

nominated for a fourth term, but was defeated by funeral director Vondel Smith in the general election). Ray Parr, *The Daily Oklahoman* reporter, testified to McCarty's political prowess at the time:

McCarty's power in the House has stemmed from knowledge of the legislative procedure and his knack of building a loyal personal following. He has gone out of his way to be a big help to new members, confused by the complicated House procedures. He has worked nights and days cultivating these personal contacts. He is one of the best hosts and story tellers in the Legislature.

Many observers of state politics view McCarty as the preeminent example of a strong Speaker. They also believe that the House held the upper hand in the Legislature to a greater extent than any period before or after McCarty's years as Speaker. Even Republican Governor Henry Bellmon, who fought McCarty all four years of his first term as Governor, conceded that McCarty, along with the Director of the Department of Institutions, Social and Rehabilitative Services Loyd Rader, were the strongest political figures in Oklahoma government during that time. So important was this six-year period in the history of the Oklahoma House of Representatives that we will look at it from several perspectives in the next three sections.

Court-Ordered Reapportionment

No post-Second World War issue related to the Oklahoma Legislature was more emotionally charged than legislative reapportionment. In 1911 and 1921, the House of Representatives had complied with the Oklahoma Constitution's reapportionment provisions describing how districts should be drawn in the House. By the 1950's, the Oklahoma Legislature was ranked as one of the most badly apportioned legislatures in the country.

Until the U. S. Supreme Court's 1962 ruling in *Baker v. Carr*, most reapportionment proponents in Oklahoma focused on the need for the Legislature to redistrict itself according to the principals of "constitutional reapportionment." Essentially, this meant to draw a plan based on county representation as set forth in the Oklahoma Constitution. Each county with at least 0.5% of the state's population was entitled to at least one House seat. In the First Legislature, each county received at least one seat. Starting with 1911 and each session following the federal decennial census, new apportionment plans were required to be developed by the Legislature. Counties that fell below 0.5% of the state's population were to be joined with an adjacent county, and counties with more than 1.75% of the state's population would have more than one seat. However, no county (meaning Oklahoma and Tulsa Counties) could have more than seven seats.

Therefore, the 1911 redistricting plan joined Cimarron County with Texas County and Harper with Beaver County as required by constitutional reapportionment as a result of the loss of population in the Panhandle. Again, the Legislature passed a constitutional reapportionment plan in 1921. Cimarron and Harper Counties still remained the only two counties that fell below the population figure for their own seats.

However, in the 1930 census, there were eight counties with less than the 0.5% requirement. For the first time, the House failed to adopt a constitutional reapportionment plan. Not only were the six new underpopulated counties allowed to retain their seats, Cimarron and Harper Counties were also each given a seat. With the abolition of two-county districts and the addition of seats in counties where population growth warranted it (accept for Oklahoma and Tulsa Counties), the size of the House of Representatives expanded to 119 members for the 1933 session. Governor William H. Murray allowed the 1931 plan to become law without his signature.

The 1941 plan was merely a reenactment of the 1931 plan. The 1951 plan also failed to comply with constitutional reapportionment provisions, but it did attempt to correct significant inequalities in Payne, Garfield, Cleveland, Comanche, and Washington Counties which had been underrepresented by the two previous plans.

***First African-Americans Elected to the
Oklahoma House of Representatives since 1908***

The 1964 reapportionment plan, with its additional urban seats, resulted in the election of the first three African-Americans since A.C. Hamlin in the Second Legislature. They were Archibald Hill and John B. White of Oklahoma City and Curtis L. Lawson of Tulsa. Unlike Hamlin, African-Americans elected to the House since 1964 have been Democrats. This reflected the realignment of African-American voters nationally as a result of the New Deal and civil rights agendas of the Democratic Party. Since 1981, there have been three African-Americans in the House, two from Oklahoma City and one from Tulsa.

Also, unlike Hamlin, African-American state representatives in the past thirty-five years have been active participants in the work of the Oklahoma House of Representatives. Certainly one of the most respected House members by her colleagues during her tenure in the House was Hannah D. Atkins from Oklahoma City. As a House member from 1968 to 1980, she became known statewide as an advocate for the rights of the disadvantaged and the Equal Rights Amendment. She was elected Democratic caucus secretary in tribute to the high regard of her colleagues for her fairness. In a recent article on her career in public service, Atkins recalled her friendship with John Monks of Muskogee, a conservative who some humorously called the "Okie from Muskogee," but a man she respected for the passion of his beliefs during the years they served together in the House and his integrity in fighting her on the passage of the Equal Rights Amendment:

It was funny, he was anti-feminist as much as he could be, but we were friends... We could sit in the [Capitol] cafeteria and have coffee and eat biscuits and sausage, and folks would say, "But you disagree all the time," and I'd say, "Well, you know he has the right to be wrong."



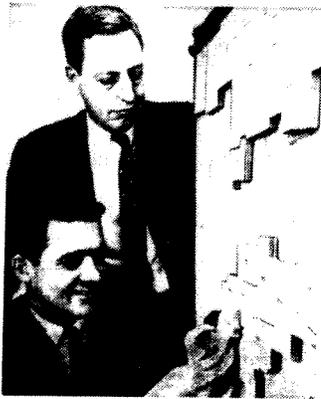
*Hannah D. Atkins,
First African-American woman elected to
the House of Representatives, 1968*

By the 1950's, the apportionment of the Oklahoma House of Representatives was clearly an issue of statewide concern. Representation in the House grossly underrepresented metropolitan

areas and favored sparsely populated rural counties. A University of Oklahoma study in the mid-1950's demonstrated that a person residing in Cimarron County was equal in terms of representation to 10.1 persons in Oklahoma County, 7.8 in Tulsa County, 5.6 in Canadian County, and 5.3 in Kay County. By the 1960's, 29% of the state elected a majority of the House members. Suits in state courts had not been successful in forcing the Oklahoma Legislature to comply with constitutional reapportionment requirements. The Supreme Court of Oklahoma, in one case, held that it did not have the power to compel the Legislature, as a coequal branch, to reapportion itself.

The 1961 House of Representatives redistricting plan also failed to comply with constitutional reapportionment. Instead, Speaker McCarty, attempting to develop a plan that would appease urban resentment, but not fundamentally alter the rural control of the House, supported a plan developed by Lonnie Howze of Seminole and O.R. Wilhelm of Erich. This plan prepared both as a bill and a constitutional amendment would have increased the size of the House from 121 to 126 members, with Oklahoma County expanding from seven to eleven seats and Tulsa from seven to nine seats. As a reward for the House's cooperation with Governor Edmondson during the 1961 session, Edmondson signed the House plan and vetoed legislation to reapportion the Senate. Speaker McCarty noted that the Governor was "in his heart. . . grateful for the position this house has taken in putting issues above personalities." Both chambers overrode the Governor's veto on the Senate plan, but voters rejected both plans in a September 1961 special election.

At this point, the federal courts entered the picture with the U.S. Supreme Court's 1962 landmark decision in *Baker v. Carr*. This decision established for state and local governments the principle of "one person, one vote" that undermined both the provisions in the Oklahoma Constitution and the current House plan basing representation on counties and limiting the number of seats in large urban areas.



Larry Derryberry from Altus and Tom Taggart from Oklahoma City work on congressional redistricting using magnetized counties, 1963

Events leading up to the 1964 general election took many twists and turns, and it is not the intent here to follow each one. Essentially, the Legislature tried once more to draw its own plans in the 1963 legislative session. A legislative referendum was approved at the May 1964 primary election, and candidates campaigned for the House and Senate upon the new plan. However, a three-judge federal panel in the *Moss v. Burkhart* case vacated the results. The Court imposed its own House and Senate plans, drawn by future Oklahoma City mayor Patience

Latting, for a "sudden death primary" on September 29, 1964. The Latting plan utilized new guidelines issued by the U.S. Supreme Court in the *Baker v. Carr* case.

The Latting plan gave Oklahoma County nineteen and Tulsa County fifteen of the 109 House seats, thereby increasing the representation of those counties by nineteen seats. The almost inevitable result was that twenty House members were forced to run against each other in the September primary. Altogether, there were forty-eight new faces (including veteran state Senator Ray Fine who had won a House seat rather than run against incumbent Clem Hamilton) in the Thirtieth House of Representatives for the 1965 regular session. Upon the completion of the

primary, J.D. McCarty won his “second” Speaker’s race that year. He quipped on September 30, “running this TV program again for the fall showing is mighty nerve-racking” and lashed out at Patience Latting and all those responsible for the new plan which he termed “Latting-mandering.” He also made a plea for an end to the urban-rural war over redistricting. “We must dedicate ourselves to heal the wounds laid open by reapportionment, and perhaps this will be our greatest service to the people of Oklahoma.”

Justice for Sale?

The 1965 session was notable in that it was the first session since 1945 that the House of Representatives seriously considered impeachment articles against a state officer. In 1965, the officials in question were two sitting justices of the Oklahoma Supreme Court.

The origins of the impeachment proceeding lay in the 1964 conviction of the 80-year old Justice N. S. Corn for income tax evasion. While serving his federal sentence, Corn confessed to accepting a series of bribes related to cases before the Supreme Court. The most spectacular revelation in the lengthy document was that he had accepted \$150,000 from the CEO of the Selected Investments Corporation for a decision favorable to it in its case with the Oklahoma Tax Commission. From that, Justice Corn paid Justices Earl Welch and N. B. Johnson for their roles in rendering a favorable opinion to the company.

Before the session began, Justice Welch had also been convicted in a federal court on a tax evasion charge, but he continued to serve on the bench as he appealed his case. Meanwhile, a copy of Corn’s confession came into the hands of Justice William A. Berry (author of Justice for Sale that focuses on the impeachment), who was deeply offended by Welch’s continued service on the Court to the point that Berry would not attend meetings when Welch was present.

At that time, there were no remedies in state law for removing a Supreme Court Justice except through the impeachment process. At the start of the session, there was serious talk of impeaching Welch, but Justice Berry soon became concerned that the process was moving too slowly. He decided that to move things along, he had to show the confession to a member of the House of Representatives. He first tried Majority Whip Nathan S. Sherman of Oklahoma City, but he did not return Berry’s phone call. Next, he called Minority Leader J. T. Blankenship, also from Oklahoma City and a law school classmate of Berry’s. They met at Berry’s home where Blankenship copied pertinent excerpts of the confession.

Speaker J. D. McCarty defended the pace at which the House considered Welch’s impeachment during the opening weeks of the session, “I find the House equally divided on what the proper course is. If the research and investigating committee recommends impeachment, it will be a hard-fought thing on the floor.” There was a process that had to be followed before an impeachment could start. The first step was to obtain approval for an investigation from the Rules and Procedures Committee, which, under House rules, had to first consider a resolution for an investigation of a state official. The committee met on January 7 and again on January 21, 1965, to discuss the impeachment issue with the media applying increasing pressure on McCarty. At the last meeting, the Speaker outlined a series of alternatives for the committee, but it continued to hold the impeachment resolution.

After the last meeting, Blankenship decided he could no longer delay disclosing the contents of Corn's confession. He told his friend Tom Taggart, a Republican from Oklahoma City, shortly after the House convened at 11:00 a.m. on January 21, "Tom, I want you to know what is going to happen this morning, so if I don't ever leave the Chamber, at least somebody will know what this is all about." According to Justice Berry, Blankenship did not fear reprisals from House members, but he did fear it from others. That included some very powerful individuals whose careers and lives Blankenship was about to destroy. In addition, Blankenship, an attorney, placed his own professional career on the line when he rose to take personal privilege (which protected him against legal action) and read portions of Corn's confession to the House of Representatives. He explained:

I felt it necessary to speak out, for to me, next to a house of worship, the most sacred institution is and must be a court room. The very basis for the success of our form of government has been the unique and eminently successful separation of powers into the executive, legislative and judicial. The latter having separate and equal powers and responsibilities with the former. The honorable members of this honored profession are entitled to have the tarnish removed. More important still, the confidence of the citizenry as a whole, in their court system, is as important as the human rights produced by that same system.

With this bombshell, impeachment proceedings against Welch moved forward. The Rules and Procedures Committee sent to the House floor the investigating resolution authored by John McCune of Tulsa, early the following week. It was approved in short order, and the House Research and Investigating Committee began the investigation of Justice Welch followed soon by one of Justice Napoleon Johnson. The Committee's chair was Lou Allard of Drumright; for Committee Counsel, the Committee used House members Bunker S. Mordy of Ardmore and Nathan S. Sherman.

At one point, Welch offered the committee his promise that he would resign from the Supreme Court if his appeal was denied, but the committee refused to consider it. In mid-March,



Minority Floor Leader G. T. Blankenship whose speech spurred the House to impeach two state Supreme Court Justices in 1965

the committee sent impeachment articles charging both justices of accepting bribes constituting moral turpitude and corruption in office. Just prior to the reports being filed with the articles of impeachment, Justice Welch ended his career of more than three decades on the Supreme Court by resigning. Justice Johnson continued to fight. On March 24, 1965, the House approved the two impeachment articles against Johnson with only a handful of members voting against them. Speaker McCarty then appointed a five-member Board of Managers to prosecute the charges in the Senate, with Allard as the chair.

On May 12, 1965, the Senate Court of Impeachment considered the articles. With only one name left to be called on the roll, the Board of Managers were one vote short of a conviction (it took thirty-two votes); however, Senator John Young of Sapulpa was the final vote for impeachment.

This was the last impeachment approved by the House of Representatives. There were additional consequences arising from the Supreme Court scandal. Judicial reform (which had been rejected due to the silent vote the previous November) was once again sent to the voters. On May 3, 1996, in a run-off primary, the voters approved, among other reforms, the creation of a Court of the Judiciary with the power to remove or compel the retirement of judges and the automatic suspension of judges convicted of a felony.

Oklahoma's First Prolonged Experience With Divided Government

Unlike 1921 when Republicans controlled the House of Representatives for one session, from the elections of 1962 through those of 1970, divided government in Oklahoma took the form of eight years in which the Legislature was solidly Democratic but the Governor's office was occupied by Republicans. This second experience in divided government turned out much better than the first, but its impact on the operations of the House of Representatives during that period was distinguishable by the personalities of the two Speakers.

First-term Speaker J. D. McCarty did not wait for the results of the 1962 Democratic primary to sew up the Speaker's race for the Twenty-ninth Legislature (1962-4). Concerned that former Governor Raymond Gary might win the nomination and attempt to organize the House, the House Democratic caucus met early to nominate McCarty for his second term as Speaker for the 1963 session.

Henry Bellmon, a former House member who had served with McCarty, was eventually elected Oklahoma's first Republican Governor. He viewed himself as the chief executive of the state, but lacked a significant legislative program for the 1963 session. For their part, the House and Senate Democratic leaders were reluctant to offer the new Governor their suggestions. In his autobiography, years later Bellmon recalled his initial impression of Speaker McCarty.

Over the years, J. D. became the Oklahoma prototype of the worst kind of politician. As Speaker of the House, he became loud, fat, power-mad, and heavy-handed in his dealing with those over whom he could exert either influence or authority.

Bellmon's opinion may be offset somewhat by his admission that the Speaker (who at one time called Bellmon the "hard-headedest man I ever met" and said that "if they used his head on the Berlin Wall, the East Germans would be in West Berlin tonight") was always willing to talk candidly and confidentially with Bellmon when he sought advice.

For McCarty, partisan politics aside, Bellmon's no-tax pledge during his race for Governor was a problem. The Speaker was firmly convinced that public services needed additional revenues. However, the Legislature in 1963 was able to put together an acceptable biennial budget using a combination of growth revenue and \$11 million in reserves Loyd Rader made available from the state's welfare agency.

The real fight between Bellmon and McCarty took place during the 1965 session. The Thirtieth Legislature (1964-6) was historic for several reasons. It was the first one since statehood in which both chambers were reapportioned. It also marked the first time for a three-term Speaker. Finally, Governor Bellmon launched his major initiative to improve financing of state government without a tax increase.

The Governor's Operation Giant Stride proposed the passage of a \$500 million bond issue and refinancing of existing turnpike bonds that would: 1) pay for an \$800 teacher raise for the biennium, 2) provide \$100 million in new revenue for state highways, 3) construct five new turnpikes, and 4) yield additional funding for various state programs. Speaker McCarty was cool from the outset about the Governor's initiative. "I'm like the old farm boy. I'm fer some of it and agin some of it." Nevertheless, he said the proposal would be considered in the House.

In fact, Operation Giant Stride was placed behind McCarty's own legislative program that called for a series of legislative referendums containing a one-cent sales tax increase and capital improvement bond issues. The sales tax increase would, if passed, add \$68 million for the biennium.

At first, the Senate was slow to sign onto the House program. However, its reluctance subsided when Bellmon charged, following the override in late February of his veto of a vo-tech teacher twelve-month salary bill, that McCarty obviously controlled three-fourths of both chambers. Therefore Bellmon said, it was "cowardly" for the Speaker to take his budget program to the people rather than sending it to the Governor and overriding the veto. An incensed Senate agreed to the McCarty plan, and plans went forward for an April 27, 1965 special election.

McCarty strongly spoke out on the importance of the questions for the future of Oklahoma. If they failed, Oklahoma, he warned, would have second-rate government services. "Within a decade the only professors we'll have are the dodos who couldn't light a fire in a forest with a blow-torch." He was not alone on this point. *The Daily Oklahoman's* front-page editorial shared McCarty's outlook on the importance of the election. However, the program was soundly defeated by voters. In the end, legislative leaders and the Governor worked over the next three months to write a constructive budget in a session that tied the 1961 session for the most legislative days (117) since the First Legislature. The final budget included a penny cigarette tax increase which, along with growth revenues, permitted a 25% increase in state funding for public schools.

Bellmon recalled with faint praise the struggle that he and McCarty had fought that session:

He was a wonderful public political enemy. Often without knowing what had happened in the Speaker's office, I would go to a news conference and be confronted with the fact that the Speaker had that very hour launched another assault against me. So far as I could, I made the most modest possible rejoinder to try to turn away the wrath. The result was that during the six o'clock news, there was a sharp contrast between the governor's calm appearance and the Speaker's tantrum.

The 1966 elections brought both a new Republican Governor and a new Speaker. Governor Dewey Bartlett and Speaker Rex Privett would, for the next four years, establish a more cooperative relationship than the one that had existed between Governor Bellmon and Speaker McCarty.

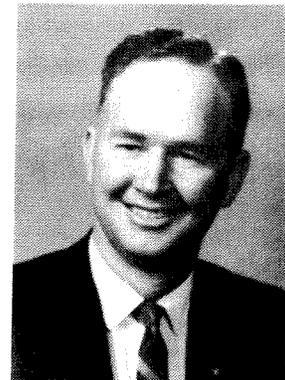
After J. D. McCarty's surprise general election defeat by Vondel Smith, an Oklahoma City funeral director, Rex Privett, from Maramec in Pawnee County, emerged as the victor in a brief Speaker's race. The new Speaker was inevitably be measured against McCarty. However, the two were different in many ways. Physically, the red-headed Privett was not as physically imposing as his predecessor. He was also much more reserved than McCarty. Jim Young, also reporting for *The Daily Oklahoman*, said of Privett that he was a "retiring, in-drawn type who seems to be a little awed by it all." But he had earned the respect of his colleagues as the Speaker Pro Tempore the past two terms. Following his winning the nomination for Speaker, Privett said he hoped to use his position to take the House in a new direction:

I will do my best to improve the image of the Legislature. I do not condemn the past Speaker. I have nothing but good words for the past Speaker, but the past is gone and the future is ahead.

From the start, Privett lived up to his promise. With the cooperation of his wife, he started a new House tradition at the start of the 1967 session by holding a "Speaker's Ball." It has become over the years an annual event and a major social event in the state's political calendar.

A different style produced similar results in terms of their leadership in the House. Political observers concluded that Speaker Privett had a firm control on the House, which met for the first time in 1967, as a result of voter approval of annual sessions in a May 1966 election that gives each regular session ninety legislative days to complete its work. Otis Sullivant, a veteran reported at *The Daily Oklahoman*, said: "Privett has operated with the rules committee and sounded the membership on a major legislation." Another reporter added: "Privett does not talk about the issues, but when time comes for decisions, his position is stated." Privett, for example, acted decisively on a congressional redistricting during the 1967 session when those attempting to work out a plan became bogged down and he was tired of waiting for a "consensus plan."

Privett drew his own plan and announced that he would push it to the floor. In his explanation for why he saw fit to take control: "They came up with nothing. So now we've come up with a plan and we're going to pass it."



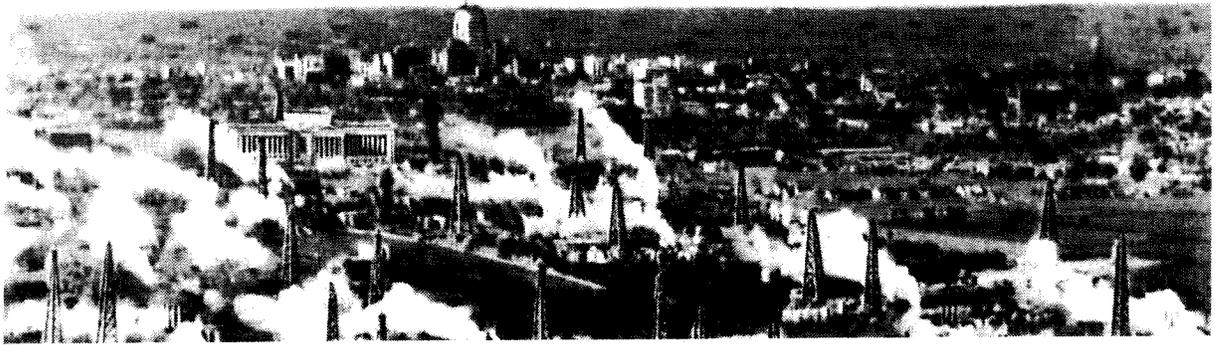
Rex Privett, Speaker from 1967-72

During the four sessions that they worked together, Governor Bartlett and Privett developed a cordial, warm personal relationship that reduced greatly the frictions that had been present between the House of Representatives and Governor the previous four years. Privett, for example, convinced Bartlett to sign a bill creating a documentary stamp tax, recently repealed by the federal government, despite his pledge not to raise taxes. The Speaker convinced the Governor that the legislation was not a new tax. The fact that Privett pledged to earmark the revenues for Bartlett's pet agency, the Department of Vocational and Technical Education, helped immensely in convincing the Governor to sign the legislation.

The 1971 Fair Share Program

One of the marks of a Speaker's leadership ability is whether or not he or she can obtain the votes on a major tax package. We have already seen that McCarty accomplished this for his sales tax increase (which was defeated in the special election). Governor David Hall in 1971 provided Speaker Privett with his opportunity to do the same.

Hall proposed in his first message to the Oklahoma Legislature a politically risky series of tax increases. There had not been a general tax increase for over three decades. The under-financing of public services McCarty had pointed out in 1965 had not been addressed. Growth revenues had been insufficient to keep pace with other states. In a decade, Oklahoma had slipped from eleventh in the nation in per capita state and local taxes to thirty-sixth. Moreover, the burden of those taxes was disproportionately high on lower income families. A family of four earning \$3,500 paid over 12.3% of its income in state and local taxes compared to only 5.2% for a family that earned \$50,000.



State Capitol surrounded by producing oil wells illustrates the power of the petroleum industry.

The Governor's Fair Share Program proposed an \$82 million tax increase. It included a simplified income tax, a new tax on oil and gas, and hikes in liquor and insurance taxes. He also sought to equalize taxes by removing the sales tax on drugs and many food items – a part of the program that did not pass.

Reactions in the House of Representatives were mixed. Minority Floor Leader Charles Ford of Tulsa accused Hall of failing the first test of leadership by going back on his campaign promises. On the other hand, Majority Floor Leader Leland Wolf of Noble supported the effort. "He ought to hit them with the whole ball of wax this time. He'll . . . near get it all now, but he's apt to get hardly anything if he waits until next year."

Outside the Legislature, the battle lines were also drawn. Industry forces, particularly the oil and gas industry, strongly opposed the business tax hikes. Organized labor and the Taxpayers Protection League, headed by former state legislators James C. Nance and Hugh Garnett, supported the Fair Share Program. Labor especially appreciated the fact that it did not propose a sales tax increase which falls heaviest on working-class families.

While the tax increases were divided into several bills, it was the oil and gas component of the program that was key to the success or failure of Hall's legislative program. Hall had proposed that \$39 million of the total increases come from tax increases on the fossil fuel industry, probably the most powerful segment of the Oklahoma economy. This part of the program was contained in House Bill 1181 by Representatives Mike Sullivan of Poteau and Leland Wolf.

Many realized that the Fair Share Program would in the end be trimmed considerably, but the Governor convinced the House leadership to pass it through the House unchanged and with the emergency. To do so, the striking of the title was required. The passage of the emergency was viewed as a raw test of Hall's power. In fact, he and the House leadership barely got the 66 votes needed for the emergency.

With the title crippled, the real test in the House was only postponed. In the Senate, the size of the tax increase was reduced. Although there was some grumbling about putting the House on the line for the complete package, the House leadership was willing to compromise on a reduced tax package. Speaker Privett, working through the Rules and Procedures Committee as he did on most matters, announced in late March that the House would support a \$49 million tax increase, with \$21 million from oil and gas.

On March 30, 1971, Senate amendments to House Bill 1181 were scheduled for floor consideration. Governor Hall, his aides, Speaker Privett, and House Democratic floor leaders went to work to get the votes that would be needed for the emergency clause. Getting the votes for the adoption of the Senate amendments and for final passage was comparatively easy. That was not the case on the emergency. For it, Privett was forced to keep the roll call open for two hours and forty minutes.

The Governor lost a key vote when Gordon Beznoska, a twenty-one year old Cameron College student who lived in Geronimo, stormed out of the capitol following his conversation with Hall without voting on the emergency. His was supposed to have been the sixty-sixth vote. First-year legislator E.C. (Sandy) Sanders from Oklahoma City had voted for the bill, but was only willing to vote for the emergency if he could be assured that the final vote was in the bag.

As Hall and Privett scoured the available Democratic votes (Privett was opposed by a group of six anti-Privett Democrats, of whom only Carl Robinson of Hollis voted for the emergency), they settled on William F. Poulos of Tulsa and David Boren of Seminole.

The Governor and the Democratic leadership attempted to see if Poulos and Boren would be interested in a deal in order to obtain their votes. They were. They obtained promises of \$1.5 million in additional tax exemptions for small stripper well operations and the chairmanship and vice-chairmanship of an interim committee to study the oil industry. With that, Sanders was summoned from the Chief Clerk's office where he had been carefully guarded, and the emergency passed 66-30. This was the decisive test of Hall's program. Speaker Privett and his leadership passed perhaps its stiffest test in six legislative sessions. Finally, the state's revenue system had its first major revision in more than three decades. The increases in tax rates made the strong growth in state revenues in the late 1970's and early 1980's possible.

A Civil Disobedience Lesson at the Oklahoma House of Representatives

Plans floated during the 1978 legislative session originating from the State Regents for Higher Education to close or consolidate Langston University (Oklahoma's traditionally African-American higher education institution) led Langston students to voice their concerns at the state capitol in late February 1978. However, sit-ins and meetings between student leaders and legislative leaders took a more serious turn on March 1.

At 5:15 p.m. that evening, a large number of students overcame the House's security and blocked the exits so that, with the exception of several House members with health problems, House members, their staff, secretaries, and young pages were not allowed to leave. When Speaker Bill Willis of Tahlequah called Lieutenant Governor George Nigh (the acting Governor due to Governor David Boren's absence from the scene) he hesitated to use the Highway Patrol and the Capitol Patrol to clear students from the chamber exits. Nigh, who was in a difficult political situation due to the potential impact that his handling of this event might have on his gubernatorial campaign which was well underway, preferred to negotiate further, while Willis and the House stewed. The Speaker explained to anxious members after talking to Nigh, "as hard as it is to believe, he has denied my request."

The lock-in lasted approximately four and one-half hours. While some House members found an element of humor in Senator Gene Stipe's efforts to negotiate an end to the lock-in. Said one House member of Stipe's intervention: "See, I told you he could walk on water." The situation could have been very serious as some outside agitators were reportedly attempting to arouse the emotions of the Langston students. In the end, police officers established a cordon creating an escape route from the north door at the rear of the House chamber, down the steps to the third floor and ultimately out the grand staircase to exit the building.



Langston University students' lock-in of House members and staff, March 1, 1978. Source: The Daily Oklahoman

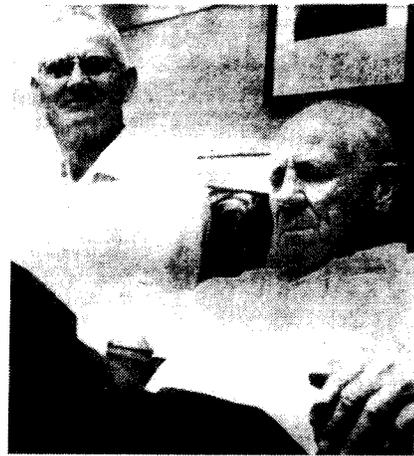
The incident was thereby concluded without violence, although several House members were reported ready to breach the lock-in on their own. By their action, Langston students caught the attention of the public and lawmakers. Not only did talk of closing the school or ending its history as an independent institution stop, additional state funds for the underfunded institution were provided by the Legislature in the 1978 session.

Does Anyone Know What Time It Is?

The sine die adjournment of the 1978 regular session in the House of Representatives was one that was talked about for many years. Probably the most accepted version of the events is:

- The Legislature had adopted a resolution providing for an April 28, 1978, 5:00 p.m. sine die adjournment.
- At 4:59 p.m., in the best tradition of the Oklahoma Legislature, Bill Bradley of Waurika and E. C. (Sandy) Sanders from Oklahoma City covered the clock with a flag so the House could continue its work on an important water bill sponsored by Charlie O. Morgan from Prague. Covering the clock also gave Governor David Boren critical time to obtain votes for the water program and his workers' compensation bill scheduled to come up later.
- Bob Parris of Sallisaw, a leading opponent of the water bill "uncovered the clock" which then read 5:02 p.m., thereby forcing Daniel D. Draper, Jr. of Stillwater, who was presiding, to gavel the session's end.

In fact, the covering and uncovering of the clock, a very common practice in the history of the Legislature to that point, was immaterial to Draper. It was his opinion that a time had been fixed for adjournment and that once 5:00 p.m. came and a point of order was raised, he would conclude the session. Therefore, he advised Chief Clerk Richard Huddleston of what might and could happen, and Huddleston conveyed Draper's position to Speaker Willis, so the Speaker could take the chair. Draper said later that day, "I told him (Willis) that if he wanted to go on he had better get someone else in the chair because that was the way I was going to rule."



O.R. Wilhelm from Erick, left, and Red Andrews from Oklahoma City keeping the House desk open with clock covered, 1961 Session

Willis, who was finishing his third and last term as Speaker, apparently recognized that there were enough opposition votes to the last bills that he might lose an appeal of the ruling of the chair. He decided that he did not want to be overridden on his last ruling from the chair, so he permitted events to run their course with Draper presiding. Therefore, when Representative Charles Cleveland of Tulsa raised a point of order and noted the time, Draper did as he said he would. He adjourned the session, causing the defeat of the water bill and catching the Senate, which had covered the clock, and Governor Boren by surprise. This marked the last time that the House attempted to extend a session by covering the clock.

The Heyday of the Flaming Moderates

The election of Daniel D. Draper, Jr. as Speaker for the Twenty-seventh Legislature (1978-80) was achieved by cobbling together a coalition of rural, conservative Democrats whose champion was the politically tough Vernon Dunn from Loco and a young group of politically progressive, mostly metropolitan, members held together by Cleta Deatherage of Norman and Jim Fried from Oklahoma City. The Speaker's race was a competitive one, as five vied for the top

House post. Upon winning the race, Draper reached out to the Democrats who supported other candidates. For example, Don Davis from Lawton, who also ran for Speaker, retained his powerful spot as Appropriations and Budget Committee Chair until he took the presidency at Cameron University after the 1980 session.

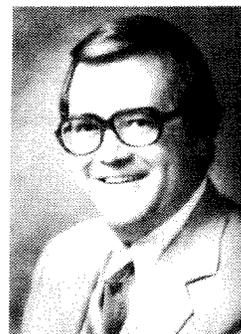
Draper proved during the six regular sessions that he served as Speaker to have a strong grasp on state policy, particularly fiscal matters. Moreover, he was a strong negotiator and won more than his share of battles with the Governor and Senate. During the first four years as Speaker, Draper and the House members he worked closely with gave the House a strong voice in state policy matters.

Over the course of the Draper speakership, a group of young, energetic legislators eager to make their mark joined with more experienced legislators, such as David Riggs of Tulsa and Hannah Atkins of Oklahoma City who shared their younger colleagues' enthusiasm for a reform agenda, to form their own political identity as "Flaming Moderates" (they shunned the liberal label). In addition to Fried and Deatherage, the Flaming Moderates included future political well-knowns such as Cal Hobson from Lexington, Don McCorkell from Tulsa, and Robert Henry from Shawnee that became a progressive force in the House of Representatives for the next decade.

Through the 1982 session, the opportunity for political creativity was never better. With the booming price of oil that exceeded \$30 per barrel (and most economists predicted the price would climb to \$100 before the year 2000), legislators in the late 1970's and early 1980's were able to cut the tax base and expand financial support for a variety of public programs. Teachers and state employees have never before or since had raises equal to those granted between the 1979 and 1982 sessions.

The impetus for nonfiscal reform was strong during those years, as well. In 1979, the committee of the whole in the House was abolished ending a practice that had existed in the House since statehood. This practice made accountability difficult for amendments and votes that are today easily traced in the daily House Journals. In 1980, Don McCorkell took on one of the state's most powerful political lobbies by passing his Nursing Reform Act. Also that year, Jim Fried, the chair of the House Education Committee, was the chief architect of legislation that made Oklahoma one of the first states to implement teacher testing, in addition to providing a significant salary increase for teachers. In 1981, the House took the lead in cracking the political stranglehold of Loyd Rader over the Department of Human Services. The sales tax earmarked for the agency's budget became subject to legislative appropriation.

Legislation was not the only reform target for the Flaming Moderates. Cleta Deatherage replaced Don Davis in 1980 as chair of the House Committee on Appropriations and Budget, who built a much stronger budget oversight function in the committee. The Flaming Moderates also convinced the Speaker that the time had come for reform in the Legislature's staff operations. They found an ally in the new President Pro Tempore



*Daniel D. Draper, Jr., Speaker from
1979-83 Regular Sessions*

of the Senate, Marvin York, for the elimination in 1980 of the Legislative Council. For the 1981 session, the House, which at the time had a research function composed of two staff, now added Research and Legal Divisions to replace services provided by the defunct Legislative Council. After that session, the House created a Fiscal Division to staff the Appropriations and Budget Committee.

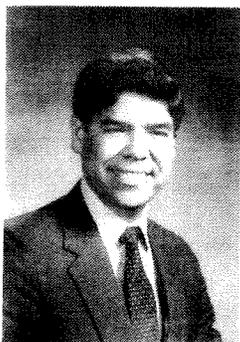
However, the 1981 session was marked by a series of major revolts as dissident Democrats and the twenty-eight member House Republican caucus cooperated to block the necessary emergency clauses to budget bills before the end of the session. The emergency clause on budget bills was essential so that agencies could fund their operations starting July 1, 1981. The 1981 revolt involved a core group of three anti-Draper Democrats (Howard Cotner of Altus, Bill Lancaster of Wagoner, and Charlie Morgan of Prague) plus the conservative John Monks of Muskogee after Draper stripped Monks of his administrative functions in the House. The Legislature was forced to recess several times in order for the Speaker to defuse the revolt.

For the small group of anti-Draper Democrats, the dissatisfaction with Draper was deep and long standing, therefore beyond repair. They also detested the Flaming Moderates in general and Cleta Deatherage in particular. In the case of the Republican caucus, the issues that drove it into the coalition were: 1) the refusal of Speaker Draper to give greater Republican participation on key House standing committees and the General Conference Committee on Appropriations (GCCA); 2) legislative reapportionment; 3) the Speaker's reluctance to support Republican tax cut proposals; and 4) the size of pay raises for agency heads. In addition, both the Republican and Democratic factions of the coalition complained about the large volume of bills being submitted without sufficient time to examine them. So it was not surprising that the coalition came together at the end of the 1981 session and that the session had to shut down until the roadblock could be removed. Threats of closing down programs in obstructing members' districts were reported by the coalition. As for the dissident Democrats, there was no reconciliation. They had previously been exiled by Speaker Draper to a suite on the fifth floor. Nothing seemed to shake their opposition. Lancaster said at the time, "I didn't come up here to be a rubber stamp for the leadership."



Cleta Deatherage from Norman, Appropriations and Budget Committee Chair and Flaming Moderates Member

The coalition was split by agreements reached between Draper and Minority Leader Neal McCaleb of Edmond. As part of the agreement, the Speaker agreed to giving the minority party additional seats on the House Rules Committee and GCCA. The dissident Democrats received nothing for their efforts. However, the threat of another coalition in the 1982 session continued.



Minority Floor Leader Neal A. McCaleb, leader in 1981-82 House revolts

And reappear it did in May 1982. At the beginning of the session, Speaker Draper waved off the possibility of the coalition's reappearance. However, its key leaders did not seem to share his opinion. Morgan said "the speaker should be the spokesman for the House, not dictator." Again, the coalition

blocked emergencies on several important appropriation bills. The coalition this time demanded and received votes on key tax-cut measures. The result was enactment of a \$37 million individual income tax-cut that raised the personal exemption from \$750 to \$1,000 and passed along to Oklahoma taxpayers the savings from lower federal taxes.

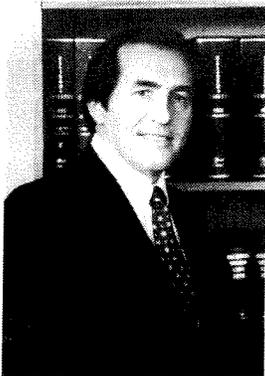
The Flaming Moderates retained their influence in the House until Speaker Draper left office following the 1983 session as a result of a federal felony conviction, later overturned, stemming from his father's unsuccessful House race in eastern Oklahoma. He and Majority Floor Leader Joe Fitzgibbon of Miami, who had also been convicted in the same case, were allowed by operation of law and the decision of the House to retake their seats at the end of the 1984 session.

New forces came forward in the administration of the new Speaker, Jim Barker of Muskogee, to take prominent places previously held by the Flaming Moderates. Perhaps the biggest casualty in the changing of the guard was Cleta Deatherage who had been the target of many of the anti-Draper Democrats. It was clear very early that the Barker leadership had no intention of retaining her in a position of power such as she had during the Draper speakership. She resigned her post as Appropriations and Budget Committee Chair rather than have it taken from her by the new leadership.

In general, the Flaming Moderates supported the candidacy of David Riggs for Speaker. Therefore, their role in the Barker speakership was reduced. Nevertheless, the Flaming Moderates survived in a somewhat weakened state during the next five sessions under Speaker Barker's rule. They would regain center stage at the end of the 1989 session.

T-Bar Twelve

In replacing Draper, Speaker Jim Barker of Muskogee and his new leadership group inherited a fiscal crisis caused by the collapse of the oil boom and severe depression in the agricultural sector. This crisis would force him to raise taxes



*Jim Barker, Speaker
from 1983 Special Session - 1989.
The House's only four-term Speaker*

three times in order to prevent public service in Oklahoma from collapsing. Speaker Barker's legacy was to play perhaps the leading role in overhauling the state's revenue system which had become too dependent on fossil fuel revenue (in the early 1980's, the severance tax represented approximately 30% the state's general revenues, but only about 10% by the late 1980's) and the boom and bust cycles of that industry. This was accomplished by a series of other major tax increases. These difficult revenue changes gave Oklahoma a diversified revenue system. As a result, Speaker Barker earned the reputation as a strong Speaker and an effective state leader during one of Oklahoma's most trying times.

However, the public often has a short-term memory which focuses on the most recent, rather than the most important, events. This tends to distort the image of the Barker Speakership. It is worth highlighting what an astute student of Oklahoma politics says about Speaker Barker. In

his autobiography, Republican Governor Henry Bellmon, who began his second term as Governor in 1987, compared Barker to J. D. McCarty, who any student of state politics would rank at the top of the list of strong Speakers. Of course, Bellmon could speak from experience about McCarty since he was Speaker during Bellmon's first term as Governor. Bellmon called on Speaker Barker soon after being elected. He said of the visit:

One of the first calls I made immediately after I was elected was on House Speaker Jim Barker, a Democrat, with whom I'd been somewhat acquainted during my service as director of the Department of Human Services. Due to the rough time I'd had in the previous term with Speaker J. D. McCarty, I had misgivings about my relationship with Barker. Unlike boisterous, overbearing McCarty, however, Barker was a mild-mannered, modest, almost retiring man. After we talked cordially for several minutes and discussed our mutual objectives. . . . He told me, in what I believe was complete honesty, that he had crossed party lines and voted for me in the general election. This was the beginning of a friendly and productive working relationship between myself and Speaker Barker.

Politics today are not always fair and politicians are not always treated fairly. Early in the 1989 session, *The Daily Oklahoman* blasted the Speaker and House Majority Floor Leader Guy Davis from Calera for calling on the carpet a state regent who took out a newspaper advertisement in 1988 criticizing the House's pork-barrel spending in higher education. Reports that they demanded a public apology from the regent evolved into a major state story. At this point, twenty-two House Democrats, including many of the Flaming Moderates, signed a letter expressing their opposition to the House leadership's actions in the controversy.

Soon after, a small group of House Democrats, mostly leaders of the Flaming Moderates, started meeting. All were concerned that the direction taken by Barker and his leadership team was detrimental to metropolitan-area Democrats who expected to face strong Republican opposition in their 1990 races. The goal of the initial meetings was to explore ways to open productive dialogue with the Barker leadership in order to make it more sensitive to their concerns. Few foresaw the final outcome of their actions.

Events from that point moved quickly. The gulf between the House leadership and the emerging junta increased when the Speaker appointed only two of those who signed the letter to the powerful General Conference Committee on Appropriations. Some of those excluded, such as Cal Hobson from Lexington, Carolyn Thompson of Norman, and Sid Hudson of Lawton, had major state institutions in their districts.

That was followed by a defeat in late April of a resolution containing what normally might have been considered fairly minor changes in the joint rules. The strategists in the Barker opposition bloc saw the vote against the resolution as an indication that many Democratic members wanted to send the Speaker a clear signal that they could not be taken for granted.

At some point, the group which would later be known as the “T-Bar Twelve” (a name derived from a popular Oklahoma City restaurant where they met on occasion) secretly concluded that its objective could only be recognized by a change in leadership. Quietly, the members of the T-Bar Twelve courted votes in the Democratic caucus and decided on Steve Lewis, from Shawnee, as their choice for the new Speaker. His experience as chair of the Appropriations and Budget Committee in the 1984-8 regular sessions would minimize the disruption of a leadership change in the waning weeks of the session. By mid-May, the T-Bar Twelve, which by now had expanded with the addition of Steve Lewis and freshman class leaders Jessie Pilgrim of Cushing and Gary Maxey of Enid, believed they had forty-five of the seventy votes in the Democratic caucus necessary for a leadership change. With confidence that the members of the Republican caucus would have no choice but to support a change, the plans were put into motion when at 10:40 a.m. on May 17, 1989, Dwayne Steidley from Claremore made the motion to vacate the office of Speaker. Thus began one of the most painful events in the history of the House of Representatives.

Barker and his supporters tried, without success, to retain control of the House. The galleries of the House soon were packed with people wanting to witness what took place. Both sides acquitted themselves well during the debate, but the T-Bar Twelve had done their homework. The vote on Steidley’s motion was 72-25. For his part, Barker proved why he had been such an effective leader by keeping his composure throughout these proceedings and later pledging that he would not obstruct the new leadership. In his efforts to save his Speakership, he expressed a deep concern that his ouster would be viewed as a victory for *The Daily Oklahoman*. He also told the House:

Quite truthfully, as many of you know, I came into the Speaker’s office like a man as a member of the House of Representatives, and if a majority of this great legislative body want a new speaker. . . you know, maybe an unprecedented fourth term was a mistake. You’ve got to know when to fold them.

Nevertheless, the pain was obvious. As he stood before the House, Barker made it plain that he would have preferred that the vote had been in a Democratic caucus. “I believe I deserved at least that much from you.” The personal respect members had for their former Speaker remained strong in the House. During the debate and afterward, the members of the T-Bar Twelve attempted to make it clear that the change in leadership should not be construed in any way to take away from the high regard due Barker and his accomplishments. After the vote, Barker left the House chamber to a standing ovation.

The T-Bar Twelve, however, had not undertaken this risky course just to remove Barker. They wanted to see their candidate elected Speaker. They understood that one did not necessarily follow the other; and that the possibility existed for another Democratic candidate from Barker’s wing of the caucus to be elected Speaker.

A recess motion made by Minority Leader Joe Heaton from Oklahoma City was a fortuitous one. The recess allowed time for the Democrats to meet and sort out what their next step should be. In the Democratic caucus, Guy Davis, who would shortly be replaced as Majority Floor Leader, may have made his most important speech during his legislative career. He urged the

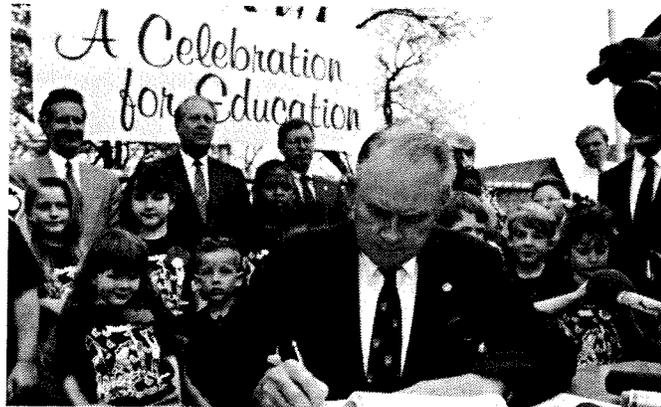
Democrats to unite behind their nominee. His speech had a redeeming effect on the members and encouraged the caucus to throw its support to Lewis. After the recess, Loyd Benson, a strong Barker supporter, made the motion to nominate Steve Lewis for Speaker. Lewis won on a straight party vote. As expected, members of the T-Bar Twelve moved into key legislative posts; such as Cal Hobson was named chair of the Appropriations and Budget Committee. Lewis also reached out to several members of the Barker leadership, most notably by naming Glen D. Johnson of Okemah as the new Majority Floor Leader.

The House moved on to pick up the pieces and finish the 1989 session suffering little in terms of final negotiations on the session's remaining issues. However, the pain was not so easily resolved. The emotions invested on both sides had been great. Carolyn Thompson, one of the T-Bar Twelve, said later of the events of May 17: "It was without a doubt the most difficult day I have ever spent."

House Bill 1017

In the summer of 1989, Republican Governor Henry Bellmon took the state by surprise by calling a special session of the Legislature for the purpose of improving the state's public school system. The session was called for August 14, 1989. In the House, the special session was viewed as a major opportunity for Speaker Steve Lewis to use education reform as an issue to separate him from the two other leading Democratic gubernatorial hopefuls, David Walters and Congressman Wes Watkins.

Two plans were advanced early in the special session. Of course, the first one was that proposed by the Governor. His rather complicated plan, that he later admitted was drafted hastily, involved a variety of tax changes that would be placed in a legislative referendum. If approved by the voters, it would have provided a \$280 million annual increase in funding for public schools to fund a \$5,000 teacher pay increase. The Bellmon plan was an early casualty of the special session when the Speaker assigned the bill directly to the calendar. It was defeated 96-1, with the only vote cast for it being the bill's author, William Vietch from Tulsa, a Republican with no plans to run again in 1990.



Governor Henry Bellmon at Tulsa signing of House Bill 1017. From top left to right are: George Singer, Task Force 2000 Chair; Senate President Pro Tempore Robert V. Cullison; and Speaker Steve Lewis. Source: Tulsa World

The second plan was one proposed by Speaker Lewis. His ten-point plan called for a tax increase in excess of \$300 million and a variety of education reforms, including a significant lowering of class size. His plan, in contrast to Bellmon's, was relatively simple regarding the source of funding in that it relied on increases in the corporate and individual income tax rates. Lewis said that the cost of a first-class public education system could be realized for less than the cost of a soft

drink per day for the average family. Lewis' plan, which met with stiff opposition from some House Republicans, appealed to Bellmon. He particularly liked the Lewis plan's reforms.

The Governor and legislative leaders decided to use Task Force 2000, a citizens' group created during the 1989 regular session, to polish the education reform package. George Singer, a Tulsa businessman, was selected to chair the Task Force which worked hard during the special session's recess between late August and early November 1989.

The Task Force's report was incorporated into House Bill 1017. The bill was authored by Speaker Lewis and Senate President Pro Tempore Robert Cullison and was introduced on November 6, 1989. The bill went through a significant revision process in the House Education and Revenue and Taxation Committees before it was sent to the floor the next week. There, it was revised further and approved on third reading by a narrow 55-46 vote, which included eight Republicans who Governor Bellmon persuaded to vote for the bill. However, the emergency failed 60-41 (68 votes required). Nevertheless, Speaker Lewis enthused that "within seven days, House Bill 1017 had been drafted, introduced, passed through two committees, debated fully on the House floor and passed with bipartisan support."

Governor Bellmon later wrote that Minority Floor Leader Joe Heaton of Oklahoma City, who voted consistently against House Bill 1017, played a pivotal role in this and later votes on the legislation, by not using his influence to lock the House Republicans into opposing the bill. Heaton's stance enabled Bellmon to lobby Republican House members for their vote. His efforts met with much greater success with the Tulsa House delegation where metropolitan media sources were more sympathetic to the legislation than was *The Daily Oklahoman*, which strongly opposed the bill. The bill's chances for success improved once the Speaker agreed to revise the revenue provisions in the bill to reduce the impact on businesses. A considerable number of business groups, including the State Chamber of Commerce, soon joined with education groups to endorse the reform effort.

For the House, the key vote came on the conference committee report which was filed January 27, 1990. The bill passed with the narrowest possible majority (51-50) on January 31, 1990, but the emergency clause failed by two votes (66-35), as two Republicans who Bellmon had counted on to vote for the emergency voted against it.

By the time the House adjourned at midnight that day, death and tragedy befell the House of Representatives. The mother of George Vaughn from Big Cabin and the mother-in-law of Harold Hale of El Reno had died. Moreover, Bill Brewster of Marietta, who was in the midst of a congressional race, lost two children in a tragic plane crash near Coalgate. A grief-stricken House decided to delay the vote to reconsider the emergency. The Speaker explained, "I've talked to several members and I have the sense that we may be in a situation where we may be close to losing our perspective on things here."

Efforts shifted to a behind-the-scenes search for the two votes required for the emergency. Democrat Tom Manar of Apache agreed to support the emergency when a situation dealing with a state agency was resolved. Bill Vietch also committed to vote for the emergency.

With those two votes, the Speaker reconvened the special session (regular session was also underway) on February 13, but the roll had to be kept open on the emergency clause for several hours as the grief-stricken Brewster made the long drive from Marietta to cast his vote. A plane was detailed to fly Tulsa Republican Rick Williamson to Oklahoma City as soon as he could leave a family member hospitalized for emergency surgery. The effort paid off as the 68 votes went up on the board; the precise number required. Speaker Lewis, in his understated way, summed up the bill when it was signed:

This bill became law because several people did what they are supposed to do. The Governor set the agenda as he is supposed to do. The House of Representatives wrote the tax law as it is supposed to do. The Senate deliberated over the reforms as it is supposed to do. By working together, the task was accomplished.

House Bill 1017 still had a long way to go. The Senate finally approved the emergency in late April. Not only did that clear the way for ending the longest special session in Oklahoma history, the Senate action also blocked a referendum effort by the Oklahoma Taxpayers Union. Even so, an initiative petition by the Oklahoma Taxpayers Union for repeal of House Bill 1017 resulted in a statewide vote in October 1991, and a concerted effort from state education and business interests to defeat the repeal was needed before House Bill 1017 was finally out of danger.

The House of Representatives As It Enters The Next Millennium

In the short history of Oklahoma, the economic factors that shape the state have changed perhaps more than during any comparable period in human history. Technology has revolutionized virtually every facet of life and forced political institutions to cope with issues that the writers of the Oklahoma Constitution and the members of the First Oklahoma House of Representatives could not imagine. A society largely dependent on agriculture has given way to one dependent on information technology necessitating the ability to cope with rapid changes.

The Oklahoma House of Representatives, under the leadership of Speaker Glen D. Johnson of Okemah (1991-6) and Loyd Benson of Frederick (1997-00), has sought to organize its operations so that it can respond to the challenges of this new world. In doing so, they have left to the leaders and members of the Oklahoma House of Representative in the next millennium an institutional framework capable of playing a leadership role as the state of Oklahoma strives to be a more active participant in the emerging international economy.



Glen D. Johnson, Jr., Speaker, 1991-96

It is interesting to note that Glen D. Johnson, the youngest Speaker in the nation when elected, was the second Oklahoma House Speaker from Okemah. The contrast between Leon C. "Red" Phillips and Johnson (whose father Glen D. Johnson, Sr. followed Phillips before winning a congressional seat) illustrates the tremendous change in the Oklahoma House of Representatives in