fine court clerks. By 2003 the court clerk in every Oklahoma county was a woman. But in 2005 women made up only 14.8 percent of the Oklahoma legislature. That was the national average in 1985, twenty years ago. Today the national average is over twenty-two percent. Only seven states have less representation by women than Oklahoma.199 Oklahoma women lost twenty-four years between 1918 and 1942. It was not Oklahoma’s culture that held them back. It was Oklahoma’s dysfunctional constitution helped by incompetent politics.
ENDNOTES


4 Section 5.


6 Section 4


9 SO 1890:1156-7.

10 SO 1890:639.

11 SO 1890:152.

12 SO 1890:175-6.

13 SO 1890:1160.

14 SO 1890:1129.


16 Darcy, 2005.
18SO 1893:163.
19Darcy, 2005.
20JH 1899 Journal of the House Proceedings of the Fifth Legislative Assembly of the Territory of Oklahoma. 1899. (Guthrie, Oklahoma Territory: S.I.:S.N.):243; Daily Oklahoman November 12, 1898; Payne County Populist, November 23, 1900; Beaver Herald October 27, 1898.
21Catt and Shuler 1923:128. I have not independently confirmed it was the saloonkeepers who denied women suffrage.
25Memorial of the Women of Oklahoma and Indian Territory to the Oklahoma Constitutional Convention. 1906 (Guthrie, OT). Future Democratic Senator Robert Owen was a strong suffrage advocate.
26Henry E. Asp. 1906. Proposition No. 438. A Proposition for a Complete Constitution, Including Ordinances, Preamble, Bill of Rights, Form of Government and Schedule Recommended by the Republicans of the Constitutional Convention to be Adopted as the Ordinances and the Constitution for the Proposed State of Oklahoma (Guthrie, O.T): Article II Sections 32 and 38).
27Asp 1906 Article III Sections 77 and 88
28Asp 1906 Article V Section 111.
29Asp 1906 Article V Section 112.
30Article III.
31Article V Section 17.
32Article VI Section 3.
33Article IX Section 16.
34Article VI Section 27.

36Article VII Section 3.
37Article VII Section 7.
38Schedule Section 29.
39Article VII Section 11.
40Article VII Section 18.
41Article II Sections 18 and 19.
42Article VII Section 11.
43Article XVIII Section 2.
44Schedule Section 2.
45Schedule Section 6.

46Many Oklahoma sources claim she was the first woman elected to a state-wide office (see, for example, Musslewhite and Crawford, page 5). Laura Eisenhuth was elected North Dakota Superintendent of Public Instruction in 1892. In 1894 Estelle Reel Meyer was elected State Superintendent of Public Instruction for Wyoming; Angenette Peavey for Colorado, and Emma F. Bates for North Dakota.


50SL 1907: 377.
51SL 1907: 762-3.

53SO 1908: 1334
54I used the term current in legislation and law at the time.
55SL 1907: 694; SO 1908: 1358.
56Porter v. Commissioners of Kingfisher County 6 Okl. 550; 51 P. 741 (1898).

57SO 1908: 1358.
58Author’s calculations based on reading Mrs., Miss, and first names from ORB 1912.


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61 SO 1908: 1011.
63 SL 1907:193.
64 SO 1908: 341; 348.
66 HJ 1909:531, 584.
68 SL 1910:70-1.
70 Petition to Honorable Frank Matthews, Judge of the 25th Judicial District, Jackson County, Oklahoma from Henry C. Gilliland 17 September 1912 in Gilliland v. Whittle et al. 127 Pac. 698; 33 OK 708 (1912).
71 Petition September 17, 1912
72 Brief and Argument by Defendants in Error in The Supreme Court of Oklahoma filed October 14, 1912 in Gilliland v. Whittle.
73 Brief October 14, 1912.
74 Brief October 14, 1912.
75 Gilliland v. Whittle.
76 RLO 1910:408.
77 Brief and Argument For Plaintiffs in Error in The Supreme Court of Oklahoma filed June 30, 1914 in Stone v. Riggs et al. 43 Okl. 209; 142 Pac. 298 (1914):1, 6-7.
78 Brief June 30, 1914:10, 14-15.
79 Brief June 30, 1914:16.
80 Motion for Advancement by Plaintiff in Error in the Supreme Court of Oklahoma not dated in Stone v. Riggs
81 Brief Filed by Defendants in Error in The Supreme Court of Oklahoma filed June 29, 1914 in Stone v. Riggs:4-5.
82 SO 1921:II2137.
85 HJ 1916:349.


90HJ 1916:441.

91HJ 1916:439.

92HJ 1916:440.

93HJ 1916:442.

94OE 1994:C-79.


96SJ 1917:156.

97SJ 1917:409.

98SJ 1917:433.

99SJ 1917:433.

100SJ 1917:435.

101SJ 1917:436.


104HJ 1917:1329-30.

105HJ 1917:1435-6.

106SJ 1917:1435; HJ 1917:1526.

107SJ 1917:1517.


109HJ 1917:1680-1.

110HJ 1917:1681; SJ 1917:1696.


112SJ 1917:102.

113HJ 1917:1720-1.

114South Dakota granted Presidential suffrage in 1918.


118 Catt and Shuler, 1923:390-2.

119 SJ 1920:47.

120 SJ 1920:46-7.

121 SJ 1920:48.

122 I used regression equations of turnout from elections prior to 1920 to predict 1920 and elections after 1916 to predict 1916, x=Year, y=Turnout.

123 Author’s calculations from national surveys.


131 HJ 1923:843, 1583.


133 Scales and Goble, 1982:104-5.

134 The Senate Secretary is still Secretary of the State Election Board. As such, he or she administers Oklahoma elections.

135 State ex rel. Short v. State Board of Equalization et al. 107 OK 118 (1924).

136 Article 24, Section 1.


140 Short v. State; HJ 1923X:170-3.
142 Short v. State; Simpson v. Hill et al. 128 OK 269 (1927); Looney v. Leeper.
143 See HJ 1923X:1- 21, 128-152; Transcript 1923:180-9.
144 Scales and Goble, 1982:143; Simpson v. Hill.
145 Simpson v. Hill.
147 SJ 1927:1335.
149 HJ 1929:11107; II 3270.
152 HJ 1929X:1197.
154 SJ 1929X:1009.
155 SJ 1929X:1121.
156 SJ 1929X:1181.
157 SJ 1929X: 1343.
159 Fred Hansen had a long career with the Attorney General, being the lead attorney for the State in Sipuel v. Board of Regents of the University of Oklahoma 332 U.S. 631 (1948) and McLaurin v. Board of Regents of the University of Oklahoma 339 U.S. 637 (1950); Ada Lois Sipuel Fisher. l996. A Matter of Black and White (Norman: University of Oklahoma Press).
160 Answer to Petition for Mandamus in the Supreme Court of the State of Oklahoma filed September 2, 1930 in Looney v. Leeper.
Brief of Defendants in the Supreme Court of the State of Oklahoma filed September 8, 1930 in Looney v. Leeper.

Justices Lester, Hunt and Hefner were absent.

Looney v. Leeper.


HJ 1935: 544.

HJ 1935: 545.


HJ 1939: 500-1, 2735.


HJ 1939: II 2737.


SJ 1941: 510-1.

SJ 1941: 512.


OE 1994: C304-09.

Article II Sections 18, 19.

SL 1907: 467, 474.


HJ 1951: 178.


193 In re House; see also Hill v. State [Criminal Court of Appeals of Oklahoma] 256 P.2d 469 (1953).


197 The author examined all available Directories and Registers listing county officials from 1907 to the present. The official’s sex was rarely indicated although some were listed as ‘Mrs.’ The author evaluated the official’s first name and conservatively counted women. Names like ‘Mary’ and ‘Fred’ were relatively easy. Names like ‘Billy’ and ‘Holly’ were conservatively classified as male until the context of the office shifted to overwhelmingly female, when they were classified as female. All ambiguous names were checked against various sources to determine the sex although most could not be found.

198 Alabama, 10%; Kentucky, 12.3%; Mississippi, 12.6%; Pennsylvania, 12.6%; South Carolina, 8.8%; Virginia, 14.3%; and Wyoming, 14.4%. Center for American Women and Politics. January, 2005.
DID YOU KNOW?

Women could be, and were, elected to county office in the Oklahoma Territory but could not vote in those elections? (page 4)

Women were given the right to vote in Oklahoma school elections by the Territorial legislature in 1890? (page 4)

Women were 20% to 30% of the County Superintendent of Public Instruction elected in the Territorial Period? (page 6)

In 1918 Oklahoma was only the thirteenth state to grant women the vote in all elections? (page 16)

Oklahoma was the last state to complete the woman suffrage process when women gained the right to run for Governor and other state offices in 1942? (page 26)

Oklahoma women gained the right to serve on juries, equally with men, in 1951? (page 27)

The Oklahoma supreme court declared in 1951 that the word "men" in Oklahoma Constitution meant both men and women? (page 27)

In 1920, Lamar Looney (L) and Bessie McColgin (R) were the first women elected to the Oklahoma Senate and House of Representatives, respectively.

Photo courtesy: The Oklahoma Publishing Company