

WOMAN SUFFRAGE IN OKLAHOMA

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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 1807.¹ 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.² Colorado followed in 1893, Utah and Idaho in 1896. During Oklahoma's Territorial period, 1890 to 1906, only these four were full suffrage states.³

Congress created the Oklahoma Territory with the 1890 Organic Act. Congress specified eligible voters were males⁴ but the Territorial Legislature could establish other qualifications. Territory-wide officials, judges and their clerks were to be appointed by the President⁵ 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”⁶ 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 male⁸ 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 Township officers had to be “a legal voter.”¹³

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.”¹⁵ 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.¹⁶ 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.¹⁷ 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,”¹⁸ excluding women.

Republicans, in 1899, controlled the legislature and the governor’s office for the first time.¹⁹ 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.²⁰ 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.”²¹

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 1891²² and Miss Olivet Thornley, 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.²³

Table 1. Territorial County Superintendents of Public Instruction by Sex and Year ²⁴

Sex	Year			
	1897-1898	1899-1900	1901-1902	1903-1904
Male	78.26%	78.26%	69.57%	73.08%
Female	21.74	21.74	30.43	26.92
Total	100	100	100	100
(n)	23	23	23	26

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.²⁵

Republicans proposed an outline Constitution that set the qualifications for legislators²⁶ and executive officers²⁷ 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.”²⁸ It went on to specify “The legislature is hereby empowered to make further extensions of suffrage . . . to all citizens . . . without regard to sex.”²⁹ 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.³⁰

The Constitution required legislators to be “qualified electors.”³¹ 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.³² Corporation Commissioners were required to be qualified voters.³³ 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.”³⁴

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.⁵² The three person school board remained the same as well with no sex or other qualification that would exclude women.⁵³ Separate white and colored⁵⁴ 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.⁵⁵

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.’”⁵⁶

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.⁵⁷ 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 Region⁵⁸

Sex	Oklahoma Territory	Indian Territory	Osage Nation	Number
Male	70.59%	77.50%	100%	56
Female	26.47	20.00	0.0	17
Not available	2.78	2.50	0.0	2
Total	100	100	100	
(n)	34	40	1	75

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.⁵⁹ After 1911 African-Americans would have no control of their segregated schools. White schools continued to be run by elected school boards.⁶⁰

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 . . .”⁶¹ and with regard to cities of the first class that “All officers elected, or appointed, shall be qualified electors of said city.”⁶² However, the 1907-8 legislature allowed cities of the first class to adopt their own charters.⁶³ 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.⁶⁴

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.”⁶⁵ Further action ended when the committee’s Democrat majority, against the votes of Republicans, recommended it not pass.⁶⁶ 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.⁶⁷

1912 - 1914 Court Cases

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.⁶⁸ 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.”⁶⁹ 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 712.⁷⁰ 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.”⁷¹ 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.”⁷² 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.”⁷³

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.”⁷⁴ 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?⁷⁸

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.⁷⁹

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.⁸⁷ 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.⁸⁸ 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.⁸⁹ 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.⁹⁰ 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."⁹¹ 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 . . ."⁹² Republican opposition was fierce and time consuming but in the end, they did not have the numbers.⁹³ The amendment was submitted to the people at the August 16, 1916 primary and was rejected 90,605 to 133,140.⁹⁴ 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. 1.⁹⁵ 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 . . .”⁹⁶ Tucker, as chair of the Committee on Constitutional Amendments, combined the literacy test and woman suffrage.⁹⁷ 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.’”⁹⁸

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.”⁹⁹ The measure passed 34 to 6 with 4 excused.¹⁰⁰ 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.¹⁰¹

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.¹⁰²

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.¹⁰³ After some procedural delays,¹⁰⁴ 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.¹⁰⁵ 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.”¹⁰⁶ Both houses agreed to confer.¹⁰⁷ The conference appears to have agreed to restore the literacy test.¹⁰⁸ The House, however, refused to adopt the conference report on a vote of 28-59 with twenty-three absences.¹⁰⁹ 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.¹¹⁰

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.¹¹¹

The resolution passed the Senate 36-0 with three excused and five absent¹¹³ 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.¹¹⁴ The vote was 106,909 in favor, 81,481 opposed.¹¹⁵

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.¹¹⁶ In the Senate the vote to ratify was 25-14 with two excused and three absent.¹¹⁷ Oklahoma ratified February 28, 1920.¹¹⁸ 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 mans government.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.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.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.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.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.¹²⁴ Urban women would be more likely to vote than rural women.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.

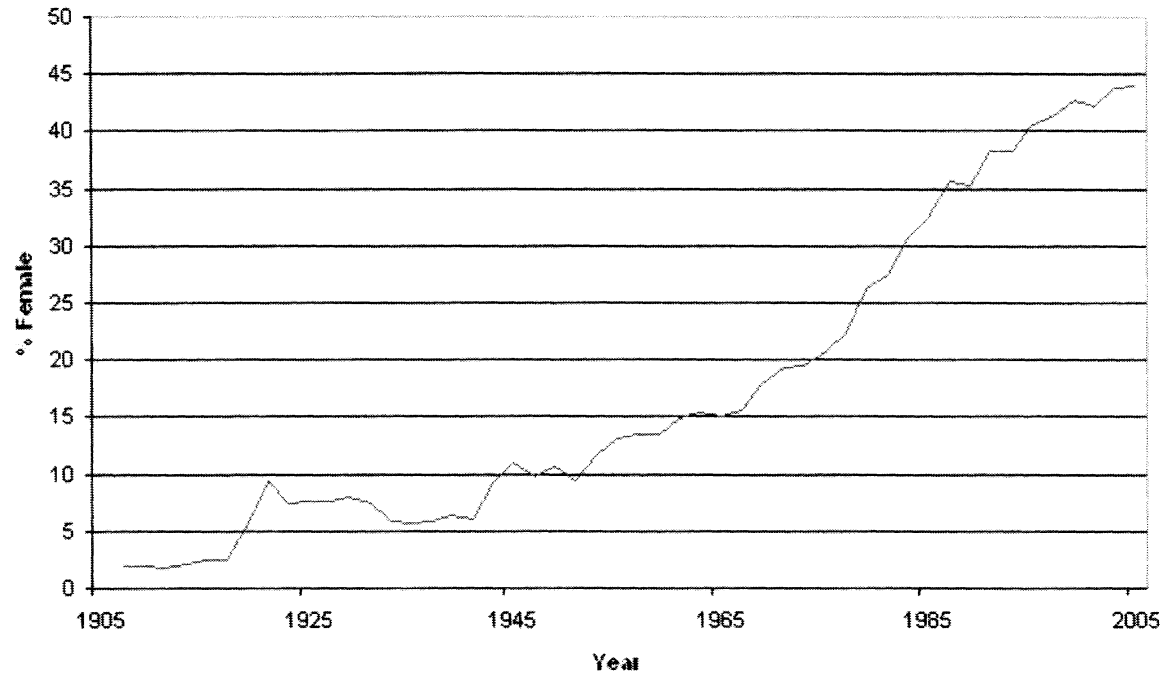
Republicans took control of the state house of representatives, 55 Republicans to 37 Democrats, something they would not repeat until 2004. Republicans elected eleven of the state senators up for election, Democrats twelve. Republicans took the U.S. Senate, six of nine U.S. representatives, the presidential 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.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. Hilerman 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.¹²⁸ 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.¹²⁹

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. 5.¹³⁰ 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.¹³¹ 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."¹³²

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.¹³³ 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.¹³⁴ 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 McVean 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.¹⁴³ 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.¹⁴⁴

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.¹⁴⁵

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.¹⁴⁶ The Senate Committee on Constitutional Amendments recommended it pass on March 11, 1927.¹⁴⁷ 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.¹⁴⁸ 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.¹⁴⁹ The matter was not considered by the Senate.¹⁵⁰

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.¹⁵¹ Committees were bypassed by unanimous consent and the matter put to a roll call vote June 25, 1929.¹⁵²

The resolution went over to the Senate that day¹⁵³ and received committee approval in two days.¹⁵⁴ On July 1, 1929, Muskogee Democrat Senator W. M. Gulager asked for unanimous consent to advance the resolution but Sulphur Democrat Jess Pullen objected.¹⁵⁵ 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.'¹⁵⁶ 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.¹⁵⁷ 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."¹⁵⁸

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 Hansen¹⁵⁹ responded by asking the court to dismiss the case.¹⁶⁰

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.¹⁶¹

Justice Fletcher S. Riley with chief justice Mason and justices Clark, Cullison, Swindall and Andrews concurring,¹⁶² ordered the vote. The court's opinion closely followed Fred Hansen's brief.¹⁶³

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.¹⁶⁴ 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.¹⁶⁵ House Joint Resolution 1 and Senate Joint Resolution 1 were both introduced January 8, 1935.¹⁶⁶ The House Joint Resolution was voted on February 1, 1935, and introduced into the Senate February 4, 1935.¹⁶⁷ The wording of the House version was similar to Looney's 1923 resolution.¹⁶⁸ It passed the House 106 in favor, none opposed and fourteen excused, absent or dead.¹⁶⁹

The Senate considered its Joint Resolution March 4, 1935. It was identical to Mrs. Lamar Looney's 1923 version.¹⁷⁰ The vote was thirty-four in favor, five opposed, and five not voting.¹⁷¹ 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.¹⁷² The resolution passed the Senate thirty-nine in favor, three opposed, all Democrats, and two not voting.¹⁷³ 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.¹⁷⁴

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.¹⁷⁵ 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.¹⁷⁶

The resolution passed the Senate with thirty-one in favor, six opposed and seven not voting.¹⁷⁷ 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.¹⁷⁸ 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 Wilkie 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 1940.¹⁷⁹

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."¹⁸⁰ 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.¹⁸¹ 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.¹⁸²

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.¹⁸³

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 1942.¹⁸⁴ 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."¹⁸⁵ The first state legislature specified jurors were to be "male citizens."¹⁸⁶ 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."¹⁸⁷ 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."¹⁸⁸ 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.¹⁸⁹ 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.¹⁹⁰ 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.¹⁹¹

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."¹⁹² 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.'"¹⁹³ 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.¹⁹⁴

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.¹⁹⁵ 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.

END NOTES

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³Darcy, Welch and Clark, 1994:199; Bryce, 1888:III 289-303.

⁴Section 5.

⁵U.S. Interior Department. 1892. *Official Register of the United States Containing a List of the Officers and Employees in the Civil, Military, and Naval Service on the First of July, 1891* (Washington, D.C.: Government Printing Office):I 989.

⁶Section 4

⁷R. Darcy. 2005. "Origins and Development of State Politics: The Oklahoma Territorial Legislature: 1890 - 1905." *Chronicles of Oklahoma*. (summer) 144-177.

⁸SO 1890 Will T. Little, L.G. Pitman and R.J. Barker. 1891. *Statutes of Oklahoma 1890* (Guthrie, Oklahoma Territory: State Capitol Printing Company):643.

⁹SO 1890:1156-7.

¹⁰SO 1890:639.

¹¹SO 1890:152.

¹²SO 1890:175-6.

¹³SO 1890:1160.

¹⁴SO 1890:1129.

¹⁵JFS 1890 *Journal of the First Session of the Legislative Assembly of Oklahoma Territory*. 1890. (Guthrie, Oklahoma Territory: Oklahoma News Publishing):834.

¹⁶Darcy, 2005.

¹⁷SO 1893 W. A. McCartney, John H. Beatty and J. Malcolm Johnston. 1893. *The Statutes of Oklahoma 1893* (Guthrie. Oklahoma Territory: State Capitol Printing Company):1085.

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.

²²Megan Benson. 1995. "Reform and Retaliation: Cora Diehl and the Logan County Election of 1891." *Oklahoma Politics* 4 (October):25-42.

²³Suzanne H. Schrems. 2001. *Across the Political Spectrum: Oklahoma Women in Politics in the Early Twentieth Century, 1900 - 1930* (San Jose CA: Writers Club Press).

²⁴Author's calculations based on reading Mrs., Miss, and first names from LRS 1898 *Territory of Oklahoma Laws for the Regulation and Support of the Common Schools 1897-8* (Oklahoma City: Oklahoma School Herald, 1898):3; RTS 1898 *Fourth Biennial Report of the Territorial Superintendent of Public Instruction of Oklahoma* (Guthrie, O.T.: Leader) :37; RTS 1900 *Fifth Biennial Report of the Territorial Superintendent of Public Instruction of Oklahoma*):141; LRS 1900:3; LRS 1904 L.W. Baxter. *Territory of Oklahoma Laws for the Regulation and Support of the Common Schools 1903-4* (Oklahoma City: Oklahoma School Herald, 1904):3.

²⁵*Memorial 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.

³⁵Lynn Musslewhite and Suzanne Jones Crawford. 2003. *One Woman's Political Journey: Kate Barnard and Social Reform 1875 - 1930*. (Norman: University of Oklahoma Press,).

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.

⁴⁷ORB 1912 W. B. Richards. *The Oklahoma Red Book* Volume II (Oklahoma City: Secretary of State).

⁴⁸SJ 1907 *Journal of the Proceedings of the Senate of the First Legislature of the State of Oklahoma*. 1909. (Muskogee, Oklahoma: Muskogee Printing Company):171.

⁴⁹SL 1907 *State of Oklahoma Session Laws of 1907 - 1908* (Guthrie, Oklahoma: Oklahoma Printing Company):341.

⁵⁰SL 1907:377.

⁵¹SL 1907:762-3.

⁵²SO 1908 Benedict Elder. 1908. *General Statutes of Oklahoma 1908* (Kansas City, MO: Pipes-Reed Book Company): 1330; 340

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.

⁵⁹SL 1910 *State of Oklahoma Session Laws of 1910-1911* (Guthrie, Oklahoma: Leader Printing Company):210.

⁶⁰SO 1921 Clinton Orrin Bunn, 1922. *Compiled Statutes of Oklahoma, 1921* (Ardmore, Oklahoma: Bunn Publishing):II 3411-3412.

⁶¹SO 1908: 1011.

⁶²SO 1903 *Wilson's Revised and Annotated Statutes of Oklahoma 1903* (Guthrie, OT: The State Capitol Company) I:231; SO 1909 Henry G. Snyder. 1909. *The Compiled Laws of Oklahoma 1909* (Kansas City, MO: Pipes-Reed Book Company):315.

⁶³SL 1907:193.

⁶⁴SO 1908: 341; 348.

⁶⁵HJ 1909 *Journal of the House of Representatives of the Regular Session of the Second State Legislature of Oklahoma*. 1909. (S.I.:S.N):191.

⁶⁶HJ 1909:531, 584.

⁶⁷SL 1909 *State of Oklahoma Session Laws of 1909* (Oklahoma City: Oklahoma Engravers & Printing Company):268.

⁶⁸SL 1910:70-1.

⁶⁹RLO 1910 Samuel H. Harris and Jean P. Day. 1912. *Revised Laws of Oklahoma 1910* (St. Paul, MN: The Pioneer Company):408.

⁷⁰Petition 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).

⁷¹Petition September 17, 1912

⁷²Brief and Argument by Defendants in Error in The Supreme Court of Oklahoma filed October 14, 1912 in Gilliland v. Whittle.

⁷³Brief October 14, 1912.

⁷⁴Brief October 14, 1912.

⁷⁵Gilliland v. Whittle.

⁷⁶RLO 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.

⁷⁸Brief June 30, 1914:10, 14-15.

⁷⁹Brief 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.

⁸²SO 1921:II 2137.

⁸³SL 1913 *State of Oklahoma Session Laws of 1913* (Guthrie, Oklahoma: Cooperative Publishing Company):612.

⁸⁴HJ 1916 *Journal of the House of Representatives of the Extraordinary Session of the Fifth Legislature of the State of Oklahoma*. 1916. (Oklahoma City: Warden Company):348.

⁸⁵HJ 1916:349.

⁸⁶SJ 1916 *Journal of the Senate of the Extraordinary Session Fifth Legislature of the State of Oklahoma*. 1909. (Oklahoma City: Warden Company):606.

⁸⁷Guinn v. U.S. 238 U.S. 347; 35 S. Ct. 936 (1915).

⁸⁸OE 1994 *Oklahoma Elections: Statehood to Present* (Oklahoma City: Oklahoma State Board of Elections):C-24.

⁸⁹James Ralph Scales. 1949. *Political History of Oklahoma, 1907 - 1949* (Norman, OK: University of Oklahoma unpublished doctoral dissertation):129; James R. Scales and Danney Goble. 1982. *Oklahoma Politics: A History* (Norman: University of Oklahoma Press): 467; *Cushing Independent* July 12, 1910: 4.

⁹⁰HJ 1916:441.

⁹¹HJ 1916:439.

⁹²HJ 1916:440.

⁹³HJ 1916:442.

⁹⁴OE 1994:C-79.

⁹⁵SJ 1917 *Journal of the Senate of the Regular Session Sixth Legislature of the State of Oklahoma*. 1917. (Oklahoma City: New Printing Co.):26-7.

⁹⁶SJ 1917:156.

⁹⁷SJ 1917:409.

⁹⁸SJ 1917:433.

⁹⁹SJ 1917:433.

¹⁰⁰SJ 1917:435.

¹⁰¹SJ 1917:436.

¹⁰²SJ 1917: 436-7.

¹⁰³HJ 1917 *Journal of the House of Representatives of the Regular Session of the Sixth Legislature of the State of Oklahoma*. 1917. (S.I.:S.N):1045-6.

¹⁰⁴HJ 1917:1329-30.

¹⁰⁵HJ 1917:1435-6.

¹⁰⁶SJ 1917:1435;HJ 1917:1526.

¹⁰⁷SJ 1917:1517.

¹⁰⁸HJ 1917:1679-80.

¹⁰⁹HJ 1917:1680-1.

¹¹⁰HJ 1917:1681; SJ 1917:1696.

¹¹¹SJ 1917:1700-1; HJ 1917:1720-1; SL 1917 *State of Oklahoma Session Laws of 1917* (Guthrie, Oklahoma:Cooperative Publishing Company):499.

¹¹²SJ 1917:102.

¹¹³HJ 1917:1720-1.

¹¹⁴South Dakota granted Presidential suffrage in 1918.

¹¹⁵OE 1994:C-102; see Catt and Shuler, 1923:305-13.

¹¹⁶HJ 1920 *Journal of the House of Representatives of the Extraordinary Session of the Seventh Legislature of Oklahoma*. 1920. (Oklahoma City: Harlow Publishing Company):31.

¹¹⁷SJ 1920 *Journal of the Senate of the Extraordinary Session of the Seventh Legislature of Oklahoma*. 1920. (Oklahoma City: Harlow Publishing Company):45.

¹¹⁸Catt and Shuler, 1923:390-2.

¹¹⁹SJ 1920:47.

¹²⁰SJ 1920:46-7.

¹²¹SJ 1920:48.

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

¹²³Author's calculations from national surveys.

¹²⁴Scales and Goble, 1982:116.

¹²⁵R. Darcy and Sarah Slavin Schramm. 1977. "When Women Run Against Men," *Public Opinion Quarterly* 41 (Spring):1-12.

¹²⁶OA 2003 *Oklahoma Almanac 2003 - 2004* (Oklahoma City: Oklahoma Department of Libraries): 550, 767-8; OE 1994:C-115-7.

¹²⁷Author's calculations from DO 1919 *Directory State of Oklahoma*. 1919 (Oklahoma City: State election Board):29-59; RSO 1921 *Roster of the State and County Officers State of Oklahoma* 1921 (Oklahoma City: Warden Company):7-32.

¹²⁸HJ 1923 *Journal of the House of Representatives Regular Session Ninth Legislature of the State of Oklahoma*. 1923. (Oklahoma City: Great Western Printing Company):278.

¹²⁹HJ 1923:278-9.

¹³⁰SJ 1923 *Journal of the Senate of the Ninth Legislature of the State of Oklahoma*. 1923. (Oklahoma City: Novak & Walker):356.

¹³¹HJ 1923:843, 1583.

¹³²SJ 1923:1947.

¹³³Scales and Goble, 1982:104-5.

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

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

¹³⁶Article 24, Section 1.

¹³⁷McAlister, Sec. Of State Election Board, et al. v. State ex rel. Short, Atty. Gen 95 OK 200 (1923).

¹³⁸Short v. State; *Transcript of Proceedings of the Senate of the Ninth Legislature Extraordinary Session State of Oklahoma Sitting as a Court of Impeachment*. 1923 (Oklahoma City, OK: Novak & Walker):187-9.

¹³⁹HJ 1923X *Journal of the House of Representatives First Extraordinary Session of the Ninth Legislature of the State of Oklahoma*. 1923. (Oklahoma City: Harlow Publishing Company):130.

¹⁴⁰Short v. State; HJ 1923X:170-3.

¹⁴¹Brief in Looney v. Leeper, Secy. Of State, et al. 145 OK 202 (1930) September 8, 1930.

¹⁴²Short v. State; Simpson v. Hill et al. 128 OK 269 (1927); Looney v. Leeper.

¹⁴³See HJ 1923X:1- 21, 128-152; Transcript 1923:180-9.

¹⁴⁴Scales and Goble, 1982:143; Simpson v. Hill.

¹⁴⁵Simpson v. Hill .

¹⁴⁶SJ 1927 *Journal of the Senate of the Eleventh Legislature of the State of Oklahoma*. 1927. (Oklahoma City: Warden & Company):180.

¹⁴⁷SJ 1927:1335.

¹⁴⁸HJ 1929 *Journal of the House of Representatives Regular Session Twelfth Legislature of the State of Oklahoma*. 1929. (Oklahoma City: The Leader Press):I 1056.

¹⁴⁹HJ 1929:I 1107; II 3270.

¹⁵⁰SJ 1929 *Journal of the Senate for the Regular Session of the Twelfth Legislature of the State of Oklahoma*. 1929. (Oklahoma City: The Leader Press):1604.

¹⁵¹HJ 1929X *Journal of the House of Representatives First Extraordinary Session Twelfth Legislature of the State of Oklahoma*. 1929. (Oklahoma City: Leader Press):1004-5.

¹⁵²HJ 1929X:1197.

¹⁵³SJ 1929X *Journal of the Senate for the Extraordinary Session of the Twelfth Legislature of The State of Oklahoma*. 1929. (Oklahoma City: Leader Press):893.

¹⁵⁴SJ 1929X:1009.

¹⁵⁵SJ 1929X:1121.

¹⁵⁶SJ 1929X:1181.

¹⁵⁷SJ 1929X: 1343.

¹⁵⁸*Affidavit of Defendants in the Supreme Court of the State of Oklahoma* filed September 4, 1930 in Looney v. Leeper: 1-2.

¹⁵⁹Fred 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. 1996. *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.

¹⁶¹*Brief of Defendants in the Supreme Court of the State of Oklahoma* filed September 8, 1930 in *Looney v. Leeper*.

¹⁶²Justices Lester, Hunt and Hefner were absent.

¹⁶³*Looney v. Leeper*.

¹⁶⁴OE 1994: IC-198.

¹⁶⁵HJ 1935 *Journal of the House of Representatives Regular Session Fifteenth Legislature of the State of Oklahoma*. 1935. (Oklahoma City: Central Printing):628-9.

¹⁶⁶HJ 1935:110; SJ 1935 *Journal of the Senate of the Fifteenth Legislature of the State of Oklahoma Regular Session*. 1935. (S.I.:S.N):66.

¹⁶⁷HJ 1935:544-6; SJ 1935:295.

¹⁶⁸HJ 1935:544.

¹⁶⁹HJ 1935:545.

¹⁷⁰SJ 1935:642-3.

¹⁷¹SJ 1935:643.

¹⁷²HJ 1935: II 3894-9.

¹⁷³SJ 1935:2216-9.

¹⁷⁴OE 1994: C-241.

¹⁷⁵HJ 1939 *Journal of the House of Representatives Regular Session Seventeenth Legislature of the State of Oklahoma*. 1939. (Oklahoma City: Leader Press):112.

¹⁷⁶HJ 1939:500-1, 2735.

¹⁷⁷SJ 1939 *Journal of Senate of the Seventeenth Legislature of the State of Oklahoma Regular Session*. 1939. (S.I.:S.N):531-2.

¹⁷⁸HJ 1939: II 2737.

¹⁷⁹OE 1994:C288-92.

¹⁸⁰SJ 1941 *Journal of Senate of the Regular Session and First Extraordinary Session of the Senate of the Eighteenth Legislature of the State of Oklahoma*. 1941. (S.I.:S.N):510.

¹⁸¹SJ 1941:510-1.

¹⁸²SJ 1941:512.

¹⁸³HJ 1941 *Journal of the House of Representatives Regular Session Eighteenth Legislature of the State of Oklahoma*. 1941. (Oklahoma City: Leader Press):2126-8.

¹⁸⁴OE 1994:C304-09.

¹⁸⁵Article II Sections 18, 19.

¹⁸⁶SL 1907:467, 474.

¹⁸⁷HJ 1951 *Journal of the House of Representatives Regular Session Twenty-third Legislature of the State of Oklahoma*. 1951. (Oklahoma City: Leader Press):115-6.

¹⁸⁸HJ 1951:178.

¹⁸⁹HJ 1951:206-7.

¹⁹⁰SJ 1951 *Journal of Senate of the Twenty-Third Legislature of the State of Oklahoma Regular Session*. 1951. (S.I.:S.N):345.

¹⁹¹SJ 1951:763-4.

¹⁹²SL 1951 *Official Session Laws 1951 Enacted by the Regular Session of the Twenty-Third Legislature of the State of Oklahoma*. 1951. (Guthrie, Oklahoma: Cooperative Publishing Company):111.

¹⁹³In re House Bill No. 145 (In re Fry) 205 Okl. 364; 237 P.2d 624 (1951).

¹⁹⁴In re House; see also Hill v. State [Criminal Court of Appeals of Oklahoma] 256 P. 2d 469 (1953).

¹⁹⁵OE 1994: C-377.

¹⁹⁶Johny H. Killian, ed. 1987. *The Constitution of the United States of America Analysis and Interpretation* (Washington, D.C.: U.S. Government Printing Office):1766; Taylor v. Louisiana 419 U.S. 522 (1975).

¹⁹⁷For such an argument see: Arthur Lincoln Tolson. 1966. *The Negro in Oklahoma Territory, 1889 - 1907: A Study in Racial Discrimination* (Norman, Oklahoma: University of Oklahoma Ph.D. Dissertation); R. Darcy. 1983. "Why so Few Women in Public Office? A Look at Oklahoma Politics," in Gordon Weaver, ed. *Southwest Cultural Heritage Festival 1982: Selected Faculty Papers* (Stillwater, Oklahoma: Oklahoma State University Press):21-3; David R. Morgan, Robert E. England and George Humphreys. 1991. *Oklahoma Politics and Policies: Governing the Sooner State*. (Lincoln, Nebraska: University of Nebraska Press):3-19; Cindy Simon Rosenthal. 1998. *When Women Lead: Integrative Leadership in State Legislatures* (New York: Oxford University Press):96 - 116.

¹⁹⁸The author examined all available *Directories of Oklahoma 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.

¹⁹⁹Alabama, 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.

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