

State of the State
Governor Leon Phillips
January 10, 1939

To the Honorables,
The Lieutenant Governor,
President Pro Tempore of the Senate,
Speaker of the House of Representatives, and
Members of the State and House of Representatives.

Gentlemen:

We assemble here today as two of the three distinct branches of our government. Our province is to transact the business of the people of the State of Oklahoma, within the bounds and limitations prescribed by law, and subject to the rights and duties of the Supreme and other courts.

Our people have come to the place where they demand more of the government than was expected when our State was first admitted.

So far as legislation is concerned, it is my duty to recommend such measures and make such suggestions as I deem wise for the proper and economical functioning of our government, and your duty is to take such action as will best serve the interests of our people. In the sphere in which the legislative branch of government is supreme, I shall not, as Chief Executive, try to usurp any of the functions which are properly yours under your oaths of office.

We are committed to a definite program, and it is my belief that the citizenship of this State, without regard to party affiliation, sincerely hope that, together, we will write this program:

1. To pay all legal, unpaid claims in all departments and institutions in accordance with their creation, without preference to any particular claim.
2. To balance the state's budget of income and expense.
3. To put each department, commission and institution on a strict budget basis.
4. To require every department, commission and institution to stay within the appropriation provided by the Legislature, and to make each departmental and institutional head personally liable for any future illegal deficit occurring in his department or institution.
5. To provide, by suitable legislation, a Highway Commission and a Tax Commission of three members each, to be appointed by the Governor, subject to removal by him at his pleasure, and whose terms of office shall not extend beyond the term of the Governor.
6. To limit by law in all departments, institutions and branches of government, the number of persons who may be employed and designate the salaries which may be paid, including administrative, departmental and institutional heads.

7. To establish all public schools in the State on a permanent basis of support, providing the means of making possible a good school in every district for a full term of nine months.

8. To grant adequate support to the higher educational institutions of the State and prevent the coercion of heads of institutions for political advantages.

9. To the furtherance of a progressive program of education to the end that Oklahoma may have an educational system equal in all respects to the best to be found in the nation.

10. To urge a revision of the present laws relative to the adoption of textbooks in the public schools of Oklahoma, to the end that the cost of books will not be excessive nor extortionate, and that no frequent and unnecessary changes be made, and the injustices of the present system be forever eliminated in the adoption of textbooks for our state schools.

11. To bring about the adoption and enforcement of such policies in all departments of state government as will insure the employment and retention of efficient personnel in all major and minor offices and positions, and the complete elimination of all forms of patronage racketeering.

12. To sponsor a motor vehicle code for Oklahoma which will repeal the present Port of Entry Law, and establish a reciprocity relationship between Oklahoma and other states.

13. To sponsor the enactment of laws which will allocate a fair share of taxes for the building of county farm-to-market roads and maintaining streets and alleys.

14. To take whatever action is necessary to insure the principle of fair dealing in all affairs of state, and which will insure the awarding of all contracts on a basis of competitive bids.

15. To cooperate always with the National Government in all constructive measures designed for the relief of farmers, laborers and business institutions of the state.

16. To establish by appropriate legislation a method of selecting candidates for state and county offices in primary elections which will insure to the various parties the choice of the majority in the selection of a nominee.

17. To sponsor and encourage the enactment of progressive farm and soil conservation laws, both state and federal, to protect, conserve and develop all our national resources; protect our wild life, promote soil conservation, provide flood control, irrigation and reclamation, utilize our great limestone deposits for the benefit of the farmers, provide a method whereby our tenant farmers can and will become home owners, and pass such natural resources unimpaired to future generations.

18. To promote the development of our natural resources with the view of encouraging industrial enterprises to locate in Oklahoma, and utilize the available coal, timber, oil, zinc, lead, nitrate, cheap power and raw agricultural products.

19. To sponsor proper and necessary legislation which will eliminate all unnecessary help in the administration of the Oklahoma Social Security Act, and to see that all money appropriated shall go to those entitled to relief; abolishing all unnecessary duplication in boards handling relief funds, both state and federal, in order that such funds may be distributed to the various counties of the State according to need.

20. To oppose vigorously any increase in the tax burdens of our people; to advocate the repeal of all unjust tax laws; to make the necessary revision of tax legislation in order to equalize the burden of taxation and place the necessary expense of government upon the people in accordance with their ability to pay and the protection they receive.

21. To foster and promote such laws as will guarantee to labor the right to organize to obtain for themselves, with fairness to the public generally, the benefits of better working conditions, hours and wages.

22. To impress upon every departmental and institutional head with necessity for operating his department or institution within the limits of the appropriation provided by the Legislature in order that the cost of government may be decreased, deficits paid, and the State put on a cash basis at the earliest possible moment, without placing any additional tax burden upon our people.

23. To provide that women shall be equally eligible with men to hold all public offices.

24. To establish and maintain a live inventory system for state, county and municipal property, to the end that the opportunity for theft and embezzlement may be eliminated and waste avoided.

25. To continue to the fullest measure fair dealings with ex-soldiers, their widows and dependents.

I hold that the enactment of such a program into law need not divide us along partisan lines, for such a program is for the direct benefit of every citizen of the State of Oklahoma.

GENERAL FINANCIAL CONDITION

I shall not attempt to give you a complete word-picture of the condition of the State; but in order for you to properly appraise yourselves of the situation I desire to comment briefly on your present indebtedness:

At the end of the administration which terminated in January, 1931, there was a deficit of \$5,737,887.45; at the end of the next administration which terminated in January, 1935, there was a deficit in the general revenue fund of \$19,868,423.00. At that time the Legislature enacted many new and burdensome tax laws, and for a period of two years the State operated within its revenue. Thereafter, by reason of appropriations without regard to a further increase in revenue, so that making due allowance for the amounts paid on former deficits there is an outstanding indebtedness today of \$25,731,000.00, a large part of which debt having accumulated within the last two years.

The details of the indebtedness are as follows: \$8,248,000.00 of the indebtedness carried over from the administration which ended in January, 1935, remains unpaid; and on that indebtedness we will be required to pay \$1,200,000.00 interest per year. By reason of the appropriations of 1936 and 1937, there is now outstanding \$15,000,000.00 in treasury notes, and I am advised that it will be necessary to issue \$3,000,000.00 more in order to liquidate the balance of the appropriations made by the Sixteenth Legislature. These treasury notes must be funded, or cared for, by May 1st, 1939, and they are a direct charge against the revenues of the State of Oklahoma. This does not take into account the issuance of deficiency certificates, as shown by authorizations on file in the office of the Secretary of State, in the sum of \$218,259.52 issued for the year 1938, and \$51,014.73 issued for the year 1939.

If we could foretell now the amount of claims necessary to operate the institutions for the remainder of this fiscal year, we could have a complete picture of our present financial condition. Though we cannot determine the exact amount, for general purposes we can say that we have an outstanding indebtedness in excess of \$26,000,000.00, chargeable against the general revenue fund. This does not take into account the unknown deficit in the Highway Commission. I have not been able to obtain sufficiently accurate figures to even make an estimate at this time of the amount in outstanding claims in that department.

It is doubtful if the Legislature can make, and the Governor approve, valid and legal appropriations in excess of the State's anticipated revenue. This question has been litigated in our courts and discussed by the press. But regardless of whether or not such action is legal, I am firmly convinced it is unwise, and should not be done if it can be avoided.

In order that we may all more fully recognize this problem and be guided by its limitation, I recommend that you obtain the necessary information and pass a resolution fixing and declaring the amount of revenue estimated as available under our present or such other tax laws as you may see fit to enact. When such resolution has been adopted, keep your total appropriations within the limit thus fixed. This action is particularly desirable at this time by reason of the fact that the revenues of the State are now largely obtained from special tax laws and are not as definite and fixed as heretofore when our revenue was secured from an ad valorem tax on land.

It is my opinion that House Bill No. 380 of the Sixteenth Legislature, providing for the issuance of tax anticipation notes, should be repealed, and I so recommend. As a member of the House of Representatives, I was one of the authors of that bill, and I believe that it has saved interest; but if we live within our income it can serve no purpose, and must never again be used as an excuse for permitting our appropriations to exceed our anticipated revenue.

It follows, of course, that it is the duty of this Legislature to provide some method for the payment of the indebtedness which has been piling up against the taxpayers of the State of Oklahoma. I am convinced there are no new sources of revenue in this State which will enable us to continue to operate on the extravagant plane of the last two years.

It is no longer a matter of choice but one of necessity that we budget every department and institution in this State, and I make that recommendation as to all of them, whether mentioned specifically herein or not – the Highway Department, Tax Commission, Fish and Game Department and all others. I recognize full well this recommendation will not be an easy one to carry into execution, but I suggest to you as members of the Seventeenth Legislature of Oklahoma, and to the citizens of this State, that the time has come when we must all give patriotic, unselfish service to putting our house in order. To do that we must be free from the

demands of selfish interests, whether individuals desiring immediate appointment, or organizations or institutions desiring special consideration.

To that end, I recommend a bill authorizing pre-auditing of contracts, some of the details of which have been discussed with me by Senator Anglin, Chairman of the Senate Committee on Retrenchment, and Mr. Harrington, Chairman of that Committee in the House. The purpose of such a bill is to provide a complete check, so that no contract in excess of the appropriation for that specific purpose shall be made, and to safeguard against over-spending from any fund by any board, department or commission.

I hope that you members of the Seventeenth Legislature see fit to strengthen the laws governing state contracts for which tax money is to be paid, making the strict requirement that no contract shall be entered into except upon an honest, competitive bid by at least three responsible bidders; and I, in my capacity, shall see to it that men are appointed in places of responsibility and trust who will not permit the making of any contract without such competitive bids.

I recommend, also, the repeal of all statutes creating revolving funds, except for such institutions as are of necessity maintaining industries, such as the penitentiaries, reformatories, training schools and hospitals for the insane. Revolving funds, if necessary at all for such institutions as colleges and universities, should be reduced and provision made for the immediate transfer of all moneys in excess of the limit set by you as necessary for the operation of the institution to the general revenue fund. It should be impossible for money collected in fees from students at colleges to be used for the construction of buildings or the purchase of automobiles or livestock, as has been done in many instances in the last two years. And provision should be made that no salary may be paid out of any revolving fund by any department or institution of the State of Oklahoma.

I recommend the passage of a law which will prevent any elected or appointed official or employee of the State of Oklahoma having any business dealings with any other department, institution or commission of the State. The acceptance of employment by the State should remove all such individuals from the field of commerce insofar as the institutions and departments of the State are concerned.

I recommend the enactment of a law which will prescribe a uniform rate in allowing claims for expenses for travel; and recommend that such law specifically name all state officials who are entitled to have a travel allowance, and specifically designate by name and title every officer or employee of the State entitled to use tax money for the purchase of an automobile for the use of such officer or employee. And it is your province and duty, as members of the Legislature of the State of Oklahoma, to determine such need, rather than the head of some department or institution; and when you have determined that question, you should provide some method for disposing of the automobiles now owned by the State in excess of such requirement.

I recommend the passage of an act which will require all persons in charge of the many armories of the State to account to the Tax Commission for all revenues collected for the use of such armories, and providing that such armory buildings shall be regulated as to use by rules formulated by the State Board of Public Affairs.

When you have budgeted the various departments, and have made a survey determining anticipated revenue you can more clearly measure the requirements for taxation.

RETRENCHMENT

I congratulate the present members of the Senate and House on beginning retrenchment within you own organizations. I recommend repeal of the law passed at the last Session of the Legislature, increasing the number of employees in the Senate and House.

I recommend enactment of a law creating a new Highway Department. Bills for that purpose have already made progress in both the Senate and the House.

I recommend the abolishment of the positions of gasoline inspectors now operating under appointment by the Corporation Commission, for the reason that our citizens generally know that no worthwhile service is performed by this staff.

This recommendation is not made as an attack upon the Corporation Commission, but by reason of a long-continued demand by the people of Oklahoma for such action, and in keeping with the general purpose of the Democratic platform and program herein outlined to you, and for the good of the State of Oklahoma. This should also relieve the Corporation Commission of the continuing controversy between its members over this form of patronage, and cause the Commission to grow in the estimation of the citizenship of this State to the place it is entitled to hold.

The Corporation Commission is a valuable arm of the State, which performs many vital services. As an example, the Corporation Commission is at this time defending the rights of the citizens of this State from a burdensome increase in rates upon the application of the telephone companies.

In this connection, I recommend that appropriation be made to properly present the cause of the people of this State in that controversy now pending before the Corporation Commission, which so materially affects the rights of so many of our citizens. Under the requirements in such procedure as decreed down by the Supreme Court of the United States, it is necessary and vital to have proper surveys made and evidence presented which will protect the interests of the people of Oklahoma.

I also wish to commend the Corporation Commission for its efforts to promulgate rules and enforce the proration laws of the State of Oklahoma as a protection to the oil industry, for this is a matter of the utmost importance to every citizen, whether resident of an oil-producing county or not, because the revenue to the State from this industry forms the principal part of the revenue which supports the public schools of this State.

I recommend the enactment of a law establishing a three-man Tax Commission; and that has likewise had your attention.

I recommend the enactment of a law setting up an Industrial Commission, and omitting any provision for employees not actually necessary to the proper functioning of that body as a court available to the laboring man of this State.

I recommend repeal of the Act creating the Planning and Resources Board, Senate Bill No. 107 and House Bill No. 632 of the Sixteenth Session of the Legislature, and that the duties imposed upon that Board of nine members with reference to parks and forestry be conferred upon the Fish and Game Department; and that all other duties heretofore vested in said Planning and Resources Board be conferred upon a board of three members to be appointed by the Governor, one of whom shall be the Budget Officer, the other members to act without salary but allowed a per diem and expenses; and granting authority to said Board, with the approval of the Governor, to employ an engineer as deemed necessary.

The enactment of the legislation contemplated by this suggestion alone will save the people of the State of Oklahoma approximately a million dollars in the next biennium.

I suggest the repeal of House Bill No. 355 of the Fifteenth Session, providing for Ports of Entry, and the mileage tax they are charged with collecting; and recommend that such duties in connection therewith as may be necessary be transferred to and conferred upon the Highway Patrol, operated under the Department of Public Safety.

I recommend that you abolish the Bureau of Criminal Identification and Investigation, and that the records and necessary duties of such Bureau be transferred to the Department of Public Safety.

I recommend that you abolish the special Board now provided for the school at Miami, and place the control of that institution and all its property and equipment in the State Board of Education.

I recommend that you abolish the separate Board having charge of the Eastern Oklahoma College at Wilburton, and place the property, equipment and management of that school under the Board of Agriculture, authorizing the Board of Agriculture to maintain a school at Wilburton to the same effect and extent as now provided for other junior agricultural colleges.

I recommend that you refuse to appropriate for the Petroleum Experiment Station at Bartlesville, as that institution is one which should properly be supported by the Federal Government.

I suggest you abolish the Securities Commission, and place the duties now imposed upon that Board in the State Banking Department.

I recommend that you consolidate the Oklahoma State Library with the Oklahoma Library Commission, and provide for only such employees as may be necessary to carry on the valuable work of those institutions for the State of Oklahoma.

I recommend that you abolish the Commission for the Adult Blind, and transfer the duties, property and records thereof to the Oklahoma Public Welfare Commission.

I recommend that you repeal the law creating the State Board of Public Welfare, and confer such duties and obligations as the Board may have upon the Oklahoma Public Welfare Commission, and require such duties of that Commission as will enable us to receive all possible benefits from the Federal Government, and permit the State of Oklahoma to coordinate all of its activities for the relief of our destitute and suffering people. And I recommend the specific repeal of the provision for the purchase and distribution of textbooks by that Commission or Board.

I recommend that you abolish all positions for special attorneys in departments where the duties can be properly handled by the office of the Attorney General.

I recommend that you make a careful study of special laws creating superior courts and, if you find that any such court now in existence is not necessary, that you provide for the termination of said court at the expiration of the present term of office of the judge thereof.

I recommend the immediate repeal of Senate Bills Nos. 357 and 358 of the Sixteenth Session of the Oklahoma Legislature, and in regard to re-establishing the salaries fixed therein I suggest that employment be based on an eight-hour day, rather than a six-hour day.

I suggest that the membership of the Will Rogers Memorial Commission be reduced from fifteen to three, and empowered to complete any unfinished work of the former Commission.

I recommend the immediate repeal of House Bill No. 273 of the Acts of the Sixteenth Legislature, known as the State Travel and Tourist Bureau law.

I recommend the immediate repeal of Senate Bill No. 272, commonly known as the landlord and tenant bill of the Sixteenth Session of the Legislature, for the reason that in my

judgment the Board constituted thereby has not been able to produce any beneficial results to the citizens of the State of Oklahoma, or show promise of doing so in the future.

TAXATION

I am firmly convinced that we should not attempt to discover any new sources of revenue, nor should we further burden the tax-payers of Oklahoma by increasing present taxes. There is no doubt but that our present high rate of income tax is driving opportunity for the expansion of industry from the State of Oklahoma. Yet, I cannot see how we can reduce any tax until we have first brought our budget within our means. I hope to see this accomplished within my term of office.

I therefore recommend the re-levying of the tax upon automobiles and motor vehicles at two per cent, the same to be in force for a period of two years; and the re-levying of the sales tax and the use tax for similar periods. I recommend that the proceeds of said taxes be made available for the use of the Oklahoma Public Welfare Commission to provide a sufficient fund to care for our needy, aged and dependent citizens. I propose the enactment of these tax bills for a period of two years with the hope that within that time the Congress of the United States will provide a national plan for the payment of old age assistance, fully realizing that if such action is not taken this tax program will need to be re-enacted by the next Legislature.

The revenue to be derived from these taxes is necessary to meet our obligations to the aged, the blind, the dependent children and the needy. The administration of old age assistance in Oklahoma has been such that the Federal Government has withdrawn its funds, and the representatives of the national Social Security Board have requested that, for the present, Oklahoma provide additional revenue to employ a competent staff to determine the needs of Oklahoma – requiring that for a period of one year we allocate at least ten per cent of this revenue to the employing of such a staff.

At a later time I shall recommend the details of further legislation which will enable us to meet the demands of the Federal Government in order to secure full cooperation between the Federal Government and the State of Oklahoma in caring for our needy, aged, blind and dependents.

Having recommended the repeal of the mileage tax, I suggest the re-levying of an automobile license tax, reducing equitably the license tax on passenger or pleasure cars and making a corresponding increase against trucks to compensate for the repeal of the mileage tax and the reduction of the tax on pleasure cars.

I recommend the repeal of the excise and license tax on farmers' trailers.

I recommend the enactment of a gasoline tax law which will exempt gasoline, naphtha and benzine used in cleaning establishments, and gasoline used in farm tractors, airplanes, or other stationary engines or machinery not actually propelled upon the highways of the State; but recommend the adoption of any legislation which will strengthen the collection of taxes on gasoline actually used in motor transportation upon the highways.

I recommend the re-enactment of the cigarette tax, without limitation as to time, and recommend that the proceeds be placed in the general revenue fund, out of which fund it will be necessary for the Legislature to appropriate the necessary funds for the maintenance of schools.

I recommend that under the present emergency the exemption on homesteads remain at \$1,000.00, and in order that we may ultimately stabilize the collection of ad valorem taxes, I recommend that no further periods of grace without penalty be granted for the payment of delinquent taxes.

SCHOOLS

I recommend that the Legislature make an appropriation of sufficient money to guarantee a nine-months term of school for all the districts of the State, providing the citizens of the various districts make reasonable levies to contribute to the operation of their several schools; (And it is the province of the Legislature to say what is a reasonable contribution). Our experience in the operation of the school fund in the State of Oklahoma for the last four years should provide all information necessary to enable you to write the bill so clear that it will be merely a matter of calculation to determine how the distribution of said fund shall be made among the various districts. This bill, if possible, should be so drawn that it may remain a permanent school law, and provide a permanent solution of the problem of the maintenance and support of our schools.

I recommend an appropriation of not to exceed \$5,000.00 to defray the expenses of the operation of the Coordinating Board, as provided for under House Bill No. 686 of the Fourteenth Session of the Oklahoma Legislature. By the operation of that Board we can correct any limitation on the scope of education given in the teachers' colleges and other colleges and universities, and eliminate many duplications.

I recommend that you empower the State Board of Public Affairs to transfer equipment and property from one institution under their authority and control to any other such institution when necessary or advisable.

I also recommend that you grant authority to the Coordinating Board to cause the transfer, when necessary, of property and equipment of institutions under their jurisdiction. This will permit the elimination of duplication of effort and the utilization of property to better advantages.

RECOMMENDED LEGISLATION

I recommend the re-enactment or renewal of the Interstates Oil Compact Authority, to the same extent as heretofore provided by the Act of the Fifteenth Legislature, to the end that the State of Oklahoma may cooperate fully with other oil producing states in the prevention of waste.

I recommend such amendment and revision of our oil proration laws as will guarantee equitable proration, ratable and equitable taking from all pools, and prevent waste and selective buying by any purchaser.

Notwithstanding the fact that a new banking code was enacted during the Sixteenth Legislature, I recommend an amendment to said code which will provide authority, either to the Bank Commissioner to cancel, or provide for the automatic cancellation, of all bank charters heretofore issued to banks which have gone through the legal process of liquidation; and for the automatic cancellation of any bank charter hereafter granted and not used within a period of ninety days.

I recommend the enactment of a law requiring the district courts in cases of minors between the ages of sixteen and eighteen years, charged with the commission of a crime, to determine whether or not said minor shall be prosecuted under the delinquency statutes, or under the criminal statutes relating to adults; and if, upon said determination, it is found that such defendant should be tried under the delinquency statutes, said proceeding shall be finally disposed of by the district court in the same manner as delinquency cases are now terminated in the county courts in cases of minors below the age of sixteen.

I recommend that the Highway Patrol, under the Department of Public Safety, be continued, and additional powers be granted it as above indicated. In addition, I recommend the

enactment of a regulation of law placing the Highway Patrol under command of the Governor as a home guard in the event of the withdrawal of the National Guard, or any part thereof, from the borders of the State.

I recommend that the headquarters and personnel of this Department be rigidly budgeted, as recommended for all other departments or commissions.

I recommend that the law declare it to be the policy of the State that such Highway Patrol, as a home guard, is necessary for the preservation and protection of the State, and that the members of such Highway Patrol be exempt from draft or forced military service.

I further recommend a regulation requiring any member of the Highway Patrol who is at this time a member of the National Guard, to elect within thirty days after the final passage and approval of such Act, with which organization he desires to continue as a member; and unless any such member shall have withdrawn from the National Guard within the time prescribed, that he be immediately dropped from the rolls of employment of said Highway Patrol, or other connection with the Department of Public Safety.

Notwithstanding the depleted condition of our treasury, I recommend the building of additional wards in the Central Oklahoma Hospital for the Insane at Norman; in the Western Oklahoma Hospital at Supply, and in the Northern Oklahoma Hospital at Enid. I find upon investigation that in many counties of the State many persons who have been adjudged insane cannot be admitted to our hospitals and cared for by the institutions above named. This condition is intolerable; we should provide facilities for caring for such unfortunate persons and provide medical and scientific help to them in their affliction.

I further recommend the building of adequate dormitory facilities at the Eastern Oklahoma College at Wilburton. At the present time there are adequate dormitory facilities offered for the girls attending that school, but there are none for the boys. Some of the boys attending that school are housed in insufficient barracks, while others are quartered in tents which have been discarded by the National Guard. Although there may be some who doubt the value of this school, I find, upon investigation, that the work being done at that institution is on a par with or excels other of our educational institutions, and I recommend the same to you. And there is equipment in other of our educational institutions in this State not in use which, if furnished to the Eastern Oklahoma College at Wilburton, would provide educational opportunities for the poor students in that section of Oklahoma.

LIQUOR CONTROL

I wish to call your attention to the fact that much has been said and recently in the newspapers, and comment has been made among our citizens, upon the charges that official protection has been extended to those importing intoxicating liquors into the State of Oklahoma. I have no information either supporting or disproving these charges. But in this connection, I wish to call your attention to the fact that the Federal Government, upon a ruling by the Treasury Department, has been selling licenses to citizens within the borders of Oklahoma to handle intoxicating liquors.

In the United States Circuit Court of Appeals, Tenth Circuit, in the case of Ermon Dunn vs. United States of America, No. 1557, at the April, 1938, Term, an opinion was rendered adjudging that a person so licensed by the Federal Government was not guilty of the commission of any Federal offense in so handling liquor within the boundaries of Oklahoma. I quote the entire opinion rendered by the United States Circuit Court of Appeals in that case, omitting the style and appearances:

“Dunn was tried, convicted and sentenced on an indictment which charged him with having transported intoxicating liquor, to wit, whisky, from the state of Arkansas into the state of Oklahoma, in violation of the Liquor Enforcement Act of 1936. (27 USCA 223 (a)).

“The cause has been submitted and was ripe for decision here when the United States Attorney, at the direction of the Attorney General, filed a brief raising the question of the applicability of Section 223 (a) to importation or transportation of intoxicating liquor into the state of Oklahoma, and requested our decision thereon. We permitted the Attorney General of Oklahoma to file a brief as amicus curiae, and the cause has been resubmitted.

“At the close of the government’s evidence Dunn filed a motion to quash the indictment and a motion to suppress the evidence of the arresting officers, on the ground that the evidence adduced was obtained by means of an unlawful search of his automobile in violation of the Fourth Amendment.

“The Trial court overruled the motions.

“The search complained of was made on December 21, 1936. All of the facts on which the motions were predicted became known to Dunn at that time. He was indicted on February 19, 1937, and tried on April 5, 1937. Such objections must be seasonably made. Except where there has been no opportunity to present them in advance of trial, a court when engaged in trying a criminal case will not stop to inquire into the legality of a search by which otherwise competent evidence has been obtained. The court will not thus halt the orderly progress of the trial to inquire into a collateral matter.

“The motions, not having been seasonably made, were properly overruled.

“Oklahoma does not prohibit the importation of grain alcohol for medicinal, scientific and mechanical purposes, or intoxicating wine for sacramental purposes, and does not provide for a permit or licensing system with respect to intoxicating liquor imported or transported into the state. This the Attorney General concedes in his brief.

“Report No. 1258, 74th Congress, prepared by Mr. Collier, of the Committee of the House of Representatives on the Judiciary, to accompany the Liquor Enforcement Act of 1936, in part reads:

“The determination of whether an offense has been committed turns upon the existence of a State license or permit system, or a complete embargo on all bringing of liquor into the State. In the former case, it will be an offense to ship intoxicating liquor unaccompanied by a permit or license into the State; in the latter, it will be an offense merely to transport such liquor into the State.

“In the absence of either one of these two control methods, it would be exceedingly difficult to make effective administration of a Federal protective system feasible, since the legality of a liquor shipment into a State could be determined only by investigation of the use for which it was intended. The establishment of Federal machinery as elaborate as that of

prohibition day would be required in the absence of State cooperation taking the form of one or the other of the control method devised.’

“On February 27, 1937, the General Counsel of the Treasury Department rendered an opinion holding that the Liquor Enforcement Act of 1936 was inapplicable to Oklahoma because it had not adopted either one of the control methods.

“The intention of Congress manifest by the language of Section 223 (a), when read in the light of the committee report, is clear. It is to make it a federal offense to import or transport liquor into a dry state only when that state by its laws prohibits all importation or transportation of intoxicating liquor thereinto, or provides for and requires a permit or license to accompany intoxicating liquor that may be lawfully imported or transported thereinto.

“Absent both of these control methods, the federal officers charged with the enforcement of the Liquor Enforcement Act of 1936 would be required to make an investigation and ascertain the use intended to be made of intoxicating liquor imported or transported into the dry state. It was to obviate this necessity that Congress made the federal act applicable only to dry states which had adopted one or the other of the two control methods. To require cooperation on the part of dry states as a condition to federal assistance in the enforcement of its prohibitory laws is not unreasonable.

“Section 2 of the Twenty-first Amendment reads:

“The transportation or importation into any State, Territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the laws thereof, is hereby prohibited.’

“It is urged that this provision is self-executing and makes the acts charged in the indictment herein a federal offense.

“In *Vance v. W. A. Vandercook Co.*, 170 U. S. 438, 444, the court said:

“Equally well established is the proposition that the right to send liquors from one State into another, and the act of sending the same, is Interstate Commerce, the regulation whereof has been committed by the Constitution of the United States to Congress, and, hence, that a state law which denies such a right, or substantially interfores with or hampers the same, is in conflict with the Constitution of the United States.’

“The effect of Section 2 of the Twenty-first Amendment was to qualify the Commerce Clause so as to permit a state to prohibit or condition the importation or transportation of intoxicating liquor thereinto.

“Referring to Section 2 of the Twenty-first Amendment the Supreme Court in *State Board of Equalization of California v. Young’s Market*, 299 U. S. 59, 62, said:

“The words are apt to confer upon the State the power to forbid all importations which do not comply with the conditions which it prescribes.’

“In *Sancho v. Corona Brewing Corp.*, 1 Cir., 89 F. 2d 479, 481, the court said:

“The Twenty-first Amendment simply withdraws the exclusive control of Congress, under the commerce clause over commerce in intoxicating liquors, when their importation is in violation of the laws, of a state, territory or possession of the United States.’

“While since the adoption of the Twenty-first Amendment a state may prohibit or condition the importation or transportation of intoxicating liquor thereinto, we do not think Section 2 of the Amendment can be regarded as a penal section.

“The judgment is REVERSED and the cause REMANDED with instructions to dismiss the indictment.”

In order that we may have the benefit and protection of the national Liquor Enforcement Act of 1936, I recommend the passage of the legislation required by the opinion above quoted; and when such act is passed, I shall appoint only such persons as will carry out the spirit, intent and letter of the prohibition laws of the State of Oklahoma.

Since the Act of Congress wholly fails to protect dry states from the unlawful transportation of liquor into our state, it is our duty to act along this line, for in our present condition we must have the assistance of the Federal Government in this particular.

DENISON DAM PROJECT

When Oklahoma became a State and was admitted into the Union, she was admitted on an equal footing with all the older states in all respects as to rank, the exercise of sovereign powers and the restrictions placed upon all alike by the Federal Constitution. She became a sovereign state within her territorial boundaries, and possessed all the natural resources lying within her territorial boundaries. The southern boundary of the State, that is, between Oklahoma and Texas, although in some dispute at the time of statehood, was fully and finally adjudicated and settled by the Supreme Court of the United States on January 15, 1923, in a suit between Oklahoma and Texas, reported in 260 U. S. 606. In that case the Supreme Court of the United States held that:

“The boundary line between the states of Texas and Oklahoma along Red river as determined by the Treaty of 1819 between the United States and Spain, is along the southerly bank of that stream.

“The boundary intended is on and along this bank at the average or mean level obtained by the waters in the period when they reach and wash the bank without overflowing it.”

It has, therefore, been settled and established by the highest court in the nation that the territorial limits of the State of Oklahoma, insofar as the Red river boundary is concerned, extend to and include the waters and river bed of Red river to its South bank, and all of the lands including the Red river bed and the waters of Red river from the South bank of the river

northward, lie within the territorial limits of the State of Oklahoma, and compose a part of our State. It was also established by the Supreme Court of the United States, 258 U. S. 574, that that portion of Red river running along the North Texas border and the South Oklahoma border is not a navigable stream.

As I assume the duties of the office of Chief Executive of the State of Oklahoma, mindful of the solemn oath which I have taken in your presence and in the presence of the people of the sovereign State of Oklahoma, to support, obey and defend the Constitution of the United States and the Constitution of Oklahoma; and to protect and defend the State of Oklahoma in its sovereignty and its territorial boundaries and its natural resources and its people, I find that by legislation passed by the last session of Congress and approved June 28, 1938, the War Department was authorized and directed, without obtaining the prior consent or approval of the State of Oklahoma or any of the subdivisions of its government, to construct on Red river and within the State of Oklahoma a few miles south of the Town of Platter in Bryan County, Oklahoma, a dam to be known as the Denison Dam (H. R. 10618, 75th Congress, Third Session), and to acquire title thereof to all lands, easements, and rights-of-way for such project and the reservoir waters, by and in the name of the United States by condemnation proceedings or otherwise, and to erect a dam on Red river at said point which will be approximately 190 feet high above the river bed and will extend northward several miles into the State of Oklahoma, and that this legislation was based upon reports of Army engineers, showing that the proposed dam and reservoir waters created thereby would inundate approximately 200,000 acres of first and second bottom land in the Red River Valley and the valley of the Washita. I have examined Document No. 541 of the 75th Congress, Third Session, consisting, among other things, of a report to the House of Representatives, United States Congress, by the Secretary of War, including in which is the report of the Chief of Engineers, United States Army, together with accompanying maps, schedules, tables and diagrams. Practically all the information I have on the subject is of necessity based upon said United States Government reports, because there has been no report nor investigation made on the part of the State of Oklahoma. From an examination of the United States Government reports, I find that the erection of the dam and the impounding of the waters of Red river and the Washita for the reservoir will permanently and at all times inundate thousands upon thousands of acres of rich, fertile, tillable lands in the river valleys in Oklahoma; that the reservoir waters will completely inundate the towns of Aylesworth and Woodville, in Marshall County, and approximately one-third of the townsite of Tishomingo, in Johnston County; as well as many thousands of valuable acres of the finest, most fertile agricultural lands in the Red river and Washita Valleys, extending through the counties of Johnston, Bryan, Marshall, Love and Carter, in Oklahoma. I also find that such proposed reservoir waters will completely inundate many miles of improved State Highway No. 12, running southward from the town of Ravia in Johnston County, and Eastward from the town of Mannsville; and many miles of improved State Highway No. 48, running southward from the town of Tishomingo to the town of Madill; and many miles of improved U. S. Highway No. 70, running southeast from the of Madill to the town of Ayleworth and Mead; and many miles of improved State Highway running southward from the town of Madill to Kingston and to Woodville, and crossing Red river at the State Highway Bridge sometimes referred to as the Denison-Red River Bridge, and that it will completely destroy and cover this bridge, and that the reservoir will destroy the bridge and approaches thereto at Red river between Thackerville, Oklahoma and Gainsville, Texas. So far as I have been able to learn, no report has been made showing how many miles of improved county and township roads the reservoir waters will

completely cover and destroy, nor has any chart been set up showing the telegraph lines, telephone lines, power lines and pipe lines covering the area involved, which will also be completely destroyed. But, according to said reports, many miles of railroad lines which have heretofore been paying taxes for the support of local government and common school education in the districts involved will be destroyed, to wit: The lines of the C. R. I. & P. R. R. between the towns of Mannsville and Tishomingo, and between Tishomingo and Milburn; the lines of the St. Louis & San Francisco Railroad Company between the towns of Ravia and Madill, and between Madill and the town of Platter in Bryan County; and many miles of railroad between the town of Madill and the town of Mead, in Johnston County; and many miles of Rock Island lines between the towns of Tishomingo and Milburn, and many miles of the Frisco lines between Thackerville, Oklahoma, and Gainesville, Texas, as well as the bridge upon which these lines cross Red river.

In addition to the destruction of vast public improvements in the proposed reservoir area, the construction of the proposed dam and the impounding of the waters of the Red and Washita rivers will take permanently from the tax rolls of the school districts, counties and cities in the southern and southeastern Oklahoma a large part of their most valuable cultivated land; land from which they derive a considerable portion, and in many instances the major portion, of the ad valorem tax revenues which are used for the support of common schools and county and city governments. Indeed, I am convinced that the proposed taking of these lands by the Federal Government will impoverish whole counties and innumerable school districts.

From the standpoint of the State as such, the erection of this dam, if carried into effect, the impounding of the reservoir waters above it, and the forceful and arbitrary taking of our lands for that purpose, will completely change the territorial boundaries of the State of Oklahoma. A permanent and continuous stage of flood waters will be forced back and upon and into the State of Oklahoma for approximately forty miles northward from Red river, extending in a north and northwest arch into Marshall, Bryan, Johnston, Love and Carter counties. The south bank of Red river as a territorial boundary line will be destroyed, for there will be no south bank of Red river. In fact, there will be no Red river at this point at all, if this project goes through. It amounts to the proposed destruction of all lands, streams and natural resources without our consent – it will paralyze all arteries of transportation and traffic between southern Oklahoma and southeastern Oklahoma, and will paralyze the existing communication systems between those portions of the State.

The proposed reservoir waters will almost completely surround Marshall County, leaving it cut off from the rest of the State on all sides except for a small gap of a few miles at the northwest corner of the County. This project would cause complete revision, replanning and rebuilding by the State of Oklahoma as regards all highways in southern and southeastern Oklahoma, and all facilities of transportation and communication in the entire south and southeastern portions of the State.

All U. S. Government reports made as to this project show it was designed for the almost exclusive benefit of the state of Texas, Louisiana and Arkansas. The most favorable view taken by any of the agencies reporting is that not more than one-fifth of the estimated benefits of this proposed project would accrue to the State of Oklahoma. In my judgment such benefits as would accrue to Oklahoma would not off-set her damage.

At no time prior to enactment of the Resolution before mentioned was it ever supposed or did the Federal Government ever pretend that it had the right to erect dams and impound flood waters in this State without the specific consent and cooperation of the State and its political subdivisions affected. But this Act contains an amendment, inserted on the floor of the United

States Senate for the first time, referred to as the “Barkley Amendment”, which contains, in substance, the following language:

“Notwithstanding any restrictions, limitations or requirements of prior consent provided by any other act, the Secretary of War is hereby authorized and directed to acquire, in the name of the United States, title to all lands, easements and right-of-way for any dam and reservoir project – “

By other sections and provisions of the same bill, the Denison Dam Project was specifically authorized at an estimated cost of approximately \$56,000,000.00.

So far as I have been able to ascertain, neither the views, concerns, objections nor advice of the sovereign State of Oklahoma have been invited or heard by either branch of Congress or by any committee thereof, on this most vital and far-reaching Act, but on the contrary, it was passed in the closing days and hours of the last Session of Congress without opportunity on the part of our State to be heard. Fortunately, however, moneys were not available for the prosecution of actual construction work on the Denison Dam Project, and I am reliably informed that such work will not commence until a specific appropriation in the sum of \$56,000,000.00 shall have been made for that purpose.

A project, the carrying on and completion of which so vitally affects the territorial domain and boundaries of the State of Oklahoma, and the lives, health, property and future well-being of our people – indeed, the sovereignty of the State of Oklahoma as one of the indestructible states of the Union, should not be permitted or authorized by Congress without granting to the people of this State an opportunity to be heard, even if such legislation be constitutional.

I therefore recommend and urge that you pass appropriate legislation requesting the present Congress to grant a hearing or hearings before its appropriate committees, so that Oklahoma’s position may be made known, and that we may present to such committee a report as to the far-reaching and devastating effects this proposed project will visit permanently upon our state and its citizens, and the encroachment thereby made upon our territorial integrity.

And since no investigation by the State of Oklahoma has as yet been made, I further recommend that you pass appropriate legislation authorizing and directing the Governor to proceed to take necessary steps to investigate the proposed Denison Dam Project from the standpoint of the State of Oklahoma and its citizens, and to prepare data and estimates upon the value of the lands, utilities, railroad lines, state and local subdivision improvements which would be destroyed by such project, and the probable cost of replacing or substituting the same, rerouting transportation and communication systems in the district affected, to the end that a proper and adequate finding may be made and a proper showing made to the National Congress, or, if necessary, to the courts.

The 17th Clause, Eight Section of the First Article of the Constitution of the United State, provides:

“The Congress shall have power – to exercise exclusive legislation in all cases whatsoever over such districts, not exceeding ten miles square, as may by cession of particular states, and acceptance of Congress becomes the seat of the Government of the United States *and to exercise like authority OVER ALL PLACES PURCHASED BY THE consent of the legislature*

of the State in which the same shall be for the erection of forts magazines, arsenals, dock yards, and other needful buildings.

The first legislature after statehood enacted what was known as Chapter 29, Section 1, Session Laws of 1907, carried forward in the Oklahoma Statutes of 1931, as Section 10053, to wit:

“The consent of the State of Oklahoma is hereby given, in accordance with the Seventeenth Clause, Eight Section of the First Amendment of the Constitution of the United States to the acquisition by the United States by purchase, condemnation or otherwise, of any land in this State required for sites for custom houses, postoffices, arsenals, forts, magazines, dock yards, military reserves, forest reserves, game preserves, national parks, irrigation and drainage projects, or for needful public building, or for any other purpose of government.”

While, of course, by no stretch of the imagination could it be supposed that the Legislature intended thereby to give the consent of the State to the forceful acquisition by the United States of any considerable portion of the State’s territory which would change the boundaries of the State, destroy the lands and properties of vast numbers of the State’s citizens, and impoverish whole counties and local subdivision of government, all for the benefit of citizens of other states; yet it might conceivably be that those who are sponsoring the proposed Denison Dam Project hope to rely upon the above statute, and in view of this condition of affairs, I recommend to you the immediate repeal of said Section 10053, O. S. 1931.

I referred awhile ago to the fact that the State of Oklahoma, when it came into the Union and was admitted to statehood, did so upon an equal footing with all other states as to rank and the exercise of sovereign powers. It became an indestructible State – a component part of an indestructible Union. The Supreme Court of the United States aptly defined a State in the case of *Texas vs. White*, decided at the December Term of the United States Supreme Court, 1938, wherein the Court said:

“In the Constitution the term State most frequently expresses a combined idea of people, *territory* and government. A state in the ordinary sense of the Constitution, is a political community of free citizens *occupying a territory of defined boundaries and organized a Constitution and established by the consent of the governed.*

“The perpetuity and indissolubility of the Union by no means implies the loss of district and individual existence, or of the right of self-government by the States – and we have already had occasion to remark at this term that “the people of each State compose a State, having its own government and endowed with all the functions essential to separate and independent existence, and that without the States in the Union, there can be no such political body as the United State’ –. Not only, therefore, can there be no loss of separate and independent autonomy to the States, through their union under the Constitution, but it may be not unreasonably said that the preservation of the States, and the maintenance of their governments are as much within the design and care of the Constitution as the preservation of the Union and the maintenance of the National Government. The Constitution, in all its provisions, look to an indestructible union composed of indestructible states.”

If by one fell swoop the Federal Government can, without the authority or consent and against the wishes of the State of Oklahoma, invade the State and take away its properties and the property of its citizens, destroy its public improvements, utilities, destroy the rivers and streams of the State, paralyze industry, destroy school districts, impoverish whole counties, change our boundary lines and rob the State and its citizens of their natural resources, then, indeed, it seems to me that the preservation of a Union of indestructible states has become a myth. I submit to you that the Federal Government is not entitled to deprive the State of Oklahoma and her people of our natural resources, our God-given assets, whether rich valley lands, gold, oil, timber or any other incident of sovereignty. If the Federal Government can do this, then it can, with equal propriety, take all the other natural resources of the state, and, indeed, destroy the State. I think proposed project authorized by H. R. 10618 above referred to, and known as the Denison Dam Project, constitutes the most shocking disregard of states' rights that has yet occurred. It is a most significant change in the attitude of the United States toward a Union of indestructible states. In my opinion, it is a complete departure from our form of government. It threatens every vestige of state control and state's rights. It changes a well defined policy of cooperation. It aims at the destruction of a balance of power between the state and national governments. In short, it aims at the destruction of the Union.

To sit idly by and allow this to occur without objection, would be to make a complete surrender to the Federal Government of our national resources and our independence as a sovereign state. I consider the legislation a violation of constitutional rights, and an attack upon the Union. It is an attempt to do that which the Constitution says cannot be done. That is, an attempt to create a new state or territory out of another state, to divide up one of the states, change its boundary lines and change the title to its lands. Never was there any idea in the minds of the founders of the Union that Congress could change this Union or the status of any of the States which compose it. Or that Congress could change the rights of the States. Indeed, they undertook to safeguard against such attempts, and amply did so by placing in the United States Constitution Section Three, Article Four, the following:

“New states may be admitted by the Congress into this Union, but no new state shall be formed or erected within the jurisdiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislature of the state concerned, as well as of Congress”.

I submit to you that the people of Oklahoma are entitled to have saved to them, if possible, the right to participate in the decision as to what lands in the State of Oklahoma shall be submerged with water; the right of participation if you please, in the decision of the question as to whether the inhabitants of this State shall be forced off and driven out and sent away and landed, perhaps, where the Federal Government says they can live – rehabilitated somewhere, possibly, to use an expression that has of late become popular, and moved out without their consent, willy-nilly.

The investigation on the part of the State of the value of the lands to be destroyed, and public improvement to be destroyed, is emphasized by the fact that in the government reports, the pitably small sum of \$27.31 per acre is estimated as the value of the rich, fertile bottom lands of the Washita and Red River Valleys, and this, mind you, also includes the estimated value of town and city property to be utterly destroyed.

My attention has been called to the fact that it is hoped by the industrial centers of North Texas, mainly the Dallas and Fort Worth area, that sufficient waters may be diverted from the proposed dam reservoir into the Trinity river in Texas, so as to make the same navigable.

I am advised by Mr. C. B. Bee, Traffic Advisor and Special Counsel for the Corporation Commission, that the testimony of experts taken by the Board of Army Engineers shows that the canalization of the Trinity river in Texas would give the Texas Counties which are tributary to Trinity river a savings as high as 13 _ cents per hundred pounds on the transportation cost of wheat, and a similar savings on other raw farm products, while at the same time only two Oklahoma counties would be at all benefited, the counties of Love and Bryan, and these counties would save not more than one cent per hundred pounds as against 13 _ cents for the Texas counties across the river. That cotton produced in said counties in Texas would supply the demands of the Southeastern Spinners at a materially lower rate than any other cotton produced in the southwest, including also, of course, Oklahoma cotton. That gasoline refined in East Texas, from Texas oil fields, would move down the Trinity by barge, thence through the intercoastal canal, thence up the Mississippi and the Missouri rivers and displace gasoline now moving from Oklahoma to Kansas City, Omaha and the Twin Cities of Minneapolis and St. Paul, all of which would lower the price of Oklahoma crude oil in order to absorb the higher transportation costs. That the inbound movement of farm implements, groceries, drugs and the like using water rates to the Dallas-Ft. Worth area, as against all rail rates to Oklahoma, it was apparent that the Dallas and Ft. Worth merchants and jobbers would be able to control the traffic as far north as Pauls Valley, and meet competition, on an equal basis, as far north as Purcell. All this may be done, Gentlemen, by digging a comparatively inexpensive canal from the proposed reservoir waters of Denison Dam southward to the water shed basin of the Trinity river, North of Dallas, an estimated distance of approximately 27 miles, and indeed, I observe from reading the Watershed Journal of August 6, 1938, that the length of the proposed channel need not be in excess of eight miles.

I have been shown a letter under date of December 31, 1938, recently circulated by G. W. Archibald, a present member of the Planning and Resources Board of Oklahoma, representing to the members of the Legislature of the State of Oklahoma, to use his own words, "To get the waters from this proposed lake to Dallas and Fort Worth would require an engineering feat that would make the building of the Panama Canal child's play, and the cost would be so much more than the Panama Canal that it has never been considered". It is regrettable, indeed, that a man who pretends to be a responsible public official of the State of Oklahoma would issue such a preposterous statement. The proposed canal from the Red river reservoir to the water shed basin of the Trinity river would cost so little that I dare say the money could be raised by public subscription in the cities of Dallas and Fort Worth within forty-eight hours. While the Panama Canal, which was begun by a French company in 1881, absorbed six years of work by this company at a cost of \$226,000,000.00, and the work finally being taken over by the United States Government, which cost this government an additional \$378,000,000.00 to get the canal in such shape to allow ships to pass through, and this does not take into consideration immense amounts of money which was necessary to be expended to make the canal fit for ship passage, etc., nor does it take into consideration huge amounts of money spent by other concerns in carrying on the work after the French company failed and before the United States Government took it over.

The result of the impounding of the waters of Red River in the proposed reservoir would be that Oklahoma lands and properties would be taken and destroyed, and the Oklahoma territorial boundaries destroyed and inundated by water, for the advantage of the Dallas-Fort Worth merchants, jobbers, and freight receivers, and for the benefit of the Texas producers of grain and cotton and the producers and refiners of oil, and that for every advantage to one of these classes in Texas, there would be a corresponding damage and detriment to the same classes in Oklahoma.

I also found from reading the United States Government reports above referred to, that the proposed Denison Dam is to be erected for the purpose of generating power, or for the dual purpose of generating power and controlling flood waters (if that be possible). In this respect, I am informed by competent engineers, that in order to utilize the dam for hydro-electric power, it would be necessary to keep the dam full of water and the reservoir area continuously flooded, and it stands to reason that if the reservoir area is to be kept full of water it will not only be ineffectual as a flood control project, but on the contrary would create a worse flood hazard, both above and below the dam, than you and I would care to imagine. This was attempted recently in the State of Texas on the Colorado River several miles above the City of Austin, and you all know what happened last summer. The reservoir was kept full, and when the spring freshets came there was nothing to do but let the water out, which the Government did, and as a result of it the whole Colorado River Valley below the dam was washed away and water stood on the streets of Austin ten feet deep. It took the citizens living in the valley the citizens living in the valley below the dam entirely by surprise, caused the death of many, and untold millions in damages to homes, properties and growing crops. In addition to all this, I leave it to your imagination to estimate what would happen to the territory in Oklahoma surrounding the proposed reservoir waters, in the rainy season when the danger of floods is at its peak. What would happen to the cities of Chickasha, Anadarko, Pauls Valley, Wynnewood and Ardmore? What would happen to the citizens of Bryan and McCurtain Counties, living in the Red River Valley below the proposed dam site? I think you will agree with me that the proposed reservoir, as now outlined by the United States Government reports, would create the worst flood in Oklahoma in the valleys of the Washita and Red River, which could possibly be imagined, and I might add that if flood control is desired, it can be accomplished for the benefit of Texas, Arkansas, Louisiana by controlling the waters of Red River and the Washita by the erection of a series of lesser dams along the course of these rivers without creating a flood hazard to Oklahoma, but possibly conferring a downright benefit to the State.

If the Government intends to spend \$56,000,000.00 for flood control, I would like to see fifty-six dams costing a million dollars each, or possibly one hundred dams costing approximately \$500,000.00 each, constructed up and down the Washita River and Red River. The construction of such a series of dams would not only afford flood control protection for the states of Arkansas, Louisiana and Texas, but would afford flood control in the Washita Valley and Red River Valley to the Oklahoma farmers and confer a tremendous benefit upon all states concerned.

It is my earnest hope and desire that we may be able to persuade the Federal authorities to do this, and in so doing we might, in that way, if in no other, escape the catastrophe which threatens the southern and southeastern portion of our State, and the very sovereignty and economic life of the State as a whole.

LOBBYING

In order that we may fully attain our ambition to regain the respect of the citizenship of this State, I inform you now that I shall not authorize or permit any departmental or institutional head, or employee thereunder, to so lower themselves as to become lobbyists on the floor of the Senate or House of Representatives in the passage of legislation.

I trust that the members of this Legislature will be able to protect the name and honor of the membership from improper lobbying. But in the event pernicious lobbying does threaten the good name of the State of Oklahoma, I shall offer additional protection by vetoing any bill passed under such circumstances.

PARDONS AND PAROLES

I shall not appoint any pardon and parole board, and shall limit my staff in that department to a Pardon and Parole Attorney, and his necessary clerical help. And I shall limit the exercise of executive clemency to cases where I am convinced that either a reformation has been attained, or an injustice has been done.

PRIVATE INVESTIGATORS

I recommend that you provide such appropriation as may be necessary for the salary and traveling expense of not to exceed six persons, to be appointed by the Governor and used by him in securing the information necessary to the protection and welfare of the State. You, of course, will make proper appropriations for the operations of our necessary departments and institutions.

BY THE GOVERNOR OF THE STATE OF OKLAHOMA

Leon C. Phillips

About Digitizing the Governors' State of the State Addresses

Section 9, Article 6 of the Constitution of Oklahoma provides as follows:

“At every session of the Legislature, and immediately upon its organization, the Governor shall communicate by message, delivered to joint session of the two houses, upon the condition of the State; and shall recommend such matters to the Legislature as he shall judge expedient.”

From statehood in 1907 to present, the state of the state addresses of Oklahoma's Governors have been recorded in pamphlets, booklets, and Senate Journals. One could not foresee the toll that time would take on the earliest of these documents. When these items first arrived at the Oklahoma State Archives, the leather bindings had dried considerably, cracking the spines significantly. Due to the acidity in the paper, many pages have darkened with age. Some of the more brittle pamphlets crumble at the slightest touch.

Thus when we decided to digitize these materials, we faced two challenges: the safety of the original documents and ease of viewing/reading for patrons. Our primary objective was that the unique and historic qualities of the documents should be reflected in the website. However, older fonts would not digitize clearly when scanned and even using a flatbed scanner could cause the bindings to worsen. An image of each page would increase download time considerably and any hand-written remarks or crooked pages could be lost. We decided to retype each document with every period, comma, and misspelled word to maintain the integrity of the document while placing some unique images of the documents online. Patrons can download the addresses quicker and view them clearer as well as save, print, and zoom with the Adobe Acrobat Reader. We have learned much from our efforts and we hope that our patrons are better served in their research on the state of the state addresses of Oklahoma's Governors.