

## FRANK FRANTZ

Governor of Oklahoma Territory, 1906-1907

By Ken Anderson\*



Frank Frantz

A Spanish bullet whipped through the tall grass of San Juan Hill and crashed into the chest of Captain Bucky O'Neill, the commander of Troop A, of the First United States Volunteer Cavalry Regiment. O'Neill's blood was still spurting onto the Cuban soil when his second in command, a young first lieutenant from Prescott, Arizona, seized the colors and, waving his sword, urged the men forward. "Where are you going?" shouted the regimental commander, galloping up through the smoke of the battlefield. "To the top of the hill," cried the lieutenant, and dodging the deadly fire he charged up the slope to its crest to plant his flag on the ruins of the Spanish fortifications. This act not only earned him

a battlefield promotion to captain, but also brought him the lifelong friendship of the colonel of his regiment, Theodore Roosevelt, together with all the admiration and assistance such an association could bestow. Thus the same ball that ended O'Neill's life also launched the political career of Frank Frantz, the last governor of Oklahoma Territory.<sup>1</sup>

In addition to his war record, Frantz was destined to a special place in Oklahoma history if for no other reason than because he was the last governor before statehood as well as, at thirty-seven years of age, one of the youngest men to hold the office in Oklahoma Territory. Born at Roanoke, Illinois, on May 7, 1869, he was one of the ten children of Henry and Maria Frantz.

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<sup>1</sup> *Tulsa Tribune*, March 10, 1941, p. 7; *Daily Oklahoman* (Oklahoma City), January 7, 1906, p. 5; Theodore Roosevelt, *The Rough Riders* (New York: Charles Scribner's Sons, 1921), p. 153.

His great-grandfather had immigrated to Pennsylvania from Switzerland and then moved to Roanoke County, Virginia, where he enlisted in the Continental Army during the Revolutionary War. In 1855, Henry left for Illinois where he married his childhood sweetheart, the daughter of one of his Virginia neighbors. Henry was active in the Democratic Party in Illinois, and in 1877, was elected to the United States Senate as a Greenbacker. In 1889, the family moved to Wellington, Kansas, where Henry died, leaving besides his widow, eight surviving children: William, Edmund, Orville, Walter, Montgomery, Lulu, Frank and Mrs. George Rarey. When the Cherokee Outlet was opened in 1893, the older boys moved on to Oklahoma.<sup>2</sup>

Frank was still attending Eureka College at Roanoke and Orville was making headlines at Harvard University, where he gained a national reputation as "Homerun" Frantz, the star of the Harvard nine. Walter, after a successful college career, turned professional baseball player, and became a star pitcher of the St. Louis Cardinals. Sports always played a big part in the life of the Frantz brothers and for a while they even fielded their own semi-professional baseball club in southern Kansas and northern Oklahoma Territory. Later, after his friendship with President Theodore Roosevelt developed, Frank and his brother Orville were frequent visitors at the White House. In addition to playing baseball, Frank was a boxer and Orville a wrestler. Always a physical-fitness enthusiast, Roosevelt insisted on matches with both of them. Orville was never able to pin him, but Frank knocked out Roosevelt three times.<sup>3</sup>

When the Frantz brothers first came to Oklahoma Territory, they opened a lumber and hardware business at Medford, and when Frank left college in 1894, he briefly worked with them before moving to Los Angeles, California. While in Los Angeles, he changed his party affiliation from Democratic to Republican, a step which would have both positive and negative repercussions on his career. He shortly moved to Prescott, Arizona Territory, where he worked as a clerk for a mining company. When word came by stagecoach of the outbreak of war with Spain and that a regiment of cowboy cavalry was being raised, he enlisted as a private in Troop A of the First Regiment, United States Volunteer Cavalry—the famed Rough Riders. Before the unit left Whipple Barracks, Arizona, for federal service at San Antonio, Texas, however, Territorial Governor Myron Hawley McCord promoted young Frantz to first lieutenant. From

<sup>2</sup> *Daily Oklahoman*, January 7, 1906, p. 5; Frank Frantz Military Service Record, National Archives, Washington, D.C.

<sup>3</sup> *Ibid.*; *Daily Oklahoman*, November 10, 1905, p. 2.

Texas, the Rough Riders sailed to Tampa, Florida, where they joined the rest of the expeditionary force destined for Cuba and where, for the first time, Frantz met Lieutenant-Colonel Roosevelt.<sup>4</sup>

It was not until that bloody day on San Juan Hill, however, that the two had any more than a passing acquaintance. For his actions, Roosevelt nominated Frantz for the Silver Star for gallantry under enemy fire, but it was 1935 before Congress belatedly bestowed the medal. At the war's end in 1898, Frantz returned to the far West, but in 1900 he moved to Enid and joined in the operation of the hardware store his brother Montgomery was running. On April 9, 1901, he married Matilda Evans of Oklahoma City. The couple had five children: Frank Jr., Louise, Matilda, Virginia and James, who died in infancy.<sup>5</sup>

In 1902 and 1904, two events occurred that would have great bearing on Frantz's future. When the question of a successor to Enid Postmaster John A. Buckles arose, Roosevelt on the urging of Dennis T. Flynn, the former Oklahoma Territory delegate in Congress and a leading Republican, tendered the job to his old friend. Frantz by now had become active in the Republican Party. He was a delegate to the party's 1902 Oklahoma City convention and wrote many of the resolutions that were passed. He also became a candidate for delegate to attend the Republican national convention; however, Bird McGuire was named to the post. In replying to President Roosevelt's personal letter asking him to accept the appointment as postmaster, Frantz declined, telling him that because he was making money in the hardware business he preferred to remain in it and that he had no training that would qualify him for the position. When he received Frantz's letter, Roosevelt immediately wrote his friend and asked him to come to Washington to discuss the job. Frantz did so, and after talking to the president, acquiesced, and took on the task. He introduced businesslike methods into the operation of the post office and generally gained a good reputation for the handling of his duties.<sup>6</sup>

Then in the fall of 1904, Roosevelt, disturbed over rumors of rampant graft in the Osage Nation, asked Frantz to move to Pawhuska and become the United States Indian agent for the Osages. Again, Frantz declined the president, telling him the pay was less than he was making as postmaster and moving to another city would mean breaking his social ties with Enid.

<sup>4</sup> *Ibid.*, John Bartlett Meserve, "The Governors of Oklahoma Territory," *The Chronicles of Oklahoma*, Vol. XX, No. 3 (September, 1942), pp. 226-227.

<sup>5</sup> Stephen Jones, "Captain Frank Frantz, The Rough Rider Governor of Oklahoma Territory," *The Chronicles of Oklahoma*, Vol. XLIII, No. 4 (Winter 1965-1966), p. 374; *Tulsa Tribune*, March 10, 1941, p. 7; *Daily Oklahoman*, January 7, 1906, p. 5.

<sup>6</sup> *Ibid.*; Jones, "Captain Frank Frantz, The Rough Rider Governor of Oklahoma Territory," *The Chronicles of Oklahoma*, Vol. XLIII, p. 374.

But as usual, Roosevelt was in no mood to be put off. He told Secretary of the Interior Ethan Allen Hitchcock to tell Frantz that it was his personal desire for Frantz to take the post as soon as possible. Hitchcock happened to be on his way to St. Louis, Missouri, and when he arrived he telephoned Frantz and asked him to come to St. Louis for a meeting. Frantz caught the first train, and over luncheon, the secretary candidly said to him: "I did not endorse you for the position. I endorsed an army officer for the place, but the president wants you to take the position. He says that there has been considerable graft going on at the Osage agency and he wants you to clean it up for him." Frantz hesitated no longer, "All right, if the president asked me to go to South Africa and there wasn't a cent in it. . . . I'd take the trip even if I lost money by doing it. If I'll take the place."

The job he was about to undertake would not only gain him valuable experience in land dealings when he became territorial governor, but would also seriously affect his political ambitions to become the first state governor of Oklahoma. This was a period of great turmoil for the Osages. Their land holdings were in the process of being dissolved so that instead of all of the land being owned jointly by the tribe as a whole, each family would receive an allotment of land as its own. There was great controversy over the tribal roll among the full-bloods, mixed-bloods of varying degree and the "squaw-men," or white men who claimed a share of land by reason of having married an Osage wife. Not only were the land allotments of considerable value in themselves, but the situation was further complicated by the fact that the Osage Nation had been enriched by the discovery of a vast oil pool beginning with the drilling of the first well in 1897. By the time Frantz became the Osage agent, 243 oil wells and 21 gas wells were in production. By 1905, just one company alone, the Indian Territory Illuminating Oil Company, was paying out more than \$2,500,000 in royalties annually. Payment was decided upon, insofar as the Osages were concerned, by headright, or, the share each member of the tribe received when the communal mineral rights were divided equally regardless of sex, age or degree of Osage blood. Because there were less than 2,500 names entered on the tribal rolls, Commissioner of Indian Affairs Francis Ellington Leupp estimated that enrollment as an Osage was worth \$25,000 to \$30,000.

Adding to this nest of problems the Osage agent faced were the towns of Cleveland, Blackburn, Ralston and Ponca which had sprung up adjacent to the reservation when the Cherokee Outlet was opened. In each the liquor laws were ignored and there numerous saloons flourished, each more than willing to serve the Indians and relieve them of their money on royalty

<sup>1</sup> *Daily Oklahoman*, November 10, 1905, p. 2, January 7, 1906, p. 5.

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day. The town of Ralston posed a particular problem, Frantz wrote: "Small rooms there are partitioned off in the rear of the buildings, fitted with dumb-waiters and various contrivances to prevent the Indian customer from seeing the person from which he is buying the liquor." Frantz continued, "Not [an] uncommon sight [is] to see 15 or 20 intoxicated Indians on the streets of Ralston at a time[.] [S]ome are almost naked having bartered their blankets for whiskey or were stolen from them while in a drunken condition. Some of the women have become so debauched as to make a practice of bartering their virtue something unheard of a few years back." Despite the conditions, Frantz was able to discharge his duties in a praiseworthy manner, although these days would rise again to haunt him during the wane of his gubernatorial administration.<sup>8</sup>

However, in the light of what was to come, just prior to his inauguration, Oklahoma Territory's leading Democratic newspaper, the *Daily Oklahoman*, wrote of his reputation as Osage agent: "His conduct of that office has been all that could have been desired, and he has the confidence of the Indians and the interior department to a greater degree than any agent who ever occupied the position." In conclusion, "Frantz was in the Osage nation to clean up graft and his administration has been clean throughout."<sup>9</sup>

Then, in November, 1905, Oklahoma Territory politicians were surprised when Roosevelt announced that Frantz would succeed Governor Thompson B. Ferguson when the latter's term expired in January. Roosevelt had appointed Ferguson to succeed William Jenkins, whom he had removed from office because of alleged misconduct. He had wanted to appoint Frantz then, but he considered the job that Frantz was doing in dealing with the Osage problems as being more important than the governorship. Now however, the Republican Party in Oklahoma Territory was split into two equally vociferous factions. Ferguson was supported by Flynn and also by Hitchcock. The other wing was lead by McGuire, now the Oklahoma Territory delegate to Congress, and Cassius Barnes. President Roosevelt knew that statehood was imminent and he wanted Oklahoma to remain Republican after it was admitted to the Union, but this would be impossible if the split were not healed. But the Flynn faction saw this as a direct slap at them and the Democratic newspapers of the territory chortled glee-

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<sup>8</sup> Frank F. Finney, "The Osage Indians and the Liquor Problem Before Statehood," *The Chronicles of Oklahoma*, Vol. XXXIV, No. 4 (Winter, 1957-1958), pp. 462-464; Gerald Forbes, "History of the Osage Blanket Lease," *The Chronicles of Oklahoma*, Vol. XIX, No. 1 (March, 1941), pp. 72-74; Berlin B. Chapman, "Dissolution of the Osage Reservation," *The Chronicles of Oklahoma*, Vol. XX, No. 4 (December, 1942), pp. 376-378.

<sup>9</sup> *Daily Oklahoman*, January 7, 1906, p. 5, November 10, 1905, p. 2.



The Carnegie Library in Guthrie on January 13, 1906, showing the inaugural ceremony of Governor Frantz

fully over the number of Flynn and Ferguson heads that would roll when Frantz took office.<sup>10</sup>

Frantz was inaugurated on January 13, 1906, on the steps of Guthrie's Carnegie Library in one of the most colorful ceremonies Oklahoma Territory had ever seen. Frantz was escorted by two-score of his old Rough Rider comrades, troops of cavalry clattered down the brick streets and the crowd of 10,000 was entertained by bands from all the neighboring communities. More than a thousand of his Enid neighbors attended, riding a special train provided by his brother, Edmund. Billing themselves as representatives of

<sup>10</sup> *Ibid.*: Jones, "Captain Frank Frantz, The Rough Rider Governor of Oklahoma," *The Chronicle of Oklahoma*, Vol. XLIII, p. 376.

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"the magic city of the Southwest," 500 Oklahoma Citizens also chartered a special Santa Fe train to attend the affair. At one point in the parade, which stretched for thirty blocks, the Rough Riders broke ranks long enough to sign a petition to President Roosevelt asking him to appoint Mrs. Bob Huston, the widow of one of their members, postmistress of Guthrie. After the invocation by the Reverend K. C. Ventress, the pastor of the First Christian Church of Guthrie and a former classmate of Frantz at Eureka College, the oath of office was administered by Associate Oklahoma Territory Justice Frank Gillette.<sup>11</sup>

Frantz immediately presented a long address that was both laudatory and conciliatory in nature. He praised the tremendous commercial and agricultural growth that had taken place in Oklahoma Territory in the past sixteen years and extolled the virtues of its mineral and human potential. He pledged his aid to education and also told them that "the lesson of the present day is progress with honor. The spirit in the very air is for fair play. . . . I shall try to be the governor of all the people of the territory." After he finished, the doors of the Carnegie Library were opened for a reception and hundreds streamed through to shake his hand. That night there was a grand ball, after which the new governor made his first appointment, naming his brother Orville as his private secretary.<sup>12</sup>

Oklahoma Territory was indeed fast-growing and bustling. The annual value of agricultural products alone was in excess of \$65,000,000. There were 73 flour mills, 10 cotton seed mills and 280 grain elevators with a storage capacity of 3,500,000 bushels of wheat. The farmers depended on the railroads to get their produce to market, and soon after he took office Frantz became convinced that the railroads were discriminating against Oklahomans by charging them excessive rates, both for freight and passenger service. He ordered an investigation, and as a result of the findings of his staff, two suits were filed against the Chicago, Rock Island and Pacific Railway Company and two additional actions were filed against the St. Louis and San Francisco Railway Company. In the suits against the Rock Island, injunctions were sought to prohibit the company from charging excessive grain rates in western and southern Oklahoma Territory and also to enjoin the company from making any charge within Oklahoma Territory in excess of the rates established by law in Kansas. The suits against the Frisco covered the same grounds. Oklahoma Territory won the first round, but then the railroads appealed the decision to the United States Supreme Court; an overall rate reduction of twelve per cent did result from the legal battle.

<sup>11</sup> *Ibid.*: *Daily Oklahoman*, January 16, 1906, p. 1, January 9, 1906, p. 10.

<sup>12</sup> *Ibid.*, January 16, 1906, pp. 1-2.

Next Frantz sued the Rock Island to make the company install better trackage, sidetracks and terminals, and to improve equipment and operating conditions; as a result, the company expended some \$1,800,000 improving its operations in Oklahoma. Then Frantz moved against the Fort Smith and Western Railway Company as well as the Rock Island and the Santa Fe railroads, asking for a restraining order prohibiting the railroads from collecting a higher rate for the transportation of coal in Indian Territory than the legal rate in Arkansas. As a result, all the railroads in Indian Territory reduced the coal rate on shipments to Oklahoma Territory by 36.4 cents per ton. Complaints filed with the Interstate Commerce Commission on behalf of the grain growers brought lower rates which made their wheat and other crops increase in value some four cents per bushel. Other legal action to lower the rates on lumber, livestock and cotton seed, as well as grain and coal, and to force the roads to furnish more cars were also undertaken. In all, it was estimated by Frantz that the campaign against the railroads saved Oklahoma Territory producers and consumers some \$3,000,000 per year.<sup>13</sup>

In a way, however, the railroad rate cases were a doubtful victory for Frantz because they gave his political enemies a perfect excuse to open their campaign against him. The Flynn faction of the Republican Party complained that Frantz had overstepped party lines when he appointed an old friend, Charles J. West of Enid, as a special prosecutor to handle the railroad cases. It so happened that West was a Democrat. Roosevelt ignored the charge, possibly because Frantz in effect had been given a great deal of leeway in running Oklahoma Territory. The Oklahoma Enabling Act or "Omnibus Statehood Bill" of June 14, 1906, which Congress passed to pave the way for statehood, specified that the legislature of Oklahoma Territory would not meet again. Thus, Frantz was entrusted with not only the duties and responsibilities of the executive branch, but some legislative tasks as well. This included not only the appropriation of money to carry out the day-to-day operations of Oklahoma Territory but overseeing every facet of political, economic and governmental life until a duly elected state government took charge.<sup>14</sup>

Not long after Governor Frantz took office, Secretary of the School Land Board Fred L. Wenner received a telegram from Pawnee County informing him that the Millikan Oil Company was preparing to drill on a tract

<sup>13</sup> Jones, "Captain Frank Frantz, The Rough Rider Governor of Oklahoma Territory," *The Chronicles of Oklahoma*, Vol. XLIII, p. 377; United States Department of the Interior, "Reports of the Governor of Oklahoma for 1907," *Administrative Reports for the Year Ending June 30, 1907* (2 vols., Washington: Government Printing Office, 1907), Vol. II, pp. 685-686.

<sup>14</sup> *Ibid.*



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of school land. There had been considerable drilling in the area in the past, but up until now the operators had not encroached on the 3,100,000 acres of land which had been set aside by Congress for financing common schools, for higher education and for public building purposes. This land had an estimated value of some \$30,000,000 and brought into Oklahoma Territory's coffers \$2,000 per day in lease payments. Wenner immediately informed the governor, who in turn asked his attorney general, W. O. Cromwell, for an opinion. Cromwell advised Frantz that no clear ruling had ever been made on whether Oklahoma Territory owned the mineral rights to the school land or only the surface rights. Frantz surmised that the sudden activity near Cleveland may have been triggered by the "Warren Amendment," a piece of legislation presented to Congress by Senator Francis E. Warren of Wyoming as a rider to the Oklahoma Statehood Enabling Bill, which would have stripped the territory of the title to the minerals under the surface. Frantz had been alerted to the proposed rider by Fred S. Barde, the Guthrie correspondent of the *Kansas City Star*, acting on a tip from his Washington counterpart who had realized the disastrous effect passage of the measure would have upon education.

Frantz decided to take matters into his own hands and he, Wenner and Cromwell produced an official, yet ostentatious looking document, trimmed in gold borders, bearing the Oklahoma Territory seal and covered with ribbons, proclaiming the mineral rights the property of Oklahoma Territory. He then had United States Marshal John Abernathy swear in Guthrie Mayor Ben F. Berkey as a special officer and dispatched him, together with a squad of men, to serve the proclamation on Millikan's crew and to destroy the offending drill rig.

Certain that this was sufficient notice to preclude any further encroachment for the moment, Frantz went to Washington where he first conferred with Senator Albert J. Beveridge, the chairman of the Senate committee on territories. Beveridge felt, as did Frantz, that the amendment would harm the schools of the future state of Oklahoma because the state would be powerless to prevent drilling or even quarrying on school land, and that potential revenues destined for the common schools would be greatly reduced. With the support of Beveridge, Hitchcock and President Roosevelt, Frantz prepared a lengthy brief and presented it orally before the Senate committee on territories, with the result that the Warren Amendment was removed from the Oklahoma Statehood Enabling Bill and an estimated \$100,000,000 was saved for the common schools.<sup>18</sup>

<sup>18</sup> *Ibid.*, pp. 673-674; Jones, "Captain Frank Frantz, The Rough Rider Governor of Oklahoma Territory," *The Chronicles of Oklahoma*, Vol. XLIII, p. 379; C. C. Parkhurst, "Terri-



A well of the Indian Territory Illuminating Oil Company. The enemies of Frantz accused him of the misuse of his office as Osage Indian agent by improperly leasing lands to this company

Despite its favorable outcome for the children of Oklahoma, the case touched off a furor in Washington. Secretary of the Interior Hitchcock released a statement to the national press taking full credit for the defeat of the measure. He not only failed to mention Frantz, but he painted Senator Warren in a very bad light, almost openly accusing him of skulduggery. Warren understandably complained to Roosevelt about the conduct of his secretary of the interior and the president wrote a scathing letter of reprimand to Hitchcock. Among other things, he accused Hitchcock of running a "bureau of publicity" within the department for the purpose of furnishing the newspapers with "facts" to the credit of the secretary and to the discredit of other government officials. The president also noted Hitchcock's past meddling in the affairs of other cabinet agencies and castigated him for his attack on Warren, which Roosevelt felt was unwarranted since similar legislation had been passed in the cases of Idaho,

*Serial Governors of Oklahoma*" (unpublished Master of Arts thesis, University of Oklahoma, 1926), pp. 46-47; *Daily Oklahoman*, November 9, 1906, p. 4.

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Wyoming and Arizona, and there was no basis for Hitchcock's allegation that Warren was a "looter . . . and a grafter." The president, in several passages, referred to the omission of Frantz's role in defeating the amendment.<sup>16</sup>

Hitchcock's failure to give credit to Frantz in defeating the amendment was due in part to his lack of success in having him removed from office. Frantz's enemies within his own party had brought formal charges against him for misconduct that supposedly occurred during his tenure as Osage agent. Among other things, they accused him of "breaking the ties of marriage" by visiting a house of prostitution with his brother, by appearing in public drunk, of accepting a bribe from the Indian Territory Illuminating Oil Company for the illegal leasing of land and of soliciting loans from the Indians under his care, which he failed to repay. Hitchcock had been delighted when President Roosevelt had asked him to investigate the accusations against the rival of his friend, ex-governor Ferguson, and dispatched two agents to Oklahoma Territory with instructions to make the charges stick. He also dragged out the inquiry as long as possible in the hopes of lessening Frantz's chances as a state gubernatorial candidate. Roosevelt, however, had not lost faith in the integrity of his old Rough Rider comrade and made his own investigation, one which proved the only thing Frantz may have been guilty of was slowness in repaying his debts.<sup>17</sup>

All of this rivalry within the Republican Party added grist to the Democrat's mill and four days after Roosevelt's final letter on the subject, Oklahoma Territory's foremost Democratic newspaper, the *Daily Oklahoman*, was loudly proclaiming that the reports of exoneration were false, that Hitchcock had uncovered even more damaging evidence and that Frantz would be forced to resign the governorship, but would be offered another federal job. This was the same newspaper that a few months earlier had praised his stewardship of the Osages.<sup>18</sup>

Frantz, however, continued to act in the best interests of Oklahoma Territory. A portion of the Oklahoma Statehood Enabling Act had pro-

<sup>16</sup> Jones, "Captain Frank Frantz, The Rough Rider Governor of Oklahoma Territory," *The Chronicles of Oklahoma*, Vol. XLIII, pp. 380-381; Dora A. Stewart, *Government and Development of Oklahoma Territory* (Oklahoma City: Harlow Publishing Company, 1933), p. 320; *Daily Oklahoman*, March 10, 1941, p. 9; *Tulsa Tribune*, March 10, 1941, p. 7; Theodore Roosevelt to Ethan Allen Hitchcock, October 26, 1906, Elting E. Morison, ed., *The Letters of Theodore Roosevelt* (8 vols., Cambridge: Harvard University Press, 1952), Vol. V, pp. 476-483.

<sup>17</sup> Roosevelt to Hitchcock, May 26, 1906, August 27, 1906, Roosevelt to Francis Ellington Leupp, September 18, 1906, October 2, 1906, Roosevelt to Hitchcock, October 26, 1906, Morison, ed., *The Letters of Theodore Roosevelt*, Vol. V, pp. 283-284, 386, 415-417, 438, 471-472.

<sup>18</sup> *Daily Oklahoman*, October 30, 1906, p. 8.

vided that the new state would receive \$5,000,000 in lieu of non-taxable Indian lands located in Indian Territory for schools in addition to two sections of land in every township in Oklahoma Territory. As all the school lands had not been obtained, Frantz and Wenner decided to acquire them in the panhandle of Oklahoma Territory. In order for the state to get title, the Department of the Interior ruled that each tract would have to be filed for at the government land office at Woodward. Frantz ordered Mayor Berkey and Guthrie Sheriff Charles Carpenter to raise enough men to go to the Panhandle and file on all the vacant land that they could. So effectively did they carry out Frantz's orders, that when the settlers arrived, instead of homesteads, all they found was state-owned land available for lease. Over the years it was estimated that lease payments on these lands added another \$100,000,000 to the school funds.<sup>19</sup>

In addition to shepherding Oklahoma Territory through its final throes of government, Frantz performed another signal service for his adopted state when the "Big Pasture" Bill was passed by Congress. On December 16, 1906, the last opening of Oklahoma lands for settlement took place. Known as the "Big Pasture," the tract encompassed some 555,000 acres in Comanche and Kiowa counties. Frantz, remembering how his own family had come to Oklahoma Territory with the opening of the Cherokee Outlet, knew that a "run" was an ineffective method of distributing land, so he was determined that this opening would be conducted by bid rather than by a race or even a lottery. The land sold for a total of \$5,000,000, which was set aside for the tribes that formerly owned the land. Residential and building lots went for prices ranging from \$20.00 to \$1,120 and quarter sections sold for bids of \$1,200 to \$7,000. Within seven months homes and towns had sprung up and newly-planted farms on the formerly vacant prairie were anticipating a 25,000 bale cotton crop.<sup>20</sup>

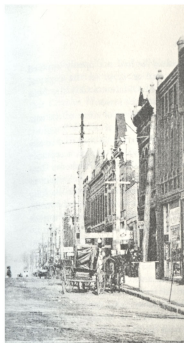
But Frantz's greatest battle came with the "Con-Con," as the Oklahoma Constitutional Convention for the new state was called. Dominated by Democrats, it was led by its president, William H. "Alfalfa Bill" Murray, also known in those days as "Cocklebur" Murray. Convening on November 20, 1906, the convention was composed of 112 delegates—55 from Oklahoma Territory, 55 from Indian Territory and 2 from the Osage Nation. Intermingled with the task of writing a viable state constitution was the

<sup>19</sup> United States Department of the Interior, "Reports of the Governor of Oklahoma for 1907," *Administrative Reports for the Year Ending June 30, 1907*, Vol. II, pp. 680-683; Jones, "Captain Frank Frantz, The Rough Rider Governor of Oklahoma Territory," *The Chronicles of Oklahoma*, Vol. XLIII, pp. 382-383; *Tulsa Tribune*, March 10, 1941, p. 7.

<sup>20</sup> United States Department of the Interior, "Reports of the Governor of Oklahoma for 1907," *Administrative Reports for the Year Ending June 30, 1907*, Vol. II, pp. 686-687; Stewart, *Government and Development of Oklahoma Territory*, pp. 319-320.



fight for the coming elections of state officers and party control of the new state. The formulation of such a document would not be an easy task under any circumstances, but three burning issues served to hamper the proceedings even further and fill the state office races with vilification and hatred. Foremost was the race question. Would Oklahoma enter the Union as a "Jim Crow" state? Both sides alternately courted and defamed the blacks. The Republicans warned the Indians that the Democrats planned on giving them inferior racial status. The Democrats assured the black population that their gubernatorial candidate had given the editor of the *Muskogee Cimeter*, a black newspaper, a secret agreement that was locked in his safe until after the election, that blacks would receive equal treatment under the law. Frantz warned the population of Oklahoma Territory, who wanted statehood immediately, that President Roosevelt would not approve a discriminatory constitution and that their goal would be delayed until



Looking east on Oklahoma Avenue in Guthrie, near the end of the territorial period.

the document was rewritten to his satisfaction. All through the summer of 1907, the *Daily Oklahoman*, in each edition, warned against the folly of integration by printing a daily editorial on the evils of equality and by giving big play to news stories about crimes committed by blacks, no matter where they might have occurred.<sup>21</sup>

Another battle arose over the question of prohibition. Would the new state be wet or dry? This too carried over into the governor's race where Frantz was now carrying the Republican banner against Democratic hopeful Charles N. Haskell. Haskell openly accused Frantz of drunkenness

<sup>21</sup> Phillip Mellinger, "Discrimination and Statehood in Oklahoma," *The Chronicles of Oklahoma*, Vol. XLIX, No. 3 (Autumn, 1971), pp. 366-367; *Daily Oklahoman*, July and August, 1907, pp. 1 and 4; Irvin Hurst, *The 46th Star* (Oklahoma City: Semco Color Press, 1957), pp. 15, 24.

and of silently siding with the wets, because he had not openly opposed them. The people voted for prohibition, and at 11:50 on the night of November 16, 1907, the saloons closed and in Oklahoma City the New State Brewery poured 27,000 gallons of beer into the sewer.<sup>22</sup>

There was also the question of the gerrymandering of some of the congressional districts, but Roosevelt was by now weary of all the haggling, and convinced that Oklahoma would be lost to the Republican fold in any case, decided that a little gerrymandering would not hinder his acceptance of the constitution. So despite all the problems it faced, the Oklahoma Constitutional Convention produced a constitution, a handsome document in appearance, handwritten on parchment. It had taken the scribes so long to write, that when it was discovered some changes would have to be made, rather than do the whole thing over, the deletions were scratched out on the original and the corrections and additions penned in.<sup>23</sup>

The convention adjourned on March 15, 1907, thinking its work completed, and in less than two minutes after the motion to adjourn had passed, the hall was emptied. Everyone expected Frantz to issue an immediate call for an election to vote on the acceptance of the constitution, but he refused to do so on the grounds that the convention had not complied with the letter of the law. He insisted that its labors were not finished until the original of the document was deposited with him. Murray felt just the opposite and was jealously guarding it with his life, while tendering typewritten copies to the governor's office. Murray had taken the original back to his home in Tishomingo locked in an iron strongbox and where he claimed he slept with it under his pillow and ate with it hidden beneath his knees. At long last the impasse was broken, when Frantz received the original copy and issued a call for an election to be held on the proposed Oklahoma Constitution on September 17, 1907. The voters approved the document and Frantz took it on to Washington to present it to President Roosevelt.

The election also resulted in a Democratic victory insofar as the state offices were concerned. Frantz, the Republican candidate for state governor, relied on his favorite campaign tactic of pledging continuing support for education. But the infighting among the Republicans themselves had weakened his chances, and to many he was not outspoken enough on such issues

<sup>22</sup> Jimmie L. Franklin, "A Note on Prohibition in Oklahoma," *The Chronicles of Oklahoma*, Vol. XLIII, No. 1 (Spring, 1965), pp. 24-25; *Daily Oklahoman*, November 16, 1907, p. 3.

<sup>23</sup> Theodore Roosevelt to Charles Joseph Bonaparte, September 6, 1907, Morison, ed., *The Letters of Theodore Roosevelt*, Vol. V, p. 784; Hurst, *The 46th Star*, pp. 11, 28-29; Pauline P. Jackson, "The Sapulpa and Bristow County Seat Contest," *The Chronicles of Oklahoma*, Vol. XL, No. 1 (Spring, 1962), pp. 63-64.

as prohibition. The *Daily Oklahoman* charged that Frantz had purposely left town on a hunting trip instead of staying in his office to oversee the canvassing of the election board, thus delaying the statehood proclamation, and that Charles Hunter, the territorial Republican chairman, had filed a suit against the canvassing board by prearrangement. On November 17, 1907, the reins of territorial government were passed to the newly-elected state officials. Frantz was so embittered by the acrimony generated during the election campaign that he refused to take any part in the statehood celebration, nor were any of the Oklahoma Territory officials invited to participate. Instead, Frantz left Guthrie as quickly as he could.<sup>24</sup>

He first went to Colorado, where he entered the oil business and remained until 1915, when he moved back to Tulsa as head of the land department of the Cosden Oil Company. Later, he became an independent oil operator with land holdings in Wyoming. In 1932, he briefly entered politics again when he ran against Wesley E. Disney for the seat from the first congressional district, but was defeated. Then in 1935 Congress bestowed upon him the medal which he so richly deserved and the Frank Frantz Post of Spanish-American War Veterans in Tulsa was named after him. He became a director of the Investors Royalty Company in 1940, and on March 8, 1941, died at the Veterans Administration Hospital at Muskogee, from where he was buried with full military honors in Tulsa's Memorial Cemetery. Taking part in the ceremony was Chris Madsen, a former Rough Rider sergeant, who had also been Oklahoma Territory's last federal marshal. Two other state Rough Riders in attendance were Tom Meagher and Bill McGinty. Frantz, who had been in ill health for a number of years, was survived by his widow, three daughters, and one son.<sup>25</sup>

In 1932, the Oklahoma Memorial Association had elected Frantz to membership in the Oklahoma Hall of Fame. His old political rival, Charles N. Haskell, was similarly honored at the same ceremony, as was William Jenkins, who had also been a governor of Oklahoma Territory.<sup>26</sup>

As an athlete and soldier, Frantz was trained to "go to the top of the hill." Thus, during his governorship whenever a situation arose that called for immediate action and quick thinking, he seized the initiative and did

<sup>24</sup> William H. Murray, *Memoirs of Governor Murray and True History of Oklahoma* (2 vols., Boston: Meador Publishing Company, 1945), Vol. II, p. 108; Stewart, *Government and Development of Oklahoma Territory*, p. 387; Hurst, *The 46th Star*, pp. 23-24; *Daily Oklahoman*, November 16, 1907, p. 3; United States Department of the Interior, "Reports of the Governor of Oklahoma for 1907," *Administrative Reports for the year Ending June 30, 1907*, Vol. II, pp. 692-693.

<sup>25</sup> *Tulsa Tribune*, March 10, 1941, p. 1, March 11, 1941, pp. 1, 12.

<sup>26</sup> *Oklahoma Hall of Fame* (Oklahoma City: Oklahoma Heritage Association, 1974), p. 8.



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what he thought best to protect the interests of the people of Oklahoma Territory. His aggressiveness in dealing with the railroads and his imaginative handling of the school lands and mineral rights cases brought benefits that far outlasted his tenure in office. If, in each case, he had stopped to ponder the political niceties involved, he may well have survived the storm and become the first governor of the state of Oklahoma as well as the last territorial governor. But he was too uncompromising for that. If he had been willing to make promises to the various factions that wanted their desires made known in the constitution or traded future commitments for votes, he may well have remained in Guthrie, but one can hardly pause during a charge in battle to bargain with the bullets flying past. So instead, he became in the eyes of some, a casualty, but few men have done so much for Oklahoma. If he had not taken and kept, a firm stand against the bigotry of the Constitutional Convention, many objectionable items would have been added to what was already an unwieldy document—one that has had to be amended some fifty times in less than three-quarters of a century. In short, he was, as his old colonel described him, "a crackerjack."