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AN ABSTRACT OF

THE SENATORIAL CAREER OF ROBERT LATHAM OWEN

Robert Latham Owen, later to become one of the first senators from Oklahoma, was born February 2, 1856, at Lynchburg, Virginia, of Scotch-Irish and Indian ancestry. He was the son of Robert L. Owen, President of the Virginia and Tennessee Railroad, and of Narcissa Chisholm, of the Cherokee Nation. He was educated in the private schools of Lynchburg, and in Washington and Lee University, where he received a Master of Arts degree in 1877. He came to the Cherokee Nation soon afterward.

Owen was the principal teacher of the Cherokee Orphan Asylum, 1879-1880; and, secretary of the Board of Education of the Cherokee Nation, 1881-1884. He began the practice of law in 1880; was president of the International Fair at Muskogee, 1882-1884; and, was editor and owner of The Indian Chieftain, at Vinita, in 1884. He served as Indian Agent for the Five Civilized Tribes from 1885 to 1887; organized the First National Bank of Indian Territory, at Muskogee, August 1, 1890, and served as its president until 1900.

On January 14, 1890, he entered the service of the Choctaws, as their attorney. Later, he served the Western and Eastern Cherokees in this same capacity, and recovered millions of dollars in claims for these tribes, from the United States Government, the commission for his services adding much to his private fortune. As a director of farming operations on a large scale, he handled thousands of cattle.

The Act of Congress of March 3, 1901, giving citizenship to every Indian in Indian Territory, was drawn by Owen, and its passage was due in a large measure to him. He was delegated to present a memorial to Congress, asking for a deficiency appropriation for the Oklahoma Constitutional Convention, and was instrumental in having the Trans-Mississippi Congress adopt a resolution favoring the removal of restrictions on all Indian lands, except those of full-bloods.

He was elected to the United States Senate on December 11, 1907; was re-elected in 1912, and again in 1918, winning both elections by large majorities. In 1920

Owen was presented to the country as a Democratic candidate for President of the United States. On the fortieth ballot he received thirty-three votes, and ranked fourth among the candidates. Efforts to secure his consent to accept the nomination for vice-president failed. His term of service in Congress expired March 3, 1925.

The purpose of this study has been to trace briefly the background of Senator Owen, the circumstances relating to the union of two territories into the state of Oklahoma, and Owen's election as one of its first United States Senators; then to determine from the records of Congress, other government publications, and current periodicals, what he said and did regarding Indian affairs; Federal courts and constitutional amendments; tariff; rural problems; the welfare of the wage-earners; health and education; trusts; monetary problems; and foreign affairs, during the time (1907-1925) that he served in the United States Senate, as the representative of the state of Oklahoma.

The Organic Act of 1890 provided for a territory of Oklahoma, which should include all of Indian Territory,

except districts occupied by the Five Civilized Tribes, and the seven small reservations northeast of them. Provision¹ for the inclusion of these reservations and the Cherokee Outlet into Oklahoma Territory, by executive action, as soon as the tribal occupants or owners should give consent, was also taken care of by this act.² The Dawes Act of 1887 had provided a way for the opening of the reservations in the Territory of Oklahoma,³ while a subsequent act of 1893 provided for Commissioners to adjust the affairs of the tribes⁴ so as to prepare the territory for admission into the Union. The Curtis Act of 1898 abolished tribal laws and courts, and provided that the five tribal governments should end in eight years.⁵ This act made necessary additional provisions for governing the Indian Territory. Plans for both single and double statehood were presented in Congress, and had support in the territories, but were tied up with the fortune of Arizona and New Mexico, and progress was slow.

In accordance with the recommendation of President

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| 1 | 26 | U. S. Stat., | 81, May 2, 1890. |
| 2 | 26 | U. S. Stat., | 82. |
| 3 | 24 | U. S. Stat., | 388-391, February 8, 1887. |
| 4 | 27 | U. S. Stat., | 645, March 3, 1893. |
| 5 | 30 | U. S. Stat., | 495-518, June 28, 1898. |

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Theodore Roosevelt, an **Enabling Act** providing for joint statehood of the two territories was passed June 16, 1906.⁷ Provision for a Constitutional Convention and for the election of Representatives and Senators was also made in this act.

The constitution adopted by the Convention was accepted by both territories, on an election September 17, 1907, whereupon, President Roosevelt, by proclamation, November 16, 1907,⁸ declared Oklahoma to be a state. The Oklahoma Constitution provided that the legislature should adopt a primary system for the nomination of all candidates for state elective offices, including United States Senators.⁹ Previous to the adoption of the constitution, the Democratic Party, which had been successful in the election of delegates to the Constitutional Convention, called a Primary Election for June 8, 1907, to nominate candidates for the office of United States Senator. The two candidates receiving the largest number of votes in this election were

⁶ Cong. Record, 59 Cong. 1 Sess. Vol. 40, December 5, 1905, Message to 59th Congress, p. 105.

⁷ 34 U. S. Stat., 267, June 16, 1906.

⁸ 35 U. S. Stat., Part II, 2160-2161, November 16, 1907.

⁹ Constitution of Oklahoma, Article III, Section 5.

Robert Latham Owen and Thomas P. Gore. The nominations of both candidates were subsequently ratified by the Democratic Convention.¹⁰

As a candidate, Owen declared that he was in favor of the initiative and referendum; approved the mandatory primary; favored the removal of restrictions on the sale and lease of Indian lands; more free rural routes; and the immediate payment, by the United States Government, of money due the Indians. He vigorously attacked monopolies; urged uniform freight rates; the adoption of woman suffrage; and argued for uniform taxation of lands in Indian Territory and Oklahoma Territory. The Republican Press declared that a Republican legislature should be elected to prevent Owen and Gore from going to the Senate. Owen was accused of being unfriendly to labor unions, of being a professional lobbyist, and a millionaire. However, the legislature that was elected September 17, 1907, was overwhelmingly Democratic.

The state was admitted November 16, 1907. After Governor C. N. Haskell had finished making his inaugural

¹⁰ The Daily Oklahoman, Oklahoma City, Oklahoma, June 19, 1907.

address, he announced the appointment of Owen and Gore as United States Senators from Oklahoma. Both were present at the opening of the Sixtieth Congress, but were not received because they had not been elected by their state legislature. This, however, was done on December 11, 1907. After election, the question of who should serve the long, and who the short term, was decided by lot. Owen was successful in drawing the six-year term.

During his career in the Senate, Owen had been able to fulfill his campaign promises of getting the restrictions removed from most of the Indian lands, and his efforts to settle the controversy over the segregated coal and asphalt lands of the Choctaw and Chickasaw Nations brought satisfactory results. Most of his many bills to settle claims of the various tribes against the United States Government never got out of the Committee on Indian Affairs, "but small amounts of money for the actual needs of the Indians were granted by the Senate. His efforts to commemorate the life of a great Indian were crowned with success when the statue of Sequoyah was placed in Statuary Hall of the National Capitol.

Attempts to transfer the Chilocco Indian School and lands to the state of Oklahoma failed, as did his efforts to establish a home for aged and infirm Indians. The position he took regarding the Osage Indian oil lands indicated that he favored the independent oil operators, but subsequent bills providing safeguards for incompetent Indians and minors of this tribe did much to protect their fortune in later years. His knowledge of Indian affairs and his fairness to all tribes was recognized by the Senate, and he was rewarded by appointment to one or more of the committees dealing with Indian affairs, for practically his entire tenure in the Senate. Owen's purpose seems to have been to do all possible for the Indians; to develop the natural resources of their reservations; and, in this way, develop the new state which he represented.

The attitude he took regarding Federal courts and constitutional amendments indicate that Owen was indeed a Progressive. He fought for years, against great odds, for equal suffrage for the women of the country, and was finally successful. Having faith in the common people, he believed in and worked for the election of United States Senators by

direct vote of the people, and also for the adoption of a Federal income tax. He delayed the admission of New Mexico as a state, because he wanted Arizona admitted also, and because he wanted to put the responsibility of rejection upon the Republican Party.

His long agitation for the passage of a Federal initiative, referendum, and recall was not successful. This was also true of his attempts to get constitutional majority rule; to reform the Federal Judiciary; and to eliminate "lame ducks" from Congress. All of these reforms seemed to have one purpose, which was to give the common people more power in their government.

Throughout his entire senatorial career Owen consistently fought for a lower tariff. He never wavered from his contention that a high tariff helped monopoly. He made many speeches favoring a tariff to provide for the difference in the cost of production at home and abroad. The criticisms of Democratic tariffs reveal that he favored lowering the tariff below the rate set by his party, and he had even voted for a reduction of tariff rates on agricultural products produced in his home state. His long

speeches and the many tables he prepared to show the results of an excessive tariff prove that he had made an exhaustive study of the problem; while his prediction, that an excessive tariff would set up obstructions to international commerce, and delay the payment of European debts, have been borne out by present facts.

The early attempts of Owen to provide experimental stations, and establish extension departments in connection with Agricultural Colleges, had failed, but his ideas were later included in the Smith-Lever Agricultural Act, which became a law.¹¹ He helped pass the "Good Roads Act", which provided for Federal co-operation with the states in the building of hard surfaced roads.¹² The attempts to prevent the transportation by interstate commerce, of adulterated commercial feeding materials for domestic animals, and his attempts to establish an interstate marketing system failed. Legislation to protect the oil industry, and government ownership of pipe lines was recommended by Owen. He opposed discriminative practices of all kinds, whether it be done

¹¹ 38 U. S. Stat., 1086, March 4, 1915.
¹² 39 U. S. Stat., 355, July 11, 1916.

by meat packers, oil companies, or any other company. Speculation, exorbitant profits, and stock manipulation on commodities were also opposed by him. The Farm Loan Act originated in the Committee of which Owen was chairman, and contained provisions that he had presented to the Senate before.¹³ He voted for measures for the conservation of our natural resources, but did not take an active part in promoting them.

Although Owen was accused of being unfriendly to labor when he first sought election to the Senate, he helped to establish a Department of Labor in the President's Cabinet.¹⁴ His efforts to help the children of the United States had been temporarily successful, with the passage of the Keating-Owen Bill,¹⁵ which forbade interstate commerce in the products of child labor, but which later was declared unconstitutional. The labor unions found him ready and willing to come to their defense at all times. Attempts to prevent the prosecution of labor unions and farmers' organizations under the Sherman Act aided the passage of the Clayton Anti-Trust Act.¹⁶

13 39 U. S. Stat., 360, July 17, 1916.
 14 37 U. S. Stat., 736, March 4, 1913.
 15 39 U. S. Stat., 675, September 1, 1916.
 16 38 U. S. Stat., 731, October 15, 1914.

His efforts to have industrial conditions and disasters investigated were unsuccessful. The reasons he gave for labor unrest were varied and numerous. The neutral attitude that he took regarding the restriction of immigration was inconsistent with his other acts pertaining to labor problems.

In the face of great opposition, some of which had come from his own state, Owen unsuccessfully carried on a long fight for the creation of a Department of Health in the President's Cabinet. His arguments in favor of the establishment of a Children's Bureau in the Department of Commerce helped pass this bill through the Senate. Many long speeches favoring the improvement of general health conditions in this country helped to keep this problem before the Senate. Bills by Owen, for the enactment of a legislative reference bureau; for a research bureau of the Senate; for an authorized publicity pamphlet; and, for a national information bulletin received no consideration by the Senate.

The introduction of many bills to create a Department of Education; his defense of the newspaper press; arguments

for a continued free press; arguments for visual education; and, efforts to remove illiteracy in this country, even though unsuccessful, prove that he was friend of better education in this country.

Owen kept up a verbal attack on trusts throughout his senatorial career. His greatest efforts were directed against the Standard Oil Company, and in favor of the independent oil producers. His opposition to the "meat packers trust" was of interest to his home state as well as to all the country. He advanced the theory that monopoly could only be controlled by the selection, by the people, of Representatives and Senators unfavorable to it, and that the remedy would not be provided until political parties and public opinion demanded the reform.

During the time that the Democrats had control of the Senate, Owen served as the chairman of the Banking and Currency Committee. He advocated the establishment of the Postal Savings Banks. He helped write, and successfully piloted the "Owen-Glass Bill", (the Federal Reserve Act),

17 36 U. S. Stat., 814, June 25, 1910.

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through the Senate. He admitted that this bill had defects, but sought to correct them by the introduction of amendments, many of which were not passed.

He carried on a successful fight for a progressive inheritance tax, and supported the excess profits tax, but later thought it should be repealed, when it was evident that the tax was being passed on to the consumer. Many efforts to pass bills to provide for a guarantee of bank deposits were not successful during the time he was in the Senate. He supported all the administration's monetary bills for financing the World War, and his bills permitting national banks to contribute to the Red Cross and other charity organizations became laws. His efforts to provide a Federal Reserve Foreign Bank were not successful, because he was unable to convince the Senate of the value of the so-called "commodity secured currency".

The granting of loans to European countries after the war was favored by him, as was the reduction of interest rates on these loans. He firmly refuted all arguments that

18 38 U. S. Stat., 251, December 23, 1913.
 19 39 U. S. Stat., 1091, September 8, 1916.

the European countries could not repay, and opposed repudiation of these debts. His long arguments for economy in government did not convince a Republican Congress. His many warnings of the possible result of a policy of fast constriction of credits were not heeded at that time, but later depressions proved that which he had anticipated.

Before the World War, Owen had been for peace, and had introduced resolutions favoring an international peace conference. He opposed increasing our navy; subsidizing our merchant marine; and unsuccessfully sought to have international law defined. His opposition to the Panama Canal tolls exemption helped repeal that measure. He supported Philippine independence, and even advocated the independence of Puerto Rico.

When the World War seemed inevitable, he supported President Wilson in all of his war measures. He consistently opposed secret alliances and treaties, and thought that treaties should be considered in open session of the Senate. After the war was over he favored sending food to the Germans, and at all times insisted that we had been fighting to break down the military dynasty of Germany,

rather than the downtrodden German people.

America's participation in the League of Nations was favored by him, and he insisted that we join the League with or without the suggested reservations. An advocate of government economy at all times, Owen held that the Republican victory in 1920 was due to the people's disapproval of the great expenditures during the war. He objected to the English protectorate over Egypt, and thought that the Turks, too, should be given the right to enjoy liberty. He contended that the treaty of Versailles had not been drawn according to the principles of the fourteen points, and that Woodrow Wilson had been wronged when the Entente leadership had extorted concessions from him; also, that the treaty of Versailles provided the way for future trouble in Europe. The origin and causes of the World War aroused his curiosity, and he studied for years trying to solve the question, finally reaching the conclusion that Germany was not the sole instigator of the war (as he had formerly believed), but that it was started by the leadership of Russia and of France. He closed his senatorial career with peaceful gestures to Japan, who, he claimed, had fulfilled all our requests, and who desired peace as much as we did.

Edward E. Keess.