

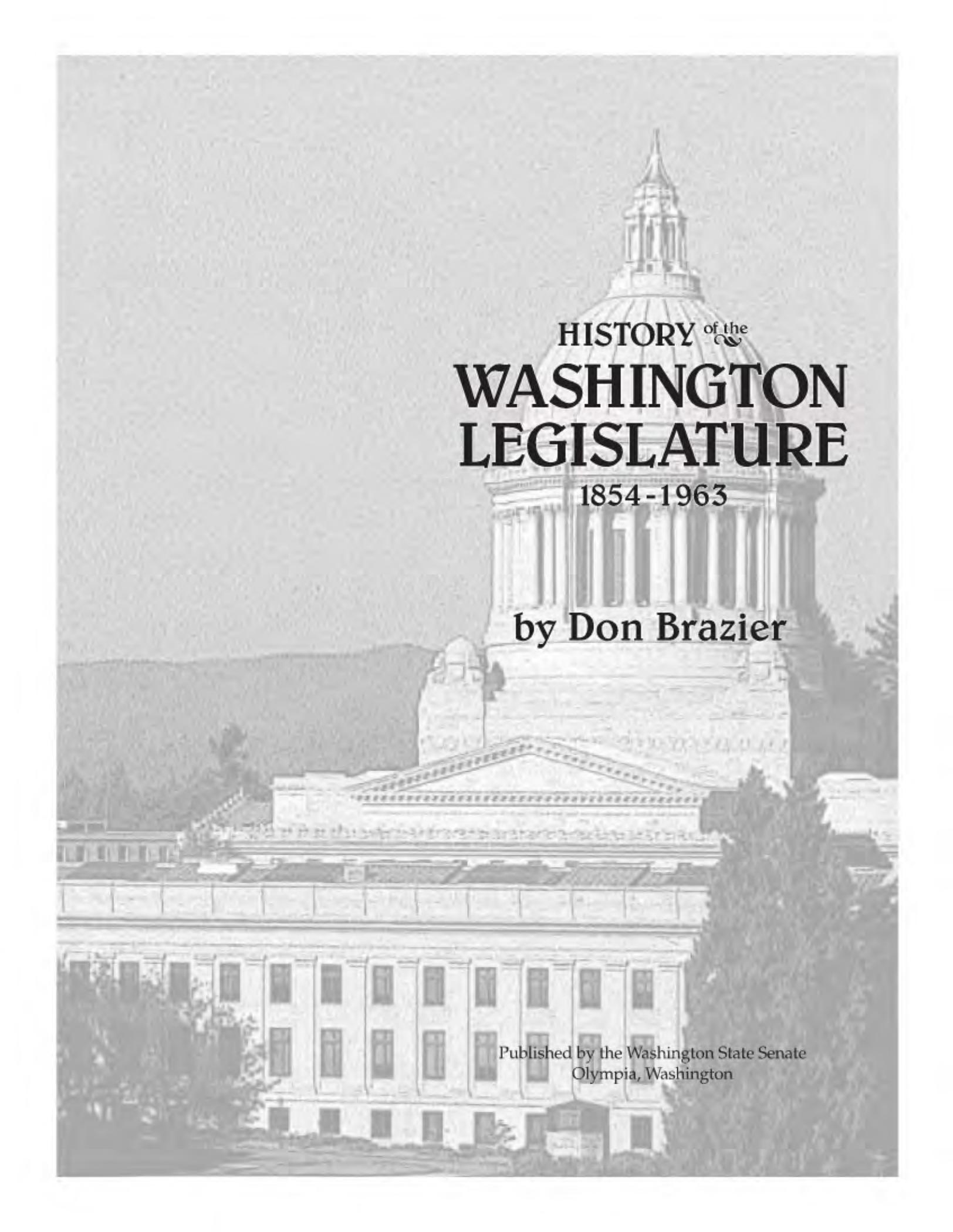
HISTORY of the  
**WASHINGTON  
LEGISLATURE**

1854 - 1963



by Don Brazier

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**WASHINGTON**  
**LEGISLATURE**  
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# WASHINGTON LEGISLATURE

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Sid Snyder and Ralph Munro have each been treasured friends for more than 30 years. They probably know more about the history of this legislature than any other two people. I am honored and flattered that they would write brief forwards. There are many who have offered encouragement as I spent day after day seated at the microfilm machine in the Washington Room at the library. It is a laborious task; not easy on the eyes. They include my sons, Bruce and Tom, Scott Gaspard, Representative Shirley Hankins, Shelby Scates, Mike Layton, the late Gerald Sorte, Senator Bob Bailey, Senator Ray Moore and his wife Virginia, Rowland Thompson, and numerous others who I know I've forgotten to mention. My special gratitude goes to Deanna Haigh who deciphered my handwriting and typed the manuscript. I also can't neglect to thank those who have helped me have a part in the history of this great state during the past forty years. They include Yakima County Prosecutor and later Judge Ray Munson. U.S. Attorney and later Judge Dale Green, Governor Dan Evans and Senator Slade Gorton.

Finally, I dedicate this manuscript to Lt. Governor Joel Pritchard, a friend since I was 6 years old. He rented my spare bedroom during his second term as Lt. Governor. We spent countless hours talking and reliving our experiences. Without his counsel and encouragement this project might never have been done.

## Foreword by Ralph Munro

Dear History Buffs:

For years I have dreamed of a book like this. But how will we ever find an author, determined and dedicated, to writing a detailed account of our state's political history? Someone who will look at the legislative, judicial, and executive branch, year by year, session by session, debate by debate, issue by issue.

Don Brazier has my admiration and respect for taking up the task. His thorough research, painstaking details and personal legislative experience all add up to an excellent volume. Humorous incidents, floor fights, scandals... they are all recorded here. This is a "must read" for true Washington history buffs.

Thanks Don and all the others who worked on this fine book. And an additional salute to all who have served in the Capitol of Washington State.

A handwritten signature in black ink, appearing to read 'Ralph Munro', with a large, stylized initial 'R' and 'M'.

Ralph Munro  
Secretary of State

## Foreword by Senator Syd Snyder

Publication of Don Brazier's *History of the Legislature, 1854 - 1963*, provides the first comprehensive, integrated historical record of the Washington Legislature. He is to be commended for the important work he has undertaken and completed. It will be a resource for every citizen of our state and fulfills a crucial need by closing an historical gap.

Don spent hundreds of hours researching, compiling, cross-checking and faithfully reporting source documents. His labors have most certainly paid off - the end result is not only an invaluable historical record, but also a lively, entertaining, and easily readable book.

I know from personal experience that Don Brazier is the most qualified person to assemble and present this information. He is committed to state government and is passionate about its institutions. Don's own career in state government includes election to the House of Representatives, service as Chief Deputy Attorney General, chairing the Washington Utilities and Transportation Commission, as well as lobbying the legislature on behalf of a number of clients. He has devoted years to the study of the history of the legislature in order to bring this book to us.

As it progresses through the years, *History of the Legislature, 1854 - 1963* relates the stories of those who served in the legislature and actual accounts of what the early legislative sessions were like. It is truly amazing to read about the hardships that our early legislators endured in just getting to Olympia. I am thankful that my trips to our Capitol from Long Beach do not involve the harrowing canoe rides and horseback adventures that my predecessors' did!

Legislators faced monumental challenges throughout the years of Territorial Government and Statehood. Don has done a great job of putting the reader in Olympia during some of the most difficult sessions ever conducted. One of the most gripping passages is about sessions held during the ravages of the Great Depression, as it produced a desperate need for social programs and short state revenues with which to finance them.

I want to thank Don Brazier for his dedication and tenacity. His masterful work is a gift to every citizen and to future generations of Washingtonians.



Syd Snyder  
State Senator, 19th Legislative District

## Preface

Democratic institutions are remarkable in their continuity and their flexibility. Ever since rising to be sworn in as a member of the Washington State House of Representatives in January of 1967, I have been enthralled by the institution.

About four-fifths of our legislative history preceded my arrival on the scene and one-fifth has happened since. From time to time over the years I have immersed myself in the state library in an effort to learn more about our legislative forebears, their antics and their accomplishments. Much of what they did was mundane and barely worthy of note. The same can be said of those who serve today. There are also occasions of real accomplishment, of joy, of pathos, of valor, of stupidity, and even of malice. There have been men, and in later years, women of great ability and devotion, who have served the territory and the state well and with great distinction. There have also been a share of scamps.

This narrative is not an attempt to create a textbook. It is rather an effort to highlight some of the more notable events of our legislative history. When I started, I read the journals of the early territorial and state legislative sessions. They did not provide enough detail and I soon resorted to reading newspaper accounts of each session. Most of what is contained herein is drawn from contemporary newspaper accounts of the legislative proceedings.

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## Chapter I: Territorial Annual Sessions 1854-1867

It is hard to tell just how interested our early settlers were in their legislature. Perhaps their interest was even less than that indicated by most citizens today. Communication was very sketchy; settlements were few and far between. Mail delivery was periodic and not wholly reliable and roads were almost non-existent. In the very early years, most settlements were near the water, Puget Sound, Willapa Harbor, and the Columbia River. The first organized counties were all west of the Cascades. Walla Walla was the hub of the eastside, and at the outset, its county included all of Eastern Washington, and parts of Idaho, and Montana. In 1863 the current boundaries of Washington were established.

Arthur A. Denny was one of the original settlers of Seattle, arriving on Elliott Bay in November of 1851. He was elected to the first Territorial House, he subsequently served on the Council and later returned to the House. In the mid-1860's he was elected as the territorial representative to the U.S. House of Representatives. Late in his life he wrote a small book about the early days of Seattle and environs. In that book he never referred to his legislative service. Only a small number of the territorial legislators served more than a single term. Most were merely performing a public service. Some, not many, had their own agendas and sought personal gain. With the passage of almost 150 years, and the myriad of change which has transpired in the world, it is amazing that the legislative process has changed so little.

The Oregon territory was created in 1846. It encompassed a vast territory from California to Canada and from the Rockies to the Pacific Ocean. The original seat of government was Oregon City. In the development of the American West, controversy over the location of state capitals and county seats was common. Oregon was no exception. By 1851, the territorial capital was removed to Salem. This move was very unpopular with members from along the Columbia River. They convened a rump session in Oregon City but ultimately conceded and proceeded to Salem. Meanwhile there were, in 1850, fewer than 2,000 white settlers in the area north of the Columbia. Most were situated along the Columbia River, in settlements on Willapa Bay and at a few locations on Puget Sound. The first settlers did not arrive in the Seattle area until the late autumn of 1851. After the Whitman Massacre in 1847, all of the territory east of the Cascade Mountains was closed to settlement.

After the determination of the American-Canadian border at the 49th parallel a steady stream of immigrants moved into the area north of the Columbia River. There soon developed a dissatisfaction with the existing government. Salem was simply too far away and travel and communication were difficult. A July 4, celebration was held at Olympia in 1851. Much

discussion centered on the problems of territorial government. As a result, under the auspices of John Jackson, a meeting was convened at Cowlitz Prairie on August 20, to explore separation from Oregon and creation of a new territory and to seek creation of key roads in the territory. A year later another gathering was scheduled. It was held at Monticello (Longview) as an accommodation to settlers along the Columbia who were less disposed to form a new territory than those from the more remote settlements on the Cowlitz and on Puget Sound.

Notice of the first meeting was circulated throughout the territory. Prospective representatives from the Willapa Bay settlements attempted to reach Cowlitz Prairie through the Willapa Hills but were forced to turn back. They subsequently crossed to Grays Harbor and used boat and canoe to cross the harbor and travel up the Chehalis River. Finally, they completed the trip to Cowlitz Prairie on foot arriving after the meeting was ended.

The second session convened at Monticello in November, 1852 and petitioned Congress to create Columbia Territory. Accounts by delegates tell of the primitive accommodations available in Monticello. Delegates provided their own bedrolls. One group found space in the attic of a private residence. The setting was not replete with creature comforts. One contemporary account tells of evenings spent regaling one another with adventures encountered in their migration to the West. There is the clear implication that these sessions often included the liberal consumption of certain libations.

The petition for creation of the new territory was immediately dispatched to Washington, D.C. Ironically, the petition did not reach Washington, D.C. until some time after Oregon's Representative Joseph Lane had already introduced the measure which resulted in creation of Washington Territory. His action must have been influenced by the earlier meeting at Cowlitz Prairie.

Washington territory was created in 1853. It was carved out of the Oregon territory and consisted originally of all of what is now Washington and part of Idaho and Montana. President Franklin Pierce appointed Isaac I. Stevens, first territorial governor and he, upon arrival in the territory, called for elections to the legislative assembly which was to consist of a nine-member Council and an eighteen-member House.

Governor Stevens was a native of Rhode Island and a graduate of West Point. In addition to his appointment as Governor of the new territory which Congress had named Washington rather than Columbia as proposed by the settlers, he was commissioned to conduct a survey of the lands en route. He was also appointed superintendent of Indian Affairs.

Word of Stevens impending arrival in the village of Olympia had preceded him and an arrival banquet was in preparation in a local hotel. Legend has it that Stevens, a man of small stature, rode into town alone, unannounced and hungry. He asked for a meal at the establishment where his arrival banquet was being prepared. It was not until after he had been fed that the locals learned that their lone visitor was, in fact, the new Governor. Stevens proclaimed January 30, 1854, as the date for election of the first legislative assembly.

## 1854 First Session

At the time of that first election in January of 1854, there were about 4,000 non-Indian settlers in the territory. The Legislature convened in Olympia on February 27, 1854. As one looks upon the classic buildings and beautifully tended gardens which are the Capitol Campus today, it is hard to believe that scarcely two life times ago this location was a wilderness. Olympia, was a frontier village in existence for less than half a decade. There were a few buildings and a couple of muddy streets. The Legislature convened in cramped quarters on the second floor of The Parker-Coulter Dry Goods Store on Main Street (now Capitol Way). The spot was not far from the current intersection of Capitol Way and Olympia Street across the street from the community center. The legislative chambers were accessible by a stairway on the outside of the building and consisted of two rooms.

The newly elected members arrived on foot, on horseback, and by canoe or small boat. Their average age was 28 years. Ten were farmers, seven were lawyers, four were mechanics; no other occupation was represented by more than one member.

At the election on January 30, there were fewer than 1,600 votes cast by adult males. A delegate to Congress was also chosen. Democrat Columbia Lancaster received 698 votes to 500 for the Whig candidate William Wallace.

Eight of the nine members of the Council were present at the opening of the session on February 27. The nine elected Council members included two from Clark County, two from Lewis and Pacific; two from Thurston, two from Pierce and King, and one from Clallam and Jefferson.

The Council proceeded to elect George McConaha from King County as president. He was a lawyer from the two-year old village of Seattle. He had previously practiced law in California and had located temporarily in Olympia before settling in Seattle. He had been chairman of the Monticello meeting in 1852 and apparently possessed strong leadership qualities. McConaha wanted to be the Democrat candidate for delegate in Congress, however, shortly before the nominating convention in late 1853 false



*(Photo courtesy of the Washington State Library, Washington Room)*

### **Parker-Coulter Building**

*The first territorial legislature met in 1854 on the second floor of this frame building. It was constructed in 1852 by Edmund Sylvester, Olympia's founder, as a general store and had living rooms for the Sylvester family on the upper floor. The building became the Parker-Coulter Dry Goods store and then the Gold Bar Restaurant. Originally located on Main St. (now Capitol Way) near Third Ave. it was later moved to the rear of a lot and abandoned.*

rumors circulated about his earlier activities in California. He was certain he could document the falsity of the rumors but it would take considerable time. Not wanting to jeopardize the prospect of sending a Democrat to Congress he withdrew from consideration and subsequently ran for and was elected to the Council from King County. He was chosen Council president on the first ballot without opposition. There followed balloting for clerk of the Council. It took twenty-five ballots before H. Frost of Pierce County was chosen. He served one week and resigned alleging that problems with his eyesight would not permit him to serve. Elwood Evans of Thurston County was chosen to serve as clerk after three ballots. He had been the leading candidate in the early voting but had withdrawn when he was unable to gather a majority. Mr. Evans was to be a notable figure in the territory until statehood and subsequently served in the first state legislature.

F.A. Chenoweth of Clark County was chosen as speaker of the eighteen-member house. The other officers of the house were chosen without serious controversy.

Clearly, life was not easy on the frontier. A government was being established at the same time that homes, businesses, farms, and towns were being carved from the wilderness. An example is the experience of Pacific County in getting a member to the house. J.L. Brown was nominated but died before the election. Jehu Scudder was certified as his successor and was duly elected. Mr Scudder set out for Olympia but died en route. There were fewer than 150 residents in Pacific County at this time. There were two ways to get to Olympia. The first was to go up the Columbia to Monticello (Longview), then up the Cowlitz to Cowlitz Prairie (Toledo) and then over land to Olympia. The other way was to travel up the Long Beach peninsula on the beach to Oysterville, then by small boat or canoe across Willapa Bay to the north shore near Tokeland. From there one would cross to Grays Harbor and again by boat or canoe cross the harbor and then proceed up the Chehalis and Black Rivers to Black Lake. After crossing Black Lake the last leg was on foot or horseback to the capital.

After the death of Mr. Scudder, another election was held and Henry Fiester was elected. Mr. Fiester proceeded to Olympia where he was duly seated on Wednesday, March 30. That evening Mr. Fiester joined a number of colleagues in the bar of the building which later became Young's Hotel. Shortly after his arrival he collapsed and fell from his chair, dead.

Pacific County remained unrepresented. James Strong was a lobbyist in Olympia. He obtained from the Governor a proclamation calling for a new election in Pacific County. Strong jumped on his horse and headed down there. He returned, somewhat miraculously, with a certificate of his own nomination and election. Though many observers claimed Strong was a resident of Thurston County, he was sworn in and served from April 14 until the end of the session.

Members of that first Legislature were paid \$3.00 per day. However, even as now, there were some informal fringe benefits. It was mentioned that the door keeper kept a generous supply of whiskey in a closet outside the chambers and that numerous members regularly partook of the contents of the closet upon their arrival.

Early in that first 1854 session much of the action and debate dealt with the construction of roads. One of the most vital was a proposed road from Steilacoom to Vancouver. Debate centered on the cost to be born by the counties through which the road would pass.

It may be speculated as to how great the pressure of business was in that a ten day Easter recess was taken from March 31 to April 9. The session concluded in 60 days with much debate late in the session centering upon a voting law and liquor legislation. During debate in the House on the voting law, Arthur A. Denny of King County offered an amendment to allow women to vote. It lost on a vote of nine-nine. One of the no votes was a member married to an Indian who voted no because only white women could have voted.

A key event of the last days of the first session took place on April 17, when the two houses met in joint session to elect territorial officers. The officers to be elected were the printer, treasurer, librarian, and auditor. The printer's position was the real plum, as with the job went all public printing about the only remunerative patronage which the new territory had to offer. The position of public printer was to remain highly controversial and political for at least 50 years. In both houses in the first session there was a Democrat majority. The minority were Whigs or did not designate a party. Primarily because of slavery issues the Whig party nationally was in a state of disarray and the Republican party was not to emerge for another two years.

At the conclusion of the session there was apparently a Sine Die celebration. At least one account of the festivities relates that Denny and McConaha of King County were accosted and coaxed back to the celebration as they were about to embark by boat for Seattle. Denny was a teetotaler and McConaha was a reformed drinker. Whether Mr. McConaha succumbed to temptation is not entirely clear, however, his departure for Seattle was substantially delayed. This may have been the cause for the end of a promising political career. En route to Seattle in Indian canoes the McConaha party of five including Indian guides encountered a storm between Vashon Island and Alki Point. A canoe capsized and Mr. McConaha and two others perished.

Shortly after adjournment The Pioneer and Democrat which was the only newspaper in the territory congratulated the legislature on its performance. The paper had begun publication in 1852 in Olympia as the Columbian. It advertised itself as an independent newspaper. On December 3, 1853, the name was changed to The Pioneer. On February 4, 1854, a few days after the first territorial election had chosen Democrat majorities in both houses the paper appeared as The Pioneer and Democrat and declared itself to be a Democrat newspaper.

## 1854 Second Session

The Organic Act provided for annual sessions of not more than 90 days. The first session had convened on February 28, and adjourned at the end of April. It had included a ten day recess over Easter. The second session convened on December 4, 1854, just over seven months later. A new election was held; there remained nine Council members but the House was expanded from 18 to 24. The Democrats maintained substantial majorities in each house.

The second Territorial Legislature took a twelve-day Christmas recess and adjourned on February 1. Seth Catlin was elected President of the Council and Henry Crosbie was elected Speaker of the House. Crosbie and Arthur A. Denny from Seattle were the only two House members returned from the first session.

The compelling issues of the second Legislature were the choice of sites for the territorial capital, university, and penitentiary. There was recurring debate in both houses on all three issues. Olympia was confirmed, at least for the time being, as the seat of government. Seattle and Boistfort, Lewis County were contenders for the University and at one point it was proposed that the primary location be Seattle with a Boistfort branch. Seattle finally emerged as the chosen site though some legislators complained that a seaport town was not a suitable location for a University.

Vancouver emerged as the leading choice for location of the penitentiary. Opponents criticized Vancouver because it was not centrally located. Transportation was a serious problem. No final decision was reached on the location of the penitentiary.

The second Legislature also recommended appointees to the military and naval academies. The Council's selectees were the sons of Council members Yantis and Catlin.

### *Masonic Temple*

*Olympia's first Masonic Temple, built in 1854, held the second territorial legislature and was used by the legislature for almost two years. Located on Main St. (now Capitol Way) across from the Federal building it was considered a very handsome structure by the pioneers. It was torn down in 1972 to make room for a parking lot and bank.*



*(Photo courtesy of Washington State Library, Washington Room)*

During the interim between the second and third Territorial Legislative Sessions in 1855, a steady flow of immigration continued. Serious controversies with the Indian tribes arose throughout the territory. Governor Stevens occupied the dual position of Governor and Superintendent of Indian Affairs and he was spending most of his time dealing with the Indians.

Nationally, the major issue was slavery; Franklin Pierce, a Democrat was president. Consequently, the first appointees in the territory were Democrats. The Whig party was crumbling. While party politics do not seem to have been the primary factor in the Legislature, Democrats had large majorities in each of the first two sessions and the membership may best be described as Democrats and others.

The election in July, 1855 brought a substantial change. Democrats continued to control the Council six-three but non-democrats controlled the House 16-11. The major division was between the pro-Stevens forces and the anti-Stevens forces with the antis in the majority.

In the early years of the territory the only really meaningful patronage which the Legislature had to bestow was the public printer. There was a bitter and acrimonious controversy over selection of the printer in almost every session in the early years. 1855-56 was no exception. The process was that the two houses met in joint session to choose territorial officers including auditor, treasurer, librarian, adjutant general, quartermaster general and printer.

A call for the joint session was issued for January 24, 1856, but the list of officers to be elected did not include the printer. Upon convening, President Catlin of the Council was elected chairman of the joint assembly. Representative Frank Clark moved to include election of the printer in the list of officers to be chosen. This was challenged and inclusion of the printer was ruled to be out of order. A lengthy procedural debate ensued and the meeting adjourned without the election being held. At proposed further sessions the Council majority refused to attend. The House then convened with the three minority Council members in attendance. They proceeded to elect W.H. Wallace a member of the Council as printer, but the incumbent printer, J. Wiley, editor of the Pioneer and Democrat refused to step down and the controversy continued. At the ensuing election in July, Democrats regained control of the House and the Pioneer and Democrat kept the printing contract. Meanwhile the other burning issue confronting the session was the Indian war. On at least one occasion on January 7, 1856 the House did not have a quorum as several members were off trying to find a prisoner taken by the Indians. Two incidents took place during this period which affected legislative action and territorial politics for the next several years.

There were a number of white men married to Indian women settled in the Nisqually Valley. These squaw men, formerly associated with the Hudson Bay Company, were strongly suspected of assisting the Indians in the ongoing uprising. Governor Stevens ordered five of these men arrested and transported to Fort Steilacoom.

A heated controversy ensued between Governor Stevens and the court of the territory as represented by Justices Chenoweth and Lander. When a writ of habeas corpus was sought for the release of the prisoners, the Governor declared martial law. Judge Chenoweth was hearing the matter in Steilacoom but excused himself claiming illness. The prisoners were removed to Olympia.

At this point, Judge Lander, who was also the captain of Company A of the militia in Seattle was asked to preside in Olympia. Judge Lander took leave from his militia responsibilities and travelled to Olympia. In the ensuing controversy Judge Lander was jailed upon orders of Governor Stevens and the governor was in turn held to be in contempt and was fined.

Meanwhile the command of Company A of the militia in Seattle fell to Lt. A.A. Denny who was also Speaker of the House. Governor Stevens issued an order to Company A to move out and proceed toward southeast King County as part of the containment effort against Indian forces.

Concerned about the defense of the small settlement at Seattle, Company A did not obey the order of the Governor and a lengthy controversy ensued over the status of Company A and its honorable retirement from service.

## 1856

In the legislative election in July, 1856, the Democrats regained control of the House and maintained majority in the Council. However, by this time the politics of the territory were basically pro-Stevens or anti-Stevens.

Upon convening in December, 1856, both houses considered a resolution of censure of Governor Stevens for his actions in declaring martial law and in the Company A controversy. After contentious debate the resolution of censure passed the House 17-10 and passed the Council five-four.

These early sessions of the Legislature convened on the first Monday of December and sat for 60 days with a ten to twelve day recess over the holidays. A substantial amount of time in each session was devoted to hearing petitions for divorce. Much of the time was consumed in routine matters such as granting licenses to operate ferries and toll roads, authorizing construction of roads and approving corporations.

### ***Territorial Capitol***

*The first building built for capitol purposes was the territorial capitol erected in 1855-56 on the site of the present day capitol. All sessions of the legislature, both territorial and state, were held in this building until 1901.*



*(Photo courtesy of the Washington State Historical Society)*

While Governor Stevens had great difficulty with the Legislature, he chose to test his standing with the citizenry. He became the Democrat nominee for delegate in Congress in the July 1857 election and won handily. Also the Democrats won an overwhelming majority in the legislature with 20 in the House and seven in the Council. However, once again their sentiments were primarily pro-Stevens and anti-Stevens regardless of party.

The newly appointed Governor, Fayette McMullen, arrived in Olympia late in the year and one of the first matters considered by the 1857 session was the Governor's petition for a divorce. The House by one vote, 15-14, sought to move the site of the territorial University from Seattle to Boistfort. The alleged concern was that Seattle would develop into a port city and that such surroundings were an unhealthy environment for young students. The proposal did not pass the Council.

The censure of Governor Stevens which had been passed the previous year was rescinded. Apparently, a majority of the legislators were able to accept that over 60% of the voters approved of the Governor. A resolution was passed which condemned regular army officers General Wool, Colonel Wright, and Colonel Steptoe for allegedly slandering volunteers who had served in the Indian wars.

Overall it appears not much of substance took place in the 1857-1858 session. There was great concern and lengthy debate over a move by Oregon to annex Walla Walla County which then included most of Eastern Washington, North Idaho, and Western Montana. The sudden interest was the result of the discovery of gold at a number of locations in the area. A memorial to Congress opposed the Oregon proposal and it never succeeded, though North Idaho and Western Montana were detached from Washington a few years later.

As a result of alleged crimes in the Indian wars, Chief Leschi was tried and convicted of murder and was sentenced to be executed. Much controversy surrounded this sentence. The date set for Leschi's execution was January 22 at Steilacoom. No quorum was present in the House on that day and it is to be presumed that many members travelled to Steilacoom to witness the execution. However, the Sheriff of Pierce County was detained by the U.S. Marshal, some believe at his own request, and failed to deliver the appropriate papers on time and the execution was not carried out. Finger pointing and recriminations followed but the legislature shortly adjourned and the execution finally was carried out later in the year.

---

When the Legislature convened in December, 1858, the lines were firmly drawn among the Democrats between pro-Stevens' forces and those against him. The stronghold of Stevens' support was in Olympia. For the most part the session concentrated on routine matters such as roads, steamship mail routes, and divorces but the seeds of the major issues of the next two sessions were germinating. These were the continuing controversy surrounding the public printer and the movement to remove the capitol from Olympia.

While the Council continued to have nine members, with growth of the territory the number of representatives had increased to thirty. While there were several lawyers and other professionals serving in these early sessions, a majority were farmers, mechanics, and tradesmen. They may be described as rough hewn frontiersmen. Many had little or no formal education and

even less knowledge of the law and the legislative process. Altercations and confrontations were frequent and personal feelings and animosities often overcame practical politics and party loyalties.

It was the eve of the Civil war and national politics were in transition. The Whig party had virtually disappeared and the Republicans were not yet a factor. In the territory a strong majority of the citizenry identified themselves as Democrats but party label seemed to count for very little. In the legislative assembly you were either pro-Stevens or anti-Stevens. Even his election as territorial delegate to Congress in 1857 and reelection in 1859 did little to change this, though his electoral majorities were decisive. Isaac I. Stevens was clearly the dominant personality in the territory during the 1850's. Though, small of stature, he was no shrinking violet and was very positive in his action. Like so many strong leaders he was either loved or hated, there was little common ground. Many of the more sophisticated citizens were highly offended by his actions during the Indian wars of 1855-1856; others were put off by the growth of a clique of political hangers-on and office holders in Olympia.

As the date for the 1859 session approached, unbeknownst to the people of the Olympia area, there was a movement afoot to remove the capital. Some proponents of such a move had purely provincial motives, other were more objective. They reasoned that since the coming of a railroad across the Cascades was many years in the future that Vancouver was a more logical location, especially since the eastern part of the territory had been opened to settlement and gold had been found at a number of locations. Finally, a not unsubstantial factor was the wide spread dissatisfaction and disgust with the Stevens' crowd holding forth in Olympia.

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## 1859

Within a few days of convening on the first Monday in December of 1859, the House voted to move the seat of government to Vancouver. When the bill arrived in the Council in mid-December, there were four proponents and four opponents with one wavering.

The atmosphere among the Democrats was indicated at a pre-session caucus of both houses which collapsed in argument over whether members who refused to support the administration should be seated. Upon organizing, the President of the Council and the Speaker of the House were selected from Clark County. The pro-Olympia forces launched an active but belated lobbying effort.

During the week before Christmas, hectic parliamentary maneuvering was rampant and finally the matter of removal of the seat of government was made a special order of business for January 6, 1860.

January 6, was an active and long day in the Council. Nine procedural notes took place, none passed; on all but two the vote was four-five. Finally, the bill was moved to final passage and lost four-five. There was immediately a motion to refer the matter to the people for a vote. This also failed and the matter was put to rest for the session.

Congress set and approved the budget for the territory so basic financing was not the responsibility of the Legislature. However, a look at the proposed budget for the 1859-1860 session is of interest. It was \$20,000, most of which was the cost of the Legislature. It included \$7,000 for per diem, \$1,170 for travel and \$6,000 for printing.

1860

When the Legislature convened in Olympia in December, 1860, the new acting Governor H.M. McGill had recently arrived. The Council chose Paul K. Hobbs who represented Clallam, Jefferson, Island, and Whatcom counties as president. In the House, Lyman Schaffer of Chehalis was elected Speaker on the ninth ballot. It is quite clear he was a compromise choice as he received only one vote on each of the first two ballots and only five votes on the seventh ballot. It required 16 to elect and that is the precise number he received on the ninth ballot.

After the election of the Speaker, the issue of location of the capital arose almost immediately. By a vote of 16-13 the House passed the bill moving the seat of government. By the second week of the session the matter was before the Council which agreed on a vote of five-four. On December 13, 1860, the bill passed moving the territorial capital to Vancouver. The citizens of the Olympia-Steilacoom area reacted strongly but it appeared they were too late.

As the members reacted to what they had done, some began to have doubts as to whether, under the territorial charter, they actually had the authority to move the capital. Virtually the last act before adjournment in February of 1861, was a referral to the people of the question of location of the capital. Meanwhile, the legislature had confirmed the site of the university in Seattle and moved the penitentiary from Vancouver to Port Townsend.

The other major controversy of the 1860-1861 session was the annual battle over choice of the public printer. The legislature sat in joint session on January 12, 1861 to elect territorial officers. On January 14, on the 31st ballot George Gallagher was elected public printer. By letter of January 16, Gallagher advised all concerned that he would be unable to serve as printer. On January 24, acting Governor McGill appointed James Lodge as printer and a new controversy ensued. Charges and counter charges were flying in all directions. Deal-making was alleged and the issues of the printer and the capital location were intermingled. The legislature adjourned at the end of January, but the controversies surrounding the printer and the capital continued.

1861

Isaac I. Stevens, finishing his second term as delegate in Congress, returned to the territory in late April. Upon arrival in Vancouver, the site of the upcoming Democrat convention, he indicated his intention to seek a third term. By the time the meeting convened in mid-May he withdrew his name from consideration. There are a variety of opinions as to why he did this. He may have been anxious to return to the East and join the Union forces; at the least this seems to have been a factor. However, he had apparently concluded he might not be successful or that he might succeed only after a long and bitter fight. With Stevens out of the race it was a wide open contest and a nominee was not chosen until the 22nd ballot. The successful candidate was Selucious Garfielde, a gifted orator who was looked upon by many as a classic political opportunist. The Pioneer and Democrat which was the original newspaper in the territory, having published in Olympia continuously since 1852, was an outspoken supporter of the Democrat party and strongly pro-Stevens. It immediately announced it would not support Garfielde and endorsed Judge Edward Lander who, after unsuccessfully pursuing the Democrat nomination, launched an independent campaign. Ironically, the

Pioneer and Democrat after railing against Garfielde in its last two issues on May 24 and May 31, 1861, ceased publication and was never heard from again. Anti-Garfielde forces claimed that he had bought the nomination by promising the Clark county delegates to use all of his influence to confirm the capital in Vancouver. This charge dogged him throughout the campaign.

Meanwhile, President Lincoln appointed William H. Wallace as the first Republican Governor of the territory. Shortly thereafter Colonel Wallace received the Republican nomination for Congress. With the Democrats split, Wallace was handily elected.

When the new legislature convened in December, 1861, there was no quorum present in Olympia as some members proceeded to Vancouver. At the July election, the voters had shown strong preference to keep the capital in Olympia. Pro-Olympia forces had challenged the capital removal issue in the courts. The territorial supreme court, sitting in Olympia, ruled in early December that the bill removing the capital was not operative. The bill did not contain an enacting clause; by a two-one vote it was held that the lack of an enacting clause was a fatal flaw and the capital remained in Olympia. With this issue resolved the House had a quorum present in Olympia on December 9th and the Council had a quorum on December 16. The holiday recess soon ensued and very little of consequence was accomplished during the last half of the session in January. The public printer was elected on the fifth ballot. He was A.M. Poe, of the Overland Press who served for a few months and then departed because of ill-health and sold his paper and ostensibly the printing contract to B.F. Kendall. At the time Kendall was practicing law in Olympia, having come to the territory in 1853 as a member of Governor Steven's surveying party.

Union supporters were extremely upset that the legislature had not adopted a strong stand in support of the Union. During this period, traditional party lines had pretty much deteriorated. One's position on the war was fundamental. Even this was at times hard to define. Republicans referred to Democrats as Copperheads and the Democrats called Republicans Radicals or Black Republicans. On paper, the Democrats maintained substantial majorities in both the Council and the House in the late '50s and early '60s. In fact, it was hard to tell where people stood and loyalties were continually shifting depending upon where one stood on the war, abolition of slavery, and on location of the capital.

Evidence of the lack of party cohesion is the election of a president of the nine member Council in 1861. It required 19 ballots.

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1862

When the assembly convened in December of 1862, it required 17 ballots to elect a Speaker and six ballots to choose a President of the Council. But it took 131 ballots to choose a Sergeant at Arms. However, the legislative session was overshadowed by other events that December and January. Jay Turley had been replaced by the appointment of Elwood Evans as the Secretary of the Territory but Turley refused to relinquish the job. The assembly sought to procure stamps, first from Turley, who refused to provide them and then from Evans who got the stamps and ultimately prevailed. Turley left town and moved to Walla Walla. Meanwhile two events transpired involving B.F. Kendall, the publisher of the Overland Press, who was

apparently very brash, opinionated, and had many enemies among the more prominent citizens of the territory. Kendall, who was thirty four, was accosted on the streets of Olympia by 70 year old Horace Howe who started to beat him with a stick. Kendall pulled his pistol and shot Howe and wounded him. On January 6, Howe's son appeared at Kendall's office and asked for a private meeting. Howe shot Kendall and killed him. He then immediately turned himself in and a preliminary hearing was held a few days later. Implications were that far more was involved than just an angry son. At the hearing the prosecutors tried desperately to establish a conspiracy and sought to involve several of Kendall's enemies including Representative Frank Clark, a prominent Pierce County lawyer and leader of the Democratic Party, who was defending Howe; Republican Evans, the Territorial Secretary; William Wallace the delegate in Congress; and Henry, the Surveyor General. Nothing was ever proved and Howe was never tried as he disappeared while out on bail and was never heard from again. The shadow of these events apparently dogged Frank Clark throughout the remainder of his career. The case remains one of the most celebrated unresolved crimes in the history of territorial times.

Ironically, the assembly met in joint session the day after Kendall's death to choose a public printer to replace him. It took 20 ballots to elect a printer. George Barnes, a Republican, was chosen on the 20th ballot with the assistance of the Walla Walla Democrats.

While party lines remained somewhat confusing, the 1862 election produced a clear majority of Union supporters in the Legislature. This resulted in passage of a strong resolution in support of the Union. There were still powerful anti-war and pro-confederacy influences present in the territory.

The Territory was dependent upon appropriations from the federal treasury to support its operations. Congress was hard-pressed trying to finance the war. In addition, there was a lot of suspicion as to the loyalties of the citizens of Washington and particularly of the territorial legislators and officials. In any event, when the 1862 session drew to a close at the end of January, 1863, there were no funds available to pay the legislators per diem and travel expenses. Some members lacked funds to travel to their homes. Elwood Evans, the new Territorial Secretary came through by procuring a \$2,000 loan which enabled the legislators to get out of town.

Eastern Washington had been closed to settlement during the mid-1850's as a result of the Indian wars. Upon reopening late in the decade, gold and silver were soon discovered in Northeast Washington and North Idaho. An instant boom resulted and by the early '60s Walla Walla had become the jumping-off place and supply center for the mining region. It had quickly become the largest community in the territory.

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In 1863 Congress formed the Idaho territory and President Lincoln appointed W.H. Wallace, the territorial delegate in Congress, as Idaho Governor. Washington boundaries became those that currently exist. There was a strong movement in Walla Walla to annex to Oregon because of a greater community of interest. This situation was inflamed by the failure of the Territorial Judge to show up in Walla Walla for a scheduled term of the court.

In the election of 1863, George E. Cole, an anti-administration Democrat was elected to Congress. Democrats continued to have a majority in the

legislature though it didn't seem to mean much. Upon convening in December, each house again had difficulty in selecting a presiding officer. In the House a spirited contest between F.P. Dugan, a Democrat from Walla Walla and Clanrick Crosby of Thurston County required eleven ballots before Crosby was elected.

Meanwhile the Council convened on December 7, but a quorum was not present until December 18. Between the 18th and the 22nd, thirty-one ballots were required before Obadiah McFadden of Olympia, the temporary president was confirmed as president. The house held a session on Christmas day of 1863 with all but five of the thirty members in attendance.

While the assembly agonized over organization, the public printer controversy erupted again. Much to the consternation of Republicans in the Legislature, Elwood Evans, the Republican Territorial Secretary, announced that he had appointed T.F. McElroy, a Democrat as the printer. There was a great hue and cry from both houses that the secretary had usurped legislative authority to elect a printer. Shortly after the holiday recess Democrat Dugan secured the passage of a resolution in the house which in effect confirmed the appointment of McElroy.

At about this time the Seattle Gazette, a new weekly newspaper began publication and it roundly condemned the unholy alliance between Democrat Dugan and Republican Evans in the selection of the printer. In commenting upon the printing controversy the Overland Press had the following comment:

*"The short-lived Gazette chided the do nothing legislature which was costing \$200 a day. It commented also that the legislative salary was hardly enough to buy grub and whiskey while in Olympia. It speculated further that legislators perhaps had ulterior motives for serving under such circumstances."*

In the Governor's annual message to the Legislature which was delivered on December 23, 1863, Governor Pickering recommended that the Legislature cease granting divorces. When this proposal was considered in the House, it lost on a vote of 11-11.

The need for an adequate wagon road from Walla Walla to Puget Sound was generally recognized and debated at length throughout the session. The proposed legislation finally failed for political reasons. Opposition from Vancouver which would have been by-passed after construction of a road was a definite factor.

The political activities in the Washington territory were of concern to both the national administration and the Congress. Ambivalence by the Legislature in its support of the Union was the primary issue. However, petty political squabbling, partisan logrolling, and the continued granting of divorces added to the alarm in the other Washington.

As a result, in June, 1864, the Congress amended the territorial charter to improve oversight. The amendment gave to the appointed Governor veto power over legislative enactments. This greatly increased the power of the Governor whose previous duties had been primarily administrative and ceremonial.

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The election of 1864, again returned Democrat majorities in both houses of the assembly. Support for the Union was clearly more a factor than party label. A majority of those elected were "pro-Union" though there were "copperheads" also elected.

1864

F.P. Dugan, the leading Democrat from the east side was elected Speaker and Frank Clark the prominent Democrat lawyer from Steilacoom was chosen President of the Council. It was a short session and it adjourned by January 21, 1865. It was, however, a contentious session, marked by partisan wrangling and claims of partisan privilege. There was a bill to abolish Skamania County which conveniently disappeared. Proposed legislation to grant a monopoly on commercial use of the Skagit River and one to allow the legislature to fix the value of paper money caused negative response throughout the territory. This combined with the end of the war brought a real upheaval in the election of 1865.

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At the time of the first territorial legislature in 1854, it took 90 to 120 days for news from the East to reach the territory. By the fall of 1860, word of Lincoln's election was received in less than a month. Lincoln was assassinated on April 15, 1865, and the newspapers which published on Saturday, April 16, had received word by telegraph that the president had been shot.

1865

In the June election of 1865, for the first time, the Democrats lost control of the territorial legislature. Arthur A. Denny of Seattle was elected delegate to the Congress. Seven of nine Council members were Republican as were 23 of 30 House members.

Upon convening in December the large Republican majorities immediately raised the issue of the public printer and whether they should choose the printer. Elwood Evans, the Republican Territorial Secretary who had appointed T.F. McElroy, the incumbent printer, retreated under pressure from the legislature and they proceeded to elect R.H. Hewitt as printer. During the session, Hewitt did the printing for the House, but the Council continued to give its printing to McElroy. A legal opinion from Washington confirmed that the Secretary had authority to appoint the printer and McElroy continued officially as the public printer until 1867. President Lincoln had commented before his death that of all the territories, the officials of Washington Territory were the most difficult to deal with. This may have arisen from the existence of a fairly strong "Copperhead" element in the territory.

Late in 1865, President Johnson appointed George Cole, the former territorial delegate in Congress as Governor. Governor Pickering, however, refused to give up his office and the controversy stirred for several weeks until the legislature officially recognized Governor Cole and Pickering finally moved on.

The Territorial Treasury reported annual receipts of \$14,000 and the University of Washington had an enrollment of 15 students. The president's salary was \$1500. There was an unsuccessful effort to close the University during the session. Overall the session was not one of notable accomplishment.

1866

By the summer of 1866, the strong wave of Union sentiment which had swept Republicans into office had apparently abated. In the election of 1866, the Republicans were badly divided between radicals who supported the Congress and wanted to punish the confederate states and moderates who supported President Johnson. While Republicans lost their majority, the legislature which convened for the fourteenth and final annual session in December 1866, is hard to define in partisan terms. While most members were clearly pro-Union, the attitudes toward the southern states varied greatly and the distinctions between Republicans and Democrats were blurred by this issue. In fact, the 1866-1867 session may have been the least productive up to that date. The Council chose its officers by a plurality and elected B.F. Dennison of Clallam and Jefferson Counties as the President. In the House Henry Miles of Lewis County was elected Speaker. The two bodies squabbled for days over a presumed slight of the Council by the Speaker. As a result they never could agree upon a joint session to elect territorial officers and they adjourned without having done so.

The most notable legislation of the 1866 session was the establishment of a common school system for the territory. There was a continuing controversy over the administration of the University but no decisive action was taken. Also, it was determined that the Legislature would no longer grant divorces. Most significant was the decision to go to biennial sessions. The fourteenth annual session adjourned in late January to be succeeded in December of that year by the first biennial session.

In reviewing the first fourteen sessions of the Territorial Legislature, it may be an exaggeration to call the accomplishments modest. The politics of the first decade, the fifties, were clearly dominated by the personality of one person, Isaac I. Stevens. In the late 50's pro or anti Stevens sentiments were far more influential than traditional party loyalties. This was also affected by a strong feeling outside of the Olympia area that undue influence was being exerted by the "Olympia Crowd," many of whom had followed Stevens west to Olympia. They were seen as only pursuing their own selfish interests.

While Governor Stevens was the dominant figure, he was always on the move and often out of the territory. His immediate successors were less than effective. Meanwhile, Charles Mason, the Secretary of Territory, often filled in as acting Governor. By most accounts he was a decisive and effective administrator and provided sound leadership to the infant government in which most other officials including legislators served terms of one or two years and more often than not did not return. Unfortunately for the territory, Mason suffered an early demise at age 29 in 1859. By most accounts his death was alcohol-related.

During these early years, patronage was extremely limited, since the purse strings were controlled in Washington, D.C. The most notable available patronage was the public printer who was elected annually by the legislature. In the first decade the legislature spent more time wheeling, dealing, and fighting over the public printer than over any other issue. In terms of time consumed it clearly exceeded that devoted to the other great controversy, the permanent siting of the capital. Ironically neither debate was finally settled until the twentieth century.

The location of the capital was an issue in virtually every session. In the early years, Vancouver and Port Townsend were the leading contenders to

replace Olympia. After 1860, Walla Walla entered the fray. Through tenacity, and the advantage of being there first, Olympia hung on though the controversy continued until the present capitol building was under construction.

Eastern Washington, which at the time included part of Idaho and Montana west of the Rocky Mountains was closed to settlement for several years prior to 1858 because of the Indian wars. Not long after reopening, gold was discovered at a number of locations. The settlement at Walla Walla quickly became the supply center and jumping off point for the mining camps and by the early 1860's it had surpassed Vancouver and Olympia as the largest town in the territory. There was strong "Copperhead" sympathy in the eastern part of the territory and that was a notable influence in the legislature. The 1861 session failed to produce passage of a pro-union resolution much to the chagrin and disgust of many pro-union citizens of the territory. At this time, the Congress and National Administration were obviously pre-occupied with the war and territorial matters were relegated to the back burner. However, the failure to receive timely appropriations from Washington, D.C. was blamed by many upon the lack of support for the Union and the war by the government of the territory.

In the early years, the weekly newspapers provided the primary source of information about the Legislature. The first paper in the territory was the Pioneer and Democrat which started in Olympia in 1852 as the Columbian, a independent newspaper. Shortly before the first Legislature convened in 1854, it declared itself a Democrat publication and continued to publish until 1861, shortly after the candidate it supported for delegate in Congress failed to get the Democrat nomination. Several papers had short lives during the fifties. By the time the Pioneer and Democrat expired, two other papers had appeared in Olympia; both had Republican sympathies. The Overland Press subsequently became the Pacific Tribune and after several years moved to Seattle; it was a predecessor of the Post-Intelligencer. The Tribune was staunchly Republican and tended to sympathize with the radical cause. The Standard, owned by John Miller Murphy, commenced publication with moderate Republican sympathies but by the mid 1860's it had switched and became a Democrat publication. The writers at each of the papers were outspoken in belittling their competitors and their political foes. While they were merciless in attack upon their enemies and often hinted at all kinds of political skullduggery, they rarely specified any details.

There is no question but that many early legislators were rough and tumble, hard drinking, frontiersmen who often settled their differences with their fists. In Olympia, whiskey flowed freely. The legislative doormen kept a supply in their closets and the local saloons were busy spots when the session was on. An indication of the lack of discipline in the process is the fact that in almost every session one or both houses had great difficulty in electing their officers. One year 131 ballots were required to choose a Sergeant at Arms and 20 and 30 ballot contests were not unusual.

A rather unique feature of the early sessions was their practice of granting divorces, a practice which continued until the late 60's. The most notable action was that of granting a divorce to Governor Fayette McMullen shortly after his arrival in the territory. He remained only a few months, remarried, and left for the East never again to return to Washington Territory. Many

locals believed the only reason he accepted the job of Governor was to come west and shed his wife.

Just as Charles Mason exerted a strong influence as Secretary of the Territory during the 1850's, Elwood Evans was a dominant figure in that position in the early 60's. Evans was a member of the original Stevens survey party which arrived in Olympia in late 1853. He established a law practice in Olympia and was an active figure in the territorial politics for forty years, eventually serving as a member of the first state legislature. As Secretary, he arranged a loan to finance the legislative salary and travel in 1863, when the territorial appropriation did not arrive. He defied the Legislature and appointed a public printer. He infuriated Republicans in the Legislature by appointing a Democrat as printer, though he was a Republican, himself. With the assistance of Democrat legislators, led by Representative Frank Dugan of Walla Walla County, he made his appointment stick and the Legislature of the territory never again successfully chose the public printer. When the annual session of the legislature adjourned in late January of 1867, they would return in December of that year for the first biennial session but the Washington Legislature would not again have a regular annual session until 1979, 112 years later.

#### Primary Sources

Olympia: Pioneer & Democrat Washington Standard

Seattle: Weekly Pacific Tribune

Steilacoom: Puget Sound Courier; Puget Sound Herald

Journals of the House & Council

#### **Elwood Evans**

*The most durable and versatile political figure of the territory; clerk of the first Territorial Council (1854), member of the first State House (1889); occupied many significant positions and capacities before 1854 and during the entire territorial period including service as Territorial Secretary during the Civil War. A prolific writer and successful lawyer, he was also the first President of the State Bar Association.*



*(Photo courtesy of the Washington State Historical Society)*

## Chapter II: Territorial Annual Sessions 1867-1889

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1867

From 1854 to 1867 there was a legislative election and session every year. After 1867, elections and sessions were held only every other year. The annual sessions had convened on the first Monday in December and were sixty-day sessions. Since a substantial number of members were farmers, December and January was a convenient time. However, the weather in Olympia at that time of year was a constant source of complaint. After the first biennial session the starting time was moved to the first Monday in October.

Candidates for the legislature were chosen by nominating convention in the legislative districts. Candidates for delegate in Congress were chosen by a state party nominating convention in the spring. Elections were held in June. The 1867 election for delegate in Congress was the most bitter and contentious up to that time. The Republicans nominated Alvin Flanders, a commission merchant from Walla Walla. The Democrats nominated Frank Clark, a Pierce County lawyer. Clark had been a controversial member of the Council and was probably the best known trial lawyer in the territory.

During the campaign, the Tribune, which was the Republican newspaper in Olympia, constantly insinuated that Clark had been a conspirator in the Kendall murder in 1863. Flanders won the election by just over one hundred votes.

The 1860's were an interesting time politically, in that party designation seemed far less important than the candidates degree of commitment to the Union and after 1865, the attitude toward reconstruction was critical.

At the time of the 1867 election there was some confusion as to the party of some of those elected. When the legislature convened in December the Republicans had the votes to permanently organize in each house. Marshall Moore, a Democrat, appointed by President Johnson was the new Governor. B.P. Johnson of Walla Walla County was elected Speaker. The House immediately passed a resolution calling for the election of the public printer. Earlier in the year Charles Prosch, the publisher of the Pacific Tribune had been appointed to the job. Later, he made no secret of the fact that he paid \$2,000 to receive the appointment. The Council didn't go along with the resolution to elect the printer and Prosch continued to serve by appointment. The 1867-1868 session in the House was fairly routine. The Council was another matter.

Upon convening, the Council elected C.M. Bradshaw of Jefferson and Clallam Counties as President.

There immediately ensued a heated contest over the seating of the newly elected Council member from Thurston and Lewis Counties. James Longmire, the Democrat and William McLane both claimed the seat. McLane had the most votes, but the Lewis County Auditor had refused to

certify two precincts for alleged irregularities in the election process. When the votes from these precincts were included Longmire was ahead. After several days of dispute it was determined to hold a new election and the date was set for January 6, 1868. McLane won and presented his credentials. His opponents in the Council were successful in having the matter referred to committee and McLane was not sworn in before the session ended. While all of this was going on the Council returned to Olympia from its Christmas recess and voted unanimously to unseat President Bradshaw. It is clear that there was bad blood between Democrat Newell from Walla Walla and Bradshaw, a Republican. On January 10, 1868, after the Council had failed to seat McLane on a four-four vote, Senator Newell moved to remove Senator Bradshaw from the Council but was not successful.

H.G. Struve of Clark County, a Republican replaced Bradshaw as President. He and his supporters actively participated in the replacement proceedings. The apparent reason for the displeasure with Mr. Bradshaw, was that each side learned he had made commitments to the other in the McLane-Longmire controversy in order to get elected President of the Council. In light of this alleged duplicity his colleagues apparently decided they did not want him as their presiding officer and they unanimously unseated him. There was considerable reaction in the community to this unprecedented action by the Council but it remained in effect and they sputtered along to the end of the session.

An indication of the atmosphere prevailing in the Council during this first week of January 1868 is contained in this item from the January 11, issue of the Pacific Tribune.

*"Disgraceful Proceedings - It would seem, from the character of the proceedings in the Legislative Council of the past few days, that certain members of that body are determined to set at defiance all laws of decorum and common decency. We are informed that at the session this morning they indulged freely and unchecked in the most scandalous conduct; bandying blackguard and profane epithets with a freedom which disgusted spectators and inflicted lasting disgrace upon the Council. At another time we shall speak of these disreputable scenes; the pressure of other matters deterring us from doing so now."*

At every session during the 1860's the status of the Territorial University was a source of controversy. Daniel Bagley had overseen the early development of the school and the construction of the building which was probably the most elaborate structure in the territory. Bagley had handled the sale of thousands of acres of public grant lands to finance the \$30,000 cost of construction. Charges were widespread that Bagley had breached the public trust in selling lands too cheaply. Some even alleged misuse of funds. The controversy became extremely political with Democrats pointing the finger at Bagley and Republicans defending him. The situation finally culminated in the 1867-1868 session. In a very close vote the House cleared Bagley of any improper conduct and even voted to compensate him for sums that he alleged were due to him. The entire issue surrounding the operation of the University continued to arise as a source of controversy in succeeding sessions but the propriety of the financing of the original building was settled by the action sustaining Bagley.

Adjournment at the end of January in 1868 concluded annual sessions in December and January. The next session was not to commence until the first Monday of October in 1869.

Alvin Flanders, the delegate in Congress decided not to seek reelection and was appointed Governor in 1869. Selucius Garfield who had been the Democrat candidate for Congress in 1861 had changed his party during the 1860's. He campaigned for Flanders in 1867, and though he was a very controversial figure, he won the Republican nomination in 1869. The Democrats nominated former Governor Moore and after another rigorous campaign Garfield was elected by a small margin. With Garfield in Congress the atmosphere was much as it had been in the middle and late 1850's when pro-Stevens and anti-Stevens forces were more influential than the two parties. In 1869 the pro-Garfield and anti-Garfield forces were probably more significant than the Republicans and Democrats.

The 1867-1868 session of the Council had been acrimonious but it was merely a mild forerunner to 1869. Upon convening on the first Monday in October they proceeded to elect William McLane of Lewis and Thurston Counties as President. Though elected in January of 1868, at a special election he had not been seated during that session. McLane was a Republican and, at least on paper the Republicans had a majority, through the precise political loyalty of a couple of the members remained in doubt. At the start of the session William Newell, Democrat of Walla Walla was absent and Senator Barrington of Island County resigned because of illness. There were six Council members present and seated and the first order of business was the seating of E.S. Joselyn of Clark County and herein lay the first great confrontation of the session. Earlier A.C. Tripp had been elected to the seat in question. However, he had moved to Alaska and while his family remained in the Vancouver area he had been gone for a long period and the citizens of Clark County held an election and chose Joselyn to succeed Tripp. The election had not been called by the Governor. In view of this, several council members did not believe Joselyn was entitled to a seat. President McLane convened the Council to swear in Joselyn but only three members were present. A call of the Council was ordered. The Sergeant at Arms brought Senators Clark, Van Syckle, and Blinn to the chambers. When they learned what they were there for they started to leave. The Sergeant at Arms apprehended Marshall Blinn and restrained him with one leg within the bar of the Council, while the oath was administered to Joselyn. A similar but less confrontational controversy took place later in the session when Dr. A.A. Smith arrived to replace the resigned Councilman E. Barrington. Things took a turn for the worse on November 9, when W.H. Newell, Democrat, Walla Walla, arrived. He immediately moved to unseat E.S. Joselyn. President McLane, noting that those present were allies of Newell, laid down the gavel and left thereby depriving the body of a quorum. When next the issue was raised the President ruled that Newell's proposal was not in order and Joselyn continued to serve. This was the atmosphere in which the 1869 Council tried to do business.

In the House it was a bit less confrontational, but not much. G.H. Stuart of Clark County was elected Speaker by a vote of 15-13. The Washington Standard which was now a Democrat newspaper was outspoken in criticizing the organization of the legislature; it charged two Democrats - Van Syckle of Walla Walla in the Council and Miller of Kitsap in the House of conspiring with the Republicans in order to organize. The House had two prolonged controversies over the seating of members but they did not seem to cause the animosities that arose in the Council. During the first week of the session

there was an intense effort in the House to immediately convene a joint session to elect Territorial officers. The effort was sidetracked and the North Pacific Tribune, the Republican newspaper charged that John Miller Murphy the publisher of the Standard was responsible. They alleged that Murphy who was also Territorial Auditor wanted to keep the job and knew that the Legislature in joint conference would not reelect him. They further alleged that if a joint session was not convened the sitting officers would continue to serve for another two years. Murphy dismissed these charges as ludicrous. A joint session was ultimately convened in late October and new officers were elected.

Meanwhile, in the Council, the acrimony continued until finally on November 27, Newell and Bradshaw really got into it. It started with an exchange of insults. Bradshaw took out after Newell and was restrained by the Sergeant at Arms. Newell picked up a glass and threw it at Bradshaw and struck him in the face. There were immediate demands that they both be expelled. A committee was assigned to consider the whole affair. It concluded that both offenders should be required to publicly apologize and that were it not so near the end of the session, Senator Newell should be expelled. Both members did apologize and their respective supporters spread upon the record differing accounts of the confrontation. An example of the ill-will existing in the Council is exemplified by the routine resolution at the close of the session thanking President McLane for his service as presiding officer. Three members voted against the resolution. While marked by acrimony and confrontation, the 1869 session remains most noteworthy for one enactment. That was the passage of the Community Property Law.

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## 1871

To complete the process of changing from annual to biennial sessions the last annual election was held in June of 1870. Until this time, the delegate in Congress had been elected in odd numbered years. In order to fit the new process, a congressional election was held in 1870. Selucius Garfielde, who had won in 1869, ran again. Many prominent Republicans were disillusioned with Garfielde and declared themselves independent. They were henceforth referred to as "bolters." Marshall Blinn, a Republican Council member, and probably the wealthiest man in the territory, declared himself an Independent candidate. The Democrats nominated J.D. Mix of Walla Walla. After another bitter and contentious campaign, Garfielde was re-elected. During the campaign in the spring of 1870, Edward Salomon, the newly appointed Governor, arrived in the territory and promptly became actively involved in the campaign on Garfielde's behalf. Salomon travelled widely and spent generously of his own funds on Garfielde's behalf. Within six months they had fallen out and Garfielde was actively seeking to have Salomon replaced.

Meanwhile, the Legislature did not convene again until October, 1871. By this time the Republicans were split badly between pro and anti Garfielde forces. While they held a majority in both houses it was by no means secure.

When the House convened on October 2, J.H. VanBokkelen of Spokane was elected Speaker Pro-tem along with a slate of temporary officers. It appeared that a controversy would ensue over the choice of permanent officers. However, upon reconvening on Tuesday a motion was made to declare the temporary officers permanent and it passed.

In the Council, E.S. Joselyn of Clark County, whose seating was the source of great controversy in 1869, was elected as President Pro-Tem. On Wednesday when permanent officers were elected, Dr. H.A. Smith replaced Joscelyn as president and the controversial Elwood Evans was elected Chief Clerk.

As a result of the difficulties encountered in 1869 in convening a joint session to elect territorial officers, a bill was passed fixing the last Monday in October as the date to meet jointly for election of territorial officers. The joint session elected a pro-Garfielde slate with Representative Brazee, Democrat from Skamania County joining with most of the Republicans. The Democrat Press was scathing in their attacks on Brazee for doing this.

The most notable event of the 1871 session came on October 19, when Susan B. Anthony addressed the House of Representatives. It was the first time a woman had addressed a legislative body in this country.

The demands of the session could not have been too great as both houses took a 10-day recess from November 1 to November 11. Upon return the session continued for two weeks but little of significance transpired.

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As the year 1872 dawned, there was plenty of political activity in the territory but it really did not center on the Legislature. Olympia had five newspapers, four weeklies and a daily. The Standard, owned and published by John Miller Murphy, had started as a Republican paper but by 1872 was staunchly Democrat. The Echo claimed to be non-political and was a strict temperance publication. The Transcript and the Tribune had both been Republican but by 1872 they had a falling out with Garfielde and supported the Independent Republican-Democrat ticket. The Courier, published by Clarence Bagley and John Hurned, was the only daily. It was Republican and pro-Garfielde. In the spring of the year the Republican factions were in all-out war. The Garfielde forces controlled the conventions at the local, county, and state levels and renominated him. Opponents referred to the Garfielde forces as the "ring" and likened them to Tammany Hall. Governor Salomon who had earlier supported Garfielde was now an enemy. By May, Garfielde had succeeded in getting the Grant administration to replace Salomon with Elisha P. Ferry, a Garfielde ally. The delegate election was set for early June. Local supporters were fearful that an early election might spell defeat. Garfielde was successful in attaching an amendment to a bill then pending to move the election to November. This was not accomplished until three weeks before the June election date so the campaign was prolonged for four months. Meanwhile, the independent Republicans got together with the Democrats and held a joint convention from which they nominated a full slate of candidates. They were successful. Garfielde was handily beaten by Judge O.B. McFadden and a large Democrat majority was elected to the legislature. By the time they convened in October, 1873, Congress had shortened the territorial session to 40 days. Over a period of three years, annual sessions had been replaced by biennial sessions and the 60-day length had been reduced to 40 days.

When the Legislature convened on Monday, October 6, 1873, it was the first time in the history of the territory that all 30 House members and nine Council members were present for the opening session.

McLane of Thurston County was chosen President by the Democrat Independent Republican majority. Previously, he had served as President in

1869 and had been involved in the great contested Council seat controversy which dominated the 1867-1868 session.

N.T. Caton of Walla Walla was elected Speaker; both leaders were chosen by acclamation. H.G. Struve, who had previously been President of the Council when he unseated Bradshaw back in January of 1868, was now Territorial Secretary. At the outset of the session he notified the assembly he had appointed Clarence Bagley and John Hurned, publishers of the Courier as the public printers. He also announced that Congress had appropriated only \$4,000 for the territorial printing, far less than had been expended in earlier years. The anti-Garfield assembly was distressed that Garfield allies were still in command of the patronage. They partially side-stepped the issue by agreeing to contract out some printing and pay for it from the territorial treasury.

A joint committee was dispatched to visit the University. They found the institution in a state of disrepair and recommended relocation but that recommendation was not acted upon. For the first time in a decade the Legislature again got into the divorce business. The Governor vetoed the first divorce bill that passed but both houses overrode the veto. The override may have been, at least in part, because of the strained relations between the legislature and the Governor.

The election of territorial officers resulted in J.M. Murphy, the Democrat publisher of the Standard being again chosen Territorial Auditor. By 1875, Congress had enacted new legislation under which all territorial officers previously elected by the assembly were appointed by the Governor subject to Council confirmation. Whether this change was merely coincidental is not clear.

By a new federal law the territorial legislative session was limited to 40 days and the session in Olympia came to an uneventful conclusion in mid-November. The Standard described the session as the most harmonious in the history of the territory.

The legislature adjourned on November 15, and the November 17 edition of the Standard described the session as follows:

*“The session throughout has been of the most harmonious that has ever assembled in the Territory. The vote upon all measures, with one or two exceptions, has been with scarcely a dissenting voice, and the intercourse between the members has been unruffled by the slightest breeze of discord. It is with profound gratification we allude to this fact as our party largely predominates in both branches, and its action affords a noted contrast of some former sessions where the majority was quite as strong against us.*

*The measures that have been passed upon, and are now embodied in the legislation of the session, have mostly of general application and simple in their nature. We predict that the work of this fourth biennial session will prove satisfactory to the people as soon as it is placed before them. Let us hope that the laws will be printed and distributed at the earliest possible day, and finish up the legislation of 1873 as creditably as it was begun.”*

John Miller Murphy the publisher of the Standard and the author of these comments did not mention that the Legislature of which he was so complimentary had also selected him to be Territorial Auditor.

The Republican press was not so complimentary. In truth, they said the legislature did very little of significance in the first 40-day session.

In 1874, O.B. McFadden disappointed the Democrats when he advised from the East that his health would not permit him to run for reelection as the delegate in Congress. The Democrats nominated B.L. Sharpstein, a Walla Walla lawyer and the Republicans nominated Judge Orange Jacobs. In the November 1874 Election, Jacobs won handily. The Republicans regained control of the House while the Council had four Democrats, four Republicans, and one Independent, William Pickering of King County. Upon organization in October of 1875, he voted with the Democrats and B.F. Shaw was elected President of the Council. In the House where the Republicans had a 17-13 majority, after a two-day standoff, Elwood Evans of Thurston County was elected Speaker. Evans was one of the most notable figures in Territorial politics. He had crossed the plains as a member of the Stevens surveying party in 1853 and was subsequently one of the first members of the territorial bar. Prior to being Speaker he had served as Chief Clerk in both houses of the legislature and as Lincoln's appointee as secretary of the territory. He had stirred a great controversy when he appointed the printer in 1863. The legislature had previously elected the printer.

The selection of the printer by the appointed federal officials was the first of a series of events during the 1860's and early 1870's which gave rise to real dissatisfaction with the way the Congress administered the Territory. The next issue arose when the Governor was given the veto power. The Congress decreed biennial sessions to replace annual sessions. Following this, the sessions were shortened to 40 days from 60 days. Finally the power to elect territorial officers was taken from the Legislature and given to the Governor subject to Senate confirmation.

The 1875 session of the Council was highlighted by controversy with the Governor over the choice of the territorial officers. The opposition press screamed long and loud that the Governor's nominees represented the "ring," a term assigned to a group of Olympia insiders who supported the national administration. John Miller Murphy, the publisher of the Standard was one of the most outspoken critics of the Governor's appointees. The previous Legislature had elected Murphy as Territorial Auditor. The first slate of officers presented by the Governor were summarily turned down by the Council as the four Democrats and one Independent voted against the nominees.

Charges and counter charges were flying in all directions. The Legislature had created a new county in Southeastern Washington and named it Bing County after Council member Bing. The Governor vetoed the bill for technical reasons. The Democrats alleged it was in retribution for the turn down of the slate of nominees for state offices. Allegations were also rampant that vetoes had been threatened on other favorite bills if the nominees were not confirmed. Ultimately the new county was created but the name was changed to Columbia.

Several years later, as a result of this series of events, allegations were forwarded to Washington, D.C. charging Governor Ferry with official misconduct. The charges were never acted upon and the Governor completed his term. A decade later the people elected him as the state's first chief executive.

At the time, however, the newspapers had a field day with charges and counter charges flying in all directions. A second slate of state officers was presented and late on the last night of the session they were confirmed when

Democrat Council member Sovey from Pacific and Wahkiakum broke ranks and voted to confirm. The Democrat members of both houses and the Democrat newspapers complained of skulduggery on the part of Mr. Sovey and accused him of sneaking out of town under cover of darkness, but the appointments stood.

A major event of the 1875 session occurred during a three-day recess in mid-October when the entire assembly took an excursion to Seattle, Tacoma, and Steilacoom to inspect the University, the Puyallup Valley Railroad and the insane asylum. The outing included receptions and banquets at the various stops.

An effort to fund an improved road between Walla Walla and Seattle failed. On a couple of previous occasions plebiscites to call for a constitutional convention failed but the assembly again decided to place the matter on the 1876 ballot.

## 1877

In 1876, the Republican nominated Judge Orange Jacobs for reelection to Congress while the Democrats chose J.P. Judson, a prominent lawyer and prosecutor. The election was very close but Jacobs won reelection and the Republicans took control of both houses of the Legislature; 18-12 in the House and six-three in the Council. This time the voters approved the call of a constitutional convention but other events of the 1876 election started a chain of events which doomed early admission to statehood.

Colorado was admitted to the union in 1876 and its three electoral votes ended up going to Rutherford B. Hayes in the presidential election. This provided the margin by which Hayes defeated Samuel Tilden in the electoral college though Tilden had a substantial lead in the popular vote. From 1876 to 1888 the Democrats controlled Congress most of the time. The territories which sought statehood, including Washington, were dominated by Republicans. After admission of Colorado in 1876, there were no more new states until 1889.

The 1877 legislature chose T.M. Reed of Thurston County as president of the Council and R.G. Newland of Columbia County as Speaker. The session was one of the least eventful in the Territory up to that time. One sign of the development from the early settlement days is noteworthy. The average age of the frontiersman who met for the first time in 1854 was under thirty. The group that gathered in Olympia in 1877 had an average age of 43 years.

Early in the 1877 session, the Legislature ran out of stationery. A resolution calling for an investigation of the University of Washington was written on a shingle. Subsequently, a rule was imposed that all bills, resolutions, and memorials be on paper.

On October 15, both houses took a one-day recess in sympathy with Rep. Joseph Foster of King County. Foster was a popular member who had previously served in the Council. During the first two weeks of the session all three of his children had died of diphtheria and his wife was near death.

Once again in late October, the assembly took a three-day recess for an excursion to Seattle and Steilacoom to inspect the University and the insane asylum and to be entertained by the local citizenry. Early in the 1877 session the Walla Walla Statesman, a Democrat paper published by former Council member Newell described the Republican Legislature as follows:

*"The Territorial Legislature is now in session, but if anything has been done to interest the people of the territory or 'any other man' we failed to discover it. The legislature of this territory are famous for their lack of ability and the present one is endeavoring to sustain the reputation for doing nothing that is useful."*

At the end of the session the Statesman had this further comment.

*"Hon. Dan Stewart, member of the Council from this county, has returned from Olympia, looking none the worse for his legislative labors. The late legislature was distinguished for the number of swindles introduced and we are glad to say that Mr. Stewart was uniformly found opposed to every swindle. A ring was formed early in the session—made up of shabby Democrats and tricky Republicans—whose object was to rob the treasury in every conceivable way, and it required all the energy of the true friends of the people to defeat the swindles. A huge steal was originated on the pretense of providing for the care of the insane, and this swindle was carried through one house, but finally had its wings clipped. It is estimated that the late legislature needlessly increased the annual expenses of the territory fifty thousand dollars, and had the ring managed to get through all their bills this figure would have been doubled. It turned out as we anticipated, that the ring members were unable to complete their steals, and hence desired a special session in order that the work of plundering the people might be carried forward. It happened that many of the members were penniless adventurers, and having nothing to loose, they were indifferent as to the burdens imposed upon tax-payers. Washington territory has had many worthless legislatures, but the last one seems to have capped the climax. Let us inaugurate the state of Washington, and then possibly respectable men may be induced to take part in legislation."*

Though, the Council was Republican the Governor's appointees to the territorial offices were not confirmed without substantial controversy and the candidate for Superintendent of Public Instruction was turned down.

The most significant action during the session was the calling of a constitutional convention. It provided for fifteen delegates to be elected in April of 1878. There would be three at-large delegates, one from each of the three judicial districts, one from each Council district and a non-voting delegate from North Idaho. An effort by the House to enlarge the number of delegates to thirty was unsuccessful. The convention was called for June of 1878 in Walla Walla.

Several newspapers in the Territory opposed the calling of the convention and they made much of the fact that fewer than one-fourth of the voters had voted in the election calling for the convention.

Of the fifteen delegates to the Walla Walla convention eight were Republicans and seven were Democrats. They completed their work in July and August of 1878 and placed the constitution on the ballot that fall for voter approval. It was approved by a margin of precisely 2-1. The vote was 6,462 for and 3,231 against. However, statehood was not to take place for another decade.

In the election of 1878, the Democrats nominated N.T. Caton of Walla Walla, a former Speaker, as their congressional candidate. The Republicans of Eastern Washington were adamant in their insistence that their party's candidate should also come from the eastside. An effort to nominate Governor Ferry never really got off the ground and he withdrew. Judge Jacobs, the incumbent, then tested the waters but was unsuccessful.

Meanwhile Judge Samuel Wingate who had recently moved from the westside to Walla Walla emerged as a potential contender. He met with

substantial criticism because he was such a recent arrival. Finally, Thomas H. Brents, a Walla Walla lawyer entered the race. He won the nomination fairly easily and won by a substantial margin in November. The Republicans again controlled the legislature and when they convened in October of 1879, there were six Republicans and three Democrats in the Council and 17 Republicans and thirteen Democrats in the House. Francis H. Cook of Tacoma was chosen president of the Council and George H. Stewart of Vancouver was named Speaker. On October 24, 1879, the Standard published the following article:

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## Personnel of the Legislature

*“Probably no information we could publish, at this time, would be more acceptable to our readers than that which relates to the Legislature. A brief reference to the measures introduced and acted upon, is all that we have hitherto been able to give of the daily proceedings without greatly exceeding the bounds of the limited space at our command; but in this issue we publish, in as condensed form as possible, such facts relating to the individuality of the members as will give a fair idea of the body as a whole.*

*The nativity of the members may be briefly summarized: Five members hail from Maine, 4 from New York, 4 from Ohio, 2 from Illinois, 3 from Virginia, 3 Indiana, 2 Pennsylvania, 2 New Hampshire, 2 Tennessee, 2 Kentucky, 2 Wisconsin, 1 South Carolina, 1 Missouri, 1 New Jersey, 1 Denmark, 1 Scotland, 1 Germany, and 1 Ireland, four of the members being of foreign birth.*

*The Occupation given, shows that the agricultural element is largely represented, there being no less than 17 farmers in the present Assembly. The lawyers and doctors are represented by the figures 3 and 2 respectively. Five follow mechanical callings, and 7 are engaged in mercantile pursuits of various kinds; two keep hotel, and one runs a livery stable.*

*The oldest member is 70, the youngest 28; the age of the majority ranging between those figures, place them in the prime of life and the full enjoyment of physical and mental vigor. The handsomest member is by general consent, admitted to be a gentleman from one of the remote Eastern counties; all are married except Mr. White, the representative from King County, who proposes for a short time longer to enjoy the boasted privileges and honors of celibacy. The proportion of married men in the Assembly is much larger than of any session which has preceded it.”*

The list indicates that the Legislature is largely composed of the pioneer residents of the Territory, one of whom dates his advent back to the hardy days of 1844, while about one-half the members can boast of a continuous residence here of nearly a quarter of a century. The political standing of the Assembly is too well known to need comment, the Republicans having a small majority in either branch and of 7 on a joint ballot. The theology of the members is decidedly mixed. In fact, as a body, the Legislature has very little religion, (as the term is generally understood) to boast of, the term “Liberal” being used to designate almost any form of belief opposed to Protestantism, or no belief at all.

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## Members of the Council

Francis H. Cook, president of the Council, is a native of Ohio, 28 years of age, a publisher; came to the Territory in December 1872; is a Republican in politics, a Presbyterian in creed and single; residence New Tacoma.

Elliot Cline, of Pennsylvania, is 60 years of age, a farmer by occupation; has been a resident of the Territory since October, 1852; is a Democrat in politics; Liberal in theological opinions; married; post office address, New Dungeness.

J.H. Day, hails from Virginia; is 60 years of age, a druggist by occupation; has been a resident of the Territory since October, 1862, is a Republican in politics and is a bachelor; residence, Walla Walla.

G.S. Dudley, claims New York as his native state; is 45 years of age, a farmer who came to the Territory in May, 1871; is a Republican and married; residence, Seattle.

R.O. Dunbar is from Illinois and 34 years of age; a lawyer; a residence since the fall of 1846; is a Republican; married; address, Goldendale.

J.B. LaDu is from the Empire State; 45 years of age, a farmer, whose residence dates from September, 1853; is an Independent Democrat; single; address Mount Collin.

John McGlynn is a native of Ireland; 35 years of age, a hotel keeper; residence since October 1872, a Republican, a Catholic, married; address LaConner.

D.M. Ranger, a native of Virginia; is 44 years of age; a merchant, resident since July, 1873, a Democrat; married; post office address, Almota.

A.F. Tullis claims the Hoosier State as his place of nativity; is 49 years of age; a father, who has resided in the Territory since September, 1852; a Republican; married; address, Chehalis.

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## Members of the House

George H. Stewart, the Speaker of the House is a native of Indiana, age of 48, a lawyer by profession, came to the Territory in August, 1850, a resident of Vancouver, a Republican in politics.

J.N. Baker is a native of Kentucky, 32 years of age, a farmer; came to the Territory in November, 1853; his residence address is Oakville, Chehalis county; he is a Republican.

H. Blackman, a native of Maine, is 31 years of age, a lumberman by occupation; came to the Territory November, 1872; resides at Snohomish city; is a Democrat.

C. Catun of Illinois is 35 years of age; a farmer came in the Spring of 1850; lives at Freeport in Cowlitz county; is a Democrat in politics.

M.F. Colt of New York is 42 years of age, a merchant at Walla Walla; came to the Territory in 1865; is a Republican in politics.

D.D. Jorup, a native of Denmark, is 34 years of age, a hotel keeper; came to the Territory in December 1860; is a Democrat.

J.M. Dewar, a native of Scotland; is 55 years of age and a farmer; address is Walla Walla; came to the Territory in January 1859; a Republican and a Presbyterian.

Levi Farnsworth is a native of Maine, 70 years of age, a shipwright by trade, who came to the Territory in November, 1850; residence Yakima. His politics is given as Greenbacker.

J.J. Foster, a native of South Carolina, is 55 years of age; a farmer; came to the Territory in the Spring of 1864; a resident of Wahkiakum county; is a Democrat.

T.C. Frary, a native of Ohio is 39 years of age, a physician by profession; a Republican; hails from Pomeroy; came to the Territory in September, 1876.

J.E. Gandy, a native of Wisconsin, is 32 years of age, a physician and surgeon; came to the Territory in August, 1865; resides at Puyallup; is a Republican.

D.C. Guernsey, likewise hails from Wisconsin, is 31 years age, a merchant, doing business at Dayton; came to the Territory in November, 1871; is a Republican.

M.V. Harper, of Tennessee is 40 years of age, a surveyor, residing at Goldendale; came to the Territory in October, 1853; is a Democrat and a communicant of the Baptist Church.

S.W. Hovey is from Maine, 46 years of age, cashier of Port Gamble Mill Co.; has been a resident of the Territory since October, 1857; a Republican.

D.F. Percival is likewise from Maine; 39 years of age, a farmer on Rock Creek; a resident of the Territory since July, 1872; is a Republican.

J.A. Perkins is from Illinois, 38 years of age, engaged in land business and farming; came to the Territory in July, 1861. Is a Republican and Congregationalist.

F.C. Purdy is a native of Tennessee, 62 years of age, a farmer on the Skokomish, a resident since March, 1854, a Democrat and United Presbyterian.

F.M. Rhoades hails from Ohio, is 47 years old, a farmer and resident since October, 1847; post office address is Key, in this county; a Republican.

H. Roeder, is from Germany, 54 years of age, a farmer; and has resided in Whatcom county since December, 1851; Democrat.

D.F. Shaw is a native of Missouri, 51 years of age, a farmer, whose residence dates from November, 1844; post office address Vancouver; Democrat.

I.P. Smith came from Maine, is 64 years of age, a watchmaker by trade in business at Seattle; his residence dates from November, 1869; is a Republican.

Alfred Snyder is from New Jersey, 51 years of age, a salesman at Port Blakeley; a resident since May, 1870; a Republican.

D.J. Storms, a native of Ohio, is 65 years of age, a farmer; residing near Waitsburg; came in the Spring of 1872; a Democrat in politics.

J.A. Taylor hails from the Empire State, is 51 years of age, a farmer and agent for farming machinery, a resident since October, 1852; post office address Walla Walla; a Republican in politics.

M.R. Tilley is from Indiana, 45 years of age, a livery man; came to the Territory in 1852, residence Olympia; a Republican.

S. Troy comes from Pennsylvania, is 46 years of age, a farmer by occupation; date of arrival in the Territory, the Spring of 1863; post office address, New Dungeness; a Democrat.

A.H. Tucker is from New Hampshire, 40 years old, a mechanic, residing at Port Townsend; came to the Territory in September, 1852; a Democrat.

C.P. Twiss likewise hails from New Hampshire, is 50 years of age, a farmer at Napavine; residence dates back to May, 1870; is a Democrat.

D.B. Ward is from Kentucky, 41 years of age; a teacher in Seattle; residence dates from September 1859, a Republican.

W.H. White is a native of Virginia, 37 years of age, a lawyer of Seattle of which place he has been a resident since July 1871; is a War Democrat."

This group represents a substantial contrast to the 27 young frontiersmen who had gathered in Olympia twenty-five years earlier for the first Territorial Legislature.

The performance of the 1879 Legislature was un-noteworthy. One hundred sixty one bills, memorials, and resolutions were passed in the 40-day session; one hundred twenty three originated in the House.

As had become customary the Legislature took a three-day recess to visit the University and the insane asylum. There were royally entertained in both Seattle and Steilacoom. Additionally, during the 40-day session there was a six-day recess so the members could travel to Portland to take part in the visit of former President Ulysses S. Grant.

At the close of the session, the Courier complimented the Legislature and said:

*"We cannot say that all of these legislative acts are perfect, but we can say, considering the time (40 days out of which must be taken five Sundays) that the Legislature and the people have reason to be proud of the work done. In any event, no harm has been done, and in this day of political legislation, that, in itself, is a recommendation worthy of credit and remembrance."*

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In the fall of 1880 the Democrats held their convention at Kalama and nominated Judge Thomas Burke of Seattle as their candidate for Congress. The press commented that the convention hurried to an early recess so the delegates could board a boat for Portland for an evening of activities. Much of the business of the convention was concluded on the boat ride.

The Republicans renominated Thomas H. Brents of Walla Walla and he was re-elected.

A new federal law had specified that a territorial legislature could have no more than 12 in the upper house and 24 in the lower house. As a result the 1881 Council was increased from nine to 12 and the House was reduced from 30 to 24. In the Council there were eight Republicans, three Democrats, and one Independent. In the House there were 15 Republicans and nine Democrats. M.F. Stratton was elected President of the Council and George Comegys was elected Speaker. Both were from Whitman County.

Dr. William A. Newell (not to be confused with William H. Newell, the former council member and publisher from Walla Walla) was appointed Governor to succeed Elisha P. Ferry.

For the first time in 1881, there was a special session. In fact there were two. The 40-day regular session was followed by one of 20 days and another of 10 days. During the regular session there was again a three-day recess for the biennial visitation to the University and the insane asylum.

The House passed legislation approving the vote for women but the Council turned it down on a seven to five vote. The issue arose thereafter during each session during the 80s. The press (there were now 30 newspapers in the territory) almost unanimously supported suffrage as did most professional people. The majority of voters (males) were not yet convinced

that women should vote.

At the close of the 1881 session, the Courier which was a Republican newspaper said the Republican Legislature had done nothing notable and had managed to spend all of the surplus.

The Bancroft Company of San Francisco descended upon the 1881 Legislature with an intense lobbying effort to dominate the public printing. They were not successful but their appearance again brought into focus the continuing controversies surrounding the public printing.

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## 1883

The election of 1882 featured a re-run of the congressional contest between Brents and Burke. Brents was again successful. In the Legislature, the Republicans maintained their majority, but just barely. In the Council there were seven Republicans, four Democrats, and one Independent. In the House the Republicans had just enough votes to organize. Ed Ferguson of Snohomish County was elected Speaker and Sewell Truax of Walla Walla was chosen President of the Council.

An indication that the territorial government was growing in size was apparent when the Governor's office was removed from the Capitol to a suite in Dr. Watson's office on Main Street (now Capitol Way).

As usual the Legislature took a recess to visit the University and the insane asylum. This time it was a five-day break. There were two issues which monopolized the 1883 session. After many years of debate and close votes both houses finally passed and the Governor signed a bill for woman suffrage. As far back as 1854, the House had come within one vote of approving the vote for women. During Governor Ferry's administration certain legislators had approached the Governor to see if he would promise to veto the bill if they passed it. Ferry, who at that time did not favor woman suffrage, emphatically advised that if the assembly passed a bill he would sign it.

Unfortunately, the bill did not withstand a court challenge on a technical issue. Elwood Evans, who had long-supported the vote for women, defended a gambling charge brought under a part of the same bill. The court ruled that the enactment contained more than one subject and ruled it invalid. The 1887 Legislature reenacted woman suffrage. The Constitutional Convention did not include the women's vote in the proposed constitution but placed the matter on the ballot where it was roundly turned down.

The other major issue in 1883 was the railroads which by this time pervaded the politics of the state. The failure of the Northern Pacific to complete its route to Tacoma had caused a substantial effort to forfeit their land grant. This was compounded by the great dismay of Seattle when Tacoma was chosen as the western terminus. In any event, after great debate, the legislature enacted a gross earnings tax on railroads. This was favored by the railroads as it gave them a tax break. The gross earnings tax was repealed four years later and the railroads were taxed on the same basis as everyone else.

During 1884 Watson Squire succeeded Dr. W.A. Newell as Governor and Dr. Newell established a medical practice in Olympia. The Democrats nominated C.S. Voorhees of Seattle for Congress and the Republicans nominated J.M. Armstrong of Spokane. In the closest election in the history of the Territory, Voorhees won by fewer than 150 votes of more than 40,000 votes cast.

As had been the case in 1882, in Thurston County, Democrats and anti-administration Republicans joined to form the People's Party. The Republicans handily won control again with nine Council members and 17 House members.

In 1885, the session, which had again been lengthened to 60-days, convened on the first Monday in December. B.B. Day of Pomeroy was elected President of the Council and R.O. Dunbar of Klickitat County was named Speaker. The House selected F.W. Robertson, a Methodist minister as chaplain. The Reverend Robertson learned that the caucus which selected him as nominee was held on Sunday and he promptly declined to serve as chaplain and in so doing roundly criticized the legislature for caucusing on a Sunday. A number of legislators, in turn, accused the Reverend of being a bit sanctimonious.

At the outset, an effort was made to repeal the railroad gross income tax and it passed the House. In the Council, after lengthy debate, the vote was six-six, so the repeal effort failed. In another action early in the session, acting upon committee recommendations, Walla Walla was chosen as the permanent location for the state penitentiary. Also, for the first time legislation was introduced seeking the formation of a Railroad Commission.

In 1885, proposals of temperance legislation abounded. Many of the prime movers for woman suffrage were also strong advocates of prohibition and they lobbied hard for local option. They packed the House on the day of the vote and under the watchful eyes of the dries, the House unanimously passed the local option bill and it later passed the Council. After the vote in the House, the Speaker called for the third house members to arise and acclaim the action just completed.

Late in the session, on January 18, 1886, it was noted that there was 18 inches of snow on the ground in Olympia making the trek from downtown to the Capitol most difficult.

Railroad politics dominated the 1885 Session. Seattle members were accused of strong anti-railroad bias, particularly as it pertained to antipathy toward the Northern Pacific. Generally, there was great disappointment that the road across the Cascades had not been completed. It was seen as a deterrent to settlement. There were also strong feelings that many actions of the railroads were extremely arbitrary in such matters as location of stations. There were strong feelings and great debate as to whether land grants should be forfeited and this became a major campaign issue.

With the location of the penitentiary in Walla Walla, the permanent location of the insane asylum in Steilacoom had been settled and the University was safely ensconced in Seattle. The only major site issue not determined was a final resting place for the state capital, an issue that would continue to rear its head periodically for many more years.

1887

In 1886 C.S. Voorhees was re-elected to Congress. He defeated C.M. Bradshaw from Clallam County, the Republican who had been unseated as President of the Council in mid-session back in 1869. The former Republican Governor, Dr. W.A. Newell was also in the race running as a People's Party candidate. In the House, the Republicans emerged with a 14-10 majority although there was some doubt at election time as to the party of a couple of the newly elected members. In the Council 6 Republicans were elected as were 4 Democrats, and 2 People's Party candidates who were in fact Democrats.

Upon convening in December of 1887, the Republicans chose W.M. Clark of Walla Walla as Speaker. In the Council with a 6-6 tie, it was not so easy. After one ballot which was 6-6, the Democrats suggested choosing the President by drawing lots. The Republicans demurred claiming that since two of the members voting with the Democrats had been elected by the People's Party that the Republicans should have the presidency. To break the deadlock a special committee was selected to arbitrate the dispute. After a couple of days of wrangling it was finally determined that the Republicans would name the President. The Democrats would choose the Chief Clerk and the other offices would be split evenly between the parties. J.R. Thompson of Clark County was then chosen President.

As the session started, as usual, the newspapers were fighting among themselves. On the night before the session started someone broke into the printer's office and stole a copy of the Governor's message to the assembly. It was published the next day in the P.I. The printer, the Governor, and competing editors were outraged. Subsequently, S.W. Wall of the P.I. was indicted for the theft but the indictment was later dismissed.

The first bill in the Council was to repeal the railroad gross earnings tax which had been enacted in 1883 and nearly repealed in 1885. This time the repeal effort was successful and railroad taxation was then levied on the same basis as other property.

The 1883 woman suffrage legislation had been ruled unconstitutional on a technicality. After strenuous debate a new bill was passed giving women the vote. There were a total of 350 bills introduced in 1887. Among them was one to remove the capital from Olympia. Once again that effort failed. Total appropriations by the legislature were \$750,000 up from about \$2,000 in the first session in 1854.

The Governor, among his appointments, nominated former Governor William A. Newell to be a trustee of the insane asylum. He was turned down by a vote of ten-two. Newell had left the Republican party and identified with the Peoples party. The Republicans and Democrats in the Council voted against him ostensibly because they didn't want to give anymore credence than necessary to the Peoples party.

At the close of the session, John Miller Murphy of the Standard, dean of the territorial newsmen, wrote that the Legislature had done a fairly good job but he questioned the debts incurred. He also complimented Governor Semple, the new Democrat governor on the quality of his appointments. He neglected to mention that he was among those appointees, having been named Territorial Auditor, a job which he had previously held.

As is common today, most newspapers breathed a sigh of relief in editorial commentary when the Legislature adjourned.

The election of 1888 was a Republican landslide in the state. John B. Allen, the Republican candidate, defeated incumbent Voorhees as the delegate in Congress. In the legislature 11 of 12 Council members and 20 of 24 House members were Republican. However, those elected never had the opportunity to serve as statehood intervened; another election took place at which state legislators were chosen.

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The Territorial Legislature met 25 times; there were 14 annual sessions and 11 biennial sessions. A total of 573 men served in the Legislature. The first session had nine Council members and 18 House members. By apportionment the House was quickly expanded to 30 members. It remained nine and 30 for many years until Congress changed the law applicable to territories and set the upper house membership at 12 and the lower house at 24.

402 members only served one session; another 101 served only two. Of the 70 who served more than two terms, only 16 served in more than five sessions and only two served more than seven.

Frank Clark of Pierce County served 12 sessions in the House & Council. Joseph Foster of King County served 10 terms and he also served in both houses.

Clark was first elected to the House in 1854 for the second session. At the time he was only twenty-one years old. He served in both Houses 12 times between then and 1873 and in 1864 was chosen president of the Council. In 1867 he lost a bitter contest for territorial delegate in Congress to Alvin Flanders. During his career he was one of the most notable defense lawyers in the territory, however, after 1863 his reputation was blemished by speculation surrounding his possible involvement in a conspiracy in the murder of B.F. Kendall.

Foster was born in Hamilton, Ontario in 1828. He was raised in Ohio and walked across the plains in 1852. He staked his homestead claim in what is now Tukwila and the community of Foster bears his name. He introduced the bill which located the University at Seattle. While serving in the 1877 session, three of his children died of diphtheria in one week. Like Clark, he served in both houses. Foster first served in 1860 and his last session was in 1883. While Clark died young in 1883, Foster lived until 1911. Both Clark and Foster were Democrats.

Of the 573 men who sat in the Territorial Legislature, most served a session or two and left. Most were pioneer leaders in their communities and many were prominent for activities other than legislative service. A few who were members or closely associated with the Assembly left a special mark.

Though he served only one session in the House and one in the Council, none was more closely identified with the Territorial Legislature than Elwood Evans. He was born in Philadelphia in 1828. In 1852 he was appointed deputy customs collector for the Puget Sound region and he crossed the plains to Olympia and opened a customs office there on November 15, 1852. He immediately turned around and returned to the East. There he signed up with the Stevens surveying party and returned with them to Olympia. He kept an official diary of the survey party's trip across the country.

## Conclusion

Evans was the first lawyer admitted to practice in the Territory. He was the first Chief Clerk of the Council and was involved with the administration of both houses for many years. He was also closely involved with the codification of the territorial laws. He sought appointment as governor when Lincoln became president but political opponents side-tracked him. He did, however, win appointment as Secretary of the Territory. He served five years and was not without controversy. In 1863, he appointed the territorial printer. Though he was a Republican, he appointed a Democrat. This outraged Republicans in the Legislature, but with support from Democrats in the legislature his appointment prevailed and thereafter the printer was appointed. On one occasion while secretary, the federal appropriation did not arrive and Evans arranged to borrow the money to pay the Legislature so they could get out of town at the end of the session. In the 1870s he moved from Olympia to Tacoma and subsequently became counsel for the Northern Pacific Railroad. In 1875 he served in the House and was chosen Speaker. In 1876, he was the territorial commissioner for the Centennial Exposition in Philadelphia.

After statehood, he organized and was first president of the State Bar Association. He also served as a member of the House in the first State Legislature. A prolific writer, he published a history of the territory in 1889. Elwood Evans died in Tacoma in 1898.

B.F. Kendall was another member of the Stevens surveying party. Though he never served in the Legislature, he was Clerk of the Council at its first session and was the first territorial librarian. He became a very controversial character in Olympia and was a particular thorn in the side of the political establishment. He was murdered in January, 1863 while the legislature was in session. For years afterward there were widespread rumors that his death was really the result of a conspiracy among a group of leading political figures. The true story remains a mystery to this day. His assailant Herman Howe was never tried and disappeared under somewhat unusual circumstances and was never heard from again.

While Isaac I. Stevens was the dominant figure in the 1850s the role of Charles Mason is often forgotten. Mason, for whom Mason County is named, was the first secretary of the Territory. He was, in fact, acting governor during Steven's prolonged absences from Olympia and on at least two occasions delivered the Governor's message to the Legislature. He was the actual administrator of the Territory during the first years. Unfortunately, he was afflicted with a serious problem with alcoholism and he died of related ailments before reaching his thirtieth birthday.

Edward Eldridge of Whatcom County is another whose career spanned the entire territorial period. Born in Scotland in 1829, he was orphaned at an early age and was raised by his grandparents. At eleven, he went to sea, ultimately ending up on San Francisco in 1849. He came north to Whatcom County in 1854 where he helped to construct a sawmill and ultimately staked a donation claim. He was a militia lieutenant in the Indian Wars in 1855 and 1856. He served in the House in 1864, 1865, and 1866 and was Speaker in 1866. He sought to return again in 1869 but ran slightly behind the Democrat, Roeder. He challenged the seating of Roeder but his challenge failed on a 14-14 vote when one Republican, McMillan of King, voted with the Democrats. He did return to the House for one more term in 1875.

Eldridge was also chairman of the Republican conventions in 1865, 1867, and 1869 which nominated Denny, Flanders, and Garfield as candidates for Territorial delegate in Congress. In each instance the nominee was elected.

Finally, Eldridge was a delegate to both constitutional conventions.

Another notable citizen who served one session in the House and two in the Council was H.G. Struve who was born in Germany in 1836. He came to the United States in 1852 and though underage immediately joined the Army. Later, during his political career, he was alleged to have been a deserter and his citizenship was questioned. In 1853 he migrated to California and by 1859 he was admitted to the bar. In 1862 he moved to Vancouver where he became District Attorney. He served in the House in 1865 and in the Council from 1867-1871. He was the moving force in the removal of C.M. Bradshaw as President of the Council in January of 1869 after Bradshaw had been suspected of playing both sides in the contest between McLane and Longmire for the Thurston-Lewis Council seat. Struve moved to Olympia in 1871 and bought the Weekly Courier. He was aligned with the Garfield wing of the Republican party and in 1873 was appointed Territorial Secretary, a position which he held until 1879. Thereafter he moved to Seattle and started a law practice; the successor firm is still in existence. In 1883, he was elected mayor of Seattle.

Though he never served in the Legislature, Selucius Garfield was probably the most prominent and also most controversial politician in the Territory in the 1860s. Born in 1822, he became a lawyer and stumped the mid-West for James Buchanan in the 1856 presidential campaign. Noted as a spellbinding orator he was rewarded for his efforts by appointment as receiver at the district land office in Olympia. He arrived in the Territory in time to accompany Governor Stevens on his campaign to become delegate to Congress in 1857 and to speak widely on Stevens's behalf. By 1859, he had changed his loyalties and he opposed Stevens renomination. He was also developing a reputation as a political opportunist. In 1861 he became the Democrat nominee for Congress. At this time he represented the pro-Douglas anti-Buchanan faction of the Democrat party. He was nominated on the 25th ballot. Some charged that he secured the nomination by promising the support Clark County in its bid to take the capital from Olympia. Later in the year he represented the Clark County interest before the court in the famous capital removal litigation. Dissatisfied with Garfield, Judge Edward Lander campaigned as an independent and the Republicans won the election with 44% of the vote. Democratic dominance in the Territory waned in the early 1860s and Garfield's loyalties underwent another change. He became a Republican and attained appointment as Surveyor General. In 1869, he was nominated and elected Territorial delegate in Congress. He served two terms and built a powerful political machine, but he also developed many influential enemies. Many charged that he was more interested in building personal political power than in serving the Territory. He was defeated for re-election in 1872, but his allies Governor Elisha P. Ferry and Secretary Henry G. Struve remained firmly in control of the political machinery of the Territory throughout the 1870s.

Another notable figure who never actually served in the Legislature, but who exerted a strong influence on the Territorial government was John Miller Murphy. He founded the Olympia Standard in 1860 and was its

owner, editor, and publisher for over fifty years. Murphy crossed the plains with his sister and his brother-in-law in the mid 1850s. His brother-in-law, George Barnes, became a prominent Olympia merchant and businessman. Murphy went to Portland and learned the printer's trade. He subsequently returned to Olympia and arranged the backing to start publishing the Standard. It started publication as a strong Republican pro-union paper. After the war it shifted from its earlier stance and by 1867 had become a Democrat publication and remained staunchly so thereafter. Later in his life, Murphy denied ever being anything but a Democrat. On three occasions he served two-year terms as territorial auditor and his rival editors accused him of using his paper and its influence to pressure the legislature to get or keep the auditor's office. A majority of commentators seemed to agree that the Standard was the most influential publication in the Territory during the pre-statehood period.

Nearly 90% of those who served in the Territorial Legislature served only one or two sessions. Many were or became the leaders of their respective communities throughout the state. However, by virtue of their short service in the legislature not much of note is known of that service. Probably the best known of all territorial legislators was Arthur A. Denny, the founder of Seattle. He served five sessions in the Legislature and one as territorial delegate in Congress. More than any other person, he was responsible for the location of the University in Seattle. Yet, late in life when Mr. Denny published his autobiography it did not mention his service in the Legislature or in Congress.

After meeting annually from 1854 through 1866, the territorial law was changed by Congress to provide for biennial sessions, so commencing in 1867 the Legislature met every other year. Even with biennial sessions there was really not enough to do and in almost every session there was a recess of several days at mid-session. In the early annual sessions, much of the time was devoted to scheming for location of the territorial institutions, fighting over selection of the public printer, granting divorces, and awarding franchises to operate toll roads, ferries, and bridges. By 1868, the capital was at least temporarily settled in Olympia. The University was established in Seattle. The permanent site of the penitentiary was still unsettled. The printer was now being appointed by the Territorial Secretary and the legislature had stopped granting divorces.

Throughout the 1870s and 80s the issues which consumed most legislative attention were the move for statehood, woman suffrage, prohibition, and the status of the railroads. In addition, there was an almost constant controversy over the status of Eastern Washington.

In the Walla Walla area in particular there was an intense feeling of alienation from Western Washington. There was a consistent Democrat majority in Walla Walla, while the rest of the Territory tended to be Republican. At different times there were strong movements either to annex to Oregon or to form a new territory of Eastern Washington, Eastern Oregon, and Northern Idaho. The first constitutional convention in 1878 included a non-voting delegate from North Idaho. The effort to annex to Oregon was complicated by reluctance on the part of Oregon Republicans to add a Democrat region at a time when the party split in the state was virtually 50-50. All of these efforts were put to rest on November 11, 1889 when Washington was admitted to

the Union and the territorial boundaries were confirmed as the state boundaries.

There had been 4,000 settlers in the wilderness that stretched from the Pacific Ocean to the continental divide when Washington became a territory in 1853. By 1889 the newly admitted state was much smaller in size than the original territory but the population had increased to 300,000. Numerous cities and towns had developed and the largest, Seattle, had a population of 40,000. A network of roads and railways criss-crossed the state and resource based industries, agriculture, mining, lumbering, and fisheries had become significant. The rapidly growing population was more than prepared for a new era as the 42nd state of the Union.

The biennial election was held as usual in November of 1888 and a full Territorial Legislature was elected. An overwhelming majority of those elected were Republicans, however, the territorial legislature of 36 members did not again convene. Also in 1888, Benjamin Harrison defeated Grover Cleveland to become president. At the same time Republicans took control of both Houses of Congress and it became obvious that the Northern tier of territories would soon be admitted to the Union. With this prospect imminent, the Legislature did not again meet. In January of 1889 there convened in Ellensburg, the so-called statehood convention; it had no official charge and a few counties did not send delegations but it did lay plans for statehood and memorialized the Congress for immediate admission.

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## Chapter III: 1889-1901 Statehood the Rise & Decline of Populism

The outgoing president, Grover Cleveland, signed enabling legislation on February 22, 1889 providing for statehood for the Dakotas, Montana, and Washington. It set the first Tuesday after the first Monday in May as the date for election of delegates to the constitutional convention. The 75 delegates elected included 43 Republicans and 29 Democrats. Their average age was 45 years and they represented a broad cross-section of the leadership of the Territory. The convention opened at Olympia on July 4, 1889, and concluded with a final document approved on August 22. The proposed constitution was submitted to the voters along with three ballot measures on issues upon which the delegates could not agree. They were prohibition, woman suffrage, and the location of the seat of government.

At the October election the constitution was adopted handily but prohibition and woman suffrage were overwhelmingly defeated. A substantial plurality of voters favored Olympia as the capital, but not a majority. This required a second plebiscite on the location among the top three finishers. At that election in 1890, Olympia won out over Ellensburg and North Yakima, but even then, the capital controversy was not finally resolved.

The newly elected Legislature assembled in Olympia in the first days of November, eagerly awaiting news that admission to the Union had finally been accomplished. Shortly after 5:00 p.m. on the afternoon of November 11, 1889, President Benjamin Harrison signed the bill which proclaimed Washington the 42nd state to be admitted to the Union. The news was immediately transmitted to Olympia by wire. The newly elected Legislature was gathered awaiting the word and upon its receipt great jubilation ensued. The long campaign for statehood had finally ended.

Thirty-six years of territorial status had produced great change and development. From fewer than 4,000 in 1853, the population had increased to more than a quarter of a million. A handful of frontier settlements had grown into numerous modern cities and towns. Thriving industries had developed in farming, fishing, forestry and mining. The transcontinental railroad had arrived and the new state was developing new miles of railroad track at a faster rate than any state. Politically, the first signs of populism were beginning to appear. Washington had been moderately Republican since the Civil War and the first state election reflected this. All state-elected officials in 1889, were Republicans. In the Legislature there were: 34 Republicans and one Democrat in the Senate and 62 Republicans and eight Democrats in the House. The members ranged in age from 26 to 62. Only three (all in the House) had been born in the Territory. Thirty-one were veterans of

the Civil War. By occupation, the largest single group were farmers followed by lawyers.

While a large majority were Republicans, their political philosophy was wide-ranging and several later identified with the populist movement. In a departure from the normal experience the average age of the Senate members was younger than those in the House.

The Legislature actually convened several days before the 11th and the actions taken during those days were immediately challenged as to whether they had any legal effect. Meanwhile, the jockeying for election to the United States Senate was at a fever pitch. The leading candidates were former Governor Watson Squire and Delegate in Congress John B. Allen. They subsequently achieved easy first ballot election at the November 19, joint electoral session, a feat that was not repeated in the years that followed.

The organizational activities which had occurred before the 11th were subsequently confirmed. Both houses were preoccupied with inaugural activities and the upcoming senatorial election. In joint session they received messages from outgoing territorial Governor Moore and the first state Governor Ferry. As had been the case in many sessions of the Territorial Legislature, an immediate controversy arose over the public printer. It was ultimately resolved by accepting a gubernatorial appointee with the provision that commencing with the election of 1892 the position would be filled by popular election.

Each house indulged in a notable early procedural controversy which received a great deal of press attention. Charles Laughton, a Republican from Conconully, Okanogan County was nominated for Lieutenant Governor by the party convention and subsequently elected handily. A relative newcomer to the Territory, Laughton had also served a term as Lieutenant Governor of Nevada. He had come to North Central Washington to pursue mining interests. By the time he came to Olympia in November, 1889, he had already become a character of some notoriety.

Early in the session, the Olympia Standard, a Democrat paper, described Laughton as an unknown interloper whose only known quality was that he was a first-class fiddler. Nevertheless, the senate in adopting their first set of rules gave to the Lieutenant Governor the authority to make committee assignments, a power which remained in place for nearly 50 years. The Tacoma Ledger and the Seattle P.I., at the time, were each fiercely partisan Republican newspapers though they often violently disagreed on specific issues. There was one thing, however, upon which they were in total agreement. They adamantly opposed Charles Laughton and were on his case throughout the entire three years of his term. During the first week of the session a bill was introduced in the Senate to abolish the office of Lieutenant Governor. It was not aimed at the office but at the incumbent. The controversy continued even after Laughton's term ended and the House voted 49-21 to abolish the office during the 1893 Session but the bill went no further.

While the Senate squabbled over the Lieutenant Governor, the House had a personnel squabble of its own. W.J. Feighan, a Spokane lawyer, was elected Speaker. A recipient of his patronage, C.E. Fox, was elected enrolling clerk. At the time, all significant staff positions were filled by election by the body. A few days after his election, Mr. Fox was called upon by the Rules Committee. When he appeared before the committee, he was obviously

intoxicated and he was extremely insulting to members. The next day a move was made to expel Fox. The Speaker ruled that he could be terminated only by impeachment. Representative Judson of Tacoma, the leader of the small band of Democrats in the House, arose and challenged the Speaker's ruling and among other comments referred to Speaker Feighan as a shyster. A challenge to the ruling of the chair was made and it was upheld by a 34-32 vote. A special committee was appointed to consider the conduct of Mr. Fox and to recommend appropriate action. After completing its investigation, the committee recommended that Fox be given another chance upon the condition that he abstain from the consumption of all alcohol. A couple of days later he again appeared drunk and shortly thereafter he submitted his resignation. Significant staff positions were obviously highly valued at that time as noted by the fact that it required six ballots to choose a new enrolling clerk.

After the officers were elected, the inaugural activities concluded and organization matters attended to, the session proceeded at a snail's pace. At least one editor lamented at the inexperience of most of the members. Many members, staff, and others in Olympia for the session complained loudly at price gouging by the locals. This was an incentive to those who wanted to move the capital elsewhere.

Press criticism was not unlike that of today. There was grouching that the session was costing \$1,000 per day and nothing was being done. A legislator's per diem was \$5.00 per day. It typically cost \$4.00 a day for room and board. Per diem was suspended during the Christmas recess which extended from December 20th to January 6. On January 6, there was no quorum in the Senate and only 43 of 70 House members appeared. Attendance continued to be a problem throughout January, particularly in the Senate. On February 7, the Standard commented that the session had continued for more than 90 days and little had been accomplished. Only 27 bills had been passed and most of those were of minor significance. Also, by this time a continuing controversy had arisen over setting a date for adjournment, the issue remained open until the day of adjournment finally arrived.

Determination of the status of state-owned tidelands became the major item which prolonged the session. The rights of upland owners was the major point of contention. In January, press stories alleged that boodle (bribery) was rampant particularly as related to the tidelands bill. An internal investigation was instigated in the House which finally concluded that the charges were unfounded and based upon rumor and false allegations. One of the reporters who had made the charges was H.D. Scott who was also clerk of the Roads Committee. When the committee report on the bribery charge was published Scott resigned his committee job but a move to expel him from the House chambers never came to a vote.

While the tidelands proposal bounced back and forth between the two houses a number of other significant issues were resolved. It was determined that the Agricultural College would be situated in Whitman County, the precise location to be determined by an appointed commission. After lengthy debate, W.L. Hill was selected to publish and annotate the laws of the state. The first codification of Washington laws became known as Hill's code. Notable proposals which failed were railroad regulation measures and the anti-Pinkerton bill which would have forbidden the employment of

private forces to act as strike-breakers. The failure of railroad regulation measures, in particular, added impetus to the populist movement in the agricultural areas of the state.

A tidelands bill was finally passed by one vote in the House and the Legislature adjourned on March 28, after 143 days. Another session did not last that long for nearly 80 years. Upon adjournment at least one publication, The Seattle P.I. was reasonably complimentary and congratulated the legislature on a productive session.

The Governor convened an extraordinary session on September 3, 1890. It was one of only four extraordinary sessions convened prior to World War II. The session was limited to consideration of reapportionment. The Senate was decreased in size from 35 to 34 and the House was expanded from 70 to 78.

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## 1891

In the November election of 1890, the Democrats enjoyed a landslide at the national level. In Washington their gains were nominal. In the Senate four Democrats were elected or held over. In the House 18 Democrats were elected, an increase of eight from 1889; there were 60 Republicans.

The first order of business when the Legislature convened in January of 1891 was the election of a United States Senator. The incumbent, Watson Squire, sought re-election. He was challenged by Judge W.H. Calkins of Ocosta, a relative newcomer to the state. Calkins was strongly supported by Pierce County members. Squire's base of support was centered in King County. As a result of controversy between Seattle and Tacoma regarding the terminus of the Northern Pacific Railroad the rivalry between the two cities was particularly bitter at this time.

Prior to the direct election of U.S. Senators, federal law made very specific provision for the method by which senators were chosen. Within ten days of convening, each house of a state legislature was required to vote for a candidate for the Senate. If no one received a majority of all votes cast the legislature was required to assemble on the following day in joint session and to conduct a vote. If no candidate received a majority of the votes cast the process was to be repeated each day until one candidate achieved a majority. This process created incredible pressures upon legislators. There was widespread abuse and bribery and misconduct on behalf of candidates in states throughout the country. By the end of the 19th century and into the 20th century so much scandal had arisen that the constitution was finally amended to provide direct election of senators.

The contest in Olympia in January of 1891 was typical of that experienced in many states that year. It was a classic battle between Seattle and Tacoma. When the House organized, A.F. Shaw of Clark County was elected Speaker. This was seen as a victory for the forces of Senator Squire. In the Senate, W.H. Parkinson of Whatcom County was chosen temporary President Pro-Tem. He had been President Pro-Tem in the previous session. However, upon election of permanent officers he was replaced by Eugene T. Wilson. This came at a time when allegations were widespread that Parkinson and Lieutenant Governor Charles Laughton were fronting for the major corporations and particularly the railroads.

During the first week of the session, the lobbying was intense. The Tacoma Ledger claimed that Squire was buying votes. The Seattle papers made similar counter charges. The Republicans with their large majority

were unable to muster enough votes to convene a caucus in which to conduct a test vote. Finally the contest climaxed in pandemonium on the evening of January 20th. Both Calkins and Squire had their headquarters in the Olympia Hotel where they maintained generously stocked hospitality suites which were heavily patronized. At about eight on that Tuesday evening, Republican Edmond S. Meany of Seattle, a leader of the Squire forces mounted the stairs in the hotel lobby and announced that he had a document signed by 56 Republicans calling for a caucus to select Squire. As Meany proceeded to read the names of the signers a near riot ensued. Calkins supporters charged Meany trying to grab the document from which he read but they were not successful. Squire supporters were able to rescue Meany and get him safely to the Squire suite. The near riot continued in the lobby and spilled out into the street but the battle was over and at joint session on the following day, Watson Squire was reelected to a six-year term in the U.S. Senate.

In the final stages of the Senate battle a new twist arose. Prior to the election, John Metcalf a Republican representative from Stevens County arose on the floor of the House to advise that one Harry Clarke a supporter of Judge Calkins had offered him \$500 to switch his support to Calkins. Some members urged that the election be delayed until the charge could be investigated; this effort was unsuccessful, losing in the Senate by only one vote after extensive parliamentary maneuvering. However, a full investigation was ordered. Metcalf, it was shown, had a history of some questionable dealings. It was concluded that Metcalf took the bribe and Clarke offered it. The investigating committee concluded that Clarke should be prosecuted. Metcalf was censured but a move to expel him lost by a 41-33 vote. He was a one-term legislator.

As the Legislature finally got down to business they were looking at Charlie Laughton in the Governor's chair. Elisha P. Ferry had become seriously ill and had gone to California to recuperate and Laughton, who many looked upon as an interloper and a corporate shill, was now the acting chief executive.

Where the tidelands issue had been the pervasive issue in the 1889-90 session, matters of railroad and corporate regulation were the primary concerns in 1891. An effort to create a Railroad Commission was not successful and the railroads were able to defeat such legislation in each succeeding session until 1905. A rather modest proposal to restrict discriminatory rates was passed.

Also passed was a so-called anti-Pinkerton bill to ban the use of private forces to act as strikebreakers. Acting Governor Laughton vetoed both of these bills for which he was viciously attacked in the press and by much of the public. He was pushed very hard to call a special session so his vetoes could be overridden but he stood his ground. When Governor Ferry returned later in the spring, he was urged to convene a special session but he declined, citing the cost and in effect making Laughton the scapegoat.

Meanwhile, the Legislature, during the session, was confronted with another compelling distraction. This was the expulsion trial of Superior Court Judge Morris B. Sachs of Jefferson County. The charge which was replete with political overtones alleged that the judge was a gambler and that he frequently visited faro parlors in Jefferson and Clallam Counties. The charges split the local bar association and inflamed many politicians

throughout the state. Sachs was a former law partner of C.M. Bradshaw who had been a controversial member of the territorial council twenty years earlier and was currently the Collector of Customs at Port Townsend. An effort was underway at the time to remove the customs office to Tacoma, a move which might have succeeded had Judge Calkins been elected to the Senate. Ironically, the three legislators from the Port Townsend area who had been counted as Calkins supporters switched to Squire, tipping the scales to assure his reelection. By coincidence, Sheriff McGraw of King County, a strong Squire supporter, had just been involved in the purchase of one of the Port Townsend newspapers.

Later in the spring of 1891, Bradshaw was relieved of his position as Collector of Customs, the most lucrative federal patronage position in the state. The three local legislators were the beneficiaries. One became collector, the second his deputy, and a relative of the third was selected as controller of the customs office.

In the matter of Judge Sachs the legislature had to choose between impeachment or expulsion by joint resolution which required a 3/4 vote of each house. They chose the latter course and a trial was conducted during the evenings of the last ten days of the session. The trial was quite an event, attracting spectators from all over the area. The trial ended and the House voted 54-17 to remove the Judge. In the Senate it was a different matter; the vote was 16-16. Judge Sachs went back to Port Townsend still a judge but he did not stand for reelection.

The Sachs trial over-shadowed the other legislative business and Laughton vetoed most of the significant bills. The Legislature adjourned, grousing about the vetoes.

## 1893

By the time the 1892 election approached, the winds of political change in the state had begun to have an effect. The prosperity of the 1880's had largely bypassed the agricultural community. The coming of the railroads to Eastern Washington, so long-awaited, proved a mixed blessing. Access to markets was improved but the arbitrary and monopolistic practices of the railroads proved a focal point of the development of the populist movement.

The railroads had also affected the cities and towns. They brought a huge influx of people and urban industrial development. The newcomers were primarily immigrant laborers. The new concentration in cities and towns brought demands for reform which melded with the agrarian movement and resulted in the rise of populism which was accelerated by the economic crash of the early 1890's.

In November of 1892, eight Populists were elected to the House of Representatives along with 52 Republicans and 18 Democrats. In the Senate there were 25 Republicans and nine Democrats. In the House race in Okanogan County, Charles Laughton, who had been denied renomination as Lt. Governor, was defeated in a very close contest.

The Seattle-Tacoma rivalry was clearly evident in 1892. The Tacoma Ledger which had always been a strong Republican publication supported H.J. Snively, a Yakima lawyer who was the Democrat nominee for Governor. They opposed anything Seattle wanted and were particularly vehement in their opposition to the proposed Lake Washington Ship Canal. The

gubernatorial campaign was particularly vicious. Sheriff John McGraw of King County was the Republican candidate. Late in the campaign charges were aimed at Snively alleging that when he emigrated from West Virginia, he had escaped from a series of questionable financial dealings. McGraw won the election but did surprisingly poorly in many areas of the state.

By the time the session commenced in January, the contest for the U.S. Senate seat had assumed gigantic proportions. While the Republicans had done well in Washington State the rest of the nation had produced disastrous results for them with the Democrats winning important governors' races and taking control of the House of Representatives by a substantial margin. As a result Senate contests were critical. It was a foregone conclusion that Washington would return a Republican U.S. Senator and most of the smart money foresaw the reelection of Senator John B. Allen. This was not to be, as a segment of Republicans largely with an anti-Seattle bias, supported Judge George Turner of Spokane and never faltered in that support. At the outset 51 members voted to reelect Allen, 26 supported Judge Turner, the 27 Democrats voted for Chauncey Griggs a Tacoma lumberman and the Populists were for Governor Teats. As the days went by there were charges of railroad meddling though neither Allen or Turner were looked upon as railroad supporters. There were also all kinds of allegations of skullduggery and attempts at buying votes. From the tenth day of the session until the end, a joint session was held daily and at least two ballots were taken each day. The magic number was 58, a number which Allen was never able to achieve. On 100 ballots Allen held firm within one or two votes of fifty but was never able to break the deadlock and he had 50 votes on the final ballot. Immediately after adjournment Governor McGraw appointed Allen to the Senate. Similar deadlocks had occurred in Wyoming and Montana. In each case the Governor appointed; a Democrat in Montana and a Republican in Wyoming. The Democrats had taken control of the U.S. Senate. They had a long-standing unwritten policy that they would not seat a Senator who was appointed by virtue of a legislative deadlock. They stuck by this policy and the three appointees were not seated.

The Senatorial contest overwhelmed all else in the 1893 session but a number of legislative ends were achieved. Both houses were able to complete their organization on the first day, an accomplishment virtually unprecedented in the history of the Territory and State. This was done in spite of the fact that 15 ballots were required to choose a Speaker. At the start the contestants were W.R. Hoole of Clallam County, an Allen supporter, and T.F. Mentzer of Thurston County who was for Turner. After the 14th ballot, the Hoole forces made a deal with the Democrats and on the fifteenth ballot J.W. Arrasmith, a farmer from Whitman County, who had an association with the progressive Farmers Alliance which had just merged into the People's party, was chosen Speaker.

While the Senate contest dominated the 1893 session, it was not the only issue. Four business regulation measures which were vetoed by acting Governor Laughton at the end of the 1891 session were overridden by an almost unanimous vote in each case. Highly contested since the 1889 session, the anti-Pinkerton, strikebreaker bill finally became law as did a modest railroad rate regulation bill.

By far the most powerful and influential lobbying interest on the scene in Olympia was the Northern Pacific Railroad. Together with its corporate

allies they exercised a strong influence on all issues in which they had an interest and they were again successful in side-tracking the formation of a Railroad Commission.

The Seattle-Tacoma rivalry was more bitter in 1893 than at any other time. It was a key issue in the Senate contest and was present in consideration of many other matters including the choice of a Speaker. The Tacoma-Pierce County forces were particularly vehement in their opposition to the proposed Lake Washington Ship Canal. The newspapers in the two cities were extremely vicious in their assaults upon one another specifically with reference to any political issue in which there was even the inference of a difference between the interests of the two communities.

While Laughton was no longer in office, the effort to abolish the Lieutenant Governor's position continued. A bill to abolish the office passed the House 49-21 but failed to attain passage in the Senate. The House action may have been influenced by their unhappiness at having to override significant Laughton vetoes.

Efforts to resurrect woman suffrage were unsuccessful. The Senate appropriated one million dollars to build a capitol building, a reduction from the two million dollars which the House approved. The University was moved from downtown Seattle to its present location and \$150,000 was appropriated for buildings. The legislature also investigated charges surrounding the newly established Agricultural College at Pullman. There were accusations of Regent's padding expense accounts, of incompetent administration, and of gross student misconduct. As a result of the controversy the sitting Regents were replaced. In spite of the overriding impact of the contest for the Senate seat the Legislature adjourned on the 60th day with a significant list of accomplishments.

The national economy faltered badly in the early 1890's culminating in the financial panic of 1893. The impact in the newly admitted state of Washington with its basic industries of fishing, farming, mining, and lumbering was extremely serious. In spite of this the Republicans maintained overwhelming majorities in both houses in the 1894 election with 26 of 34 Senators and 54 of 78 House members. The Democrats had six Senators and only three House members. However, the Populists became a significant factor with two Senators and 21 House members. In 26 races, primarily in Eastern Washington, the Populists and the Democrats had formed a fusion ticket. They were successful in only six of these contests. The seeds of the upcoming 1896 upheaval were clearly in place. The silver controversy and the failure to effect meaningful railroad regulation were the primary factors in the fusion movement in the rural areas. The 1895 Legislature did very little to alleviate this unrest. In fact, the failure of the Republican Senate to pass a House railroad rate regulation bill did much to accelerate the exodus of many Republicans to the Populist Party.

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1895

As had been the case in each of the three previous sessions, the first order of business for the fourth biennial Legislature was the election of a United States Senator to fill the remaining four years of the term for which the 1893 Legislature had failed to elect a member. Upon convening in January each house organized with comparative ease, a departure from the typical experience in earlier sessions. Ellis Morrison of King County was elected Speaker

on the first ballot and B. C. Van Houten of Spokane was chosen President Pro-tem of the Senate. In many instances, issues turned on sectional rather than partisan difference. Rivalry was again bitter between King County and Pierce County. In addition there were informal caucuses representing the Southwest, the Northwest, and the Eastern sections of the state. Among other issues, these regional alliances had formed around competition for location of various state institutions.

Once again the U.S. Senate contest was a humdinger. It consumed the entire month of January, though 80 of the 112 legislators were Republicans and it required only 57 votes in joint session to choose a Senator. They had great difficulty reaching accord on a candidate. Railroad politics, silver-gold issues, and regional differences contributed to the difficulties in making a selection. At the start, John L. Wilson of Spokane, Levi Ankeny of Walla Walla, and former Senator John Allen, who had failed in his effort to be reelected in 1893 were the leading contenders. After several days of impasse, Judge George Turner of Spokane, who opposed Senator Allen in the 1893 contest entered the race but failed to gain much support.

By law the Legislature was required to ballot each day commencing on the tenth day of the session. With 112 members, 57 were required to elect. However, the real action was ultimately in the majority caucus. In this case, there were 80 Republicans so the goal was 41 votes in the Republican Caucus. Meanwhile, the Populists voted consistently for Representative John Rogers of Puyallup. After several days of total deadlock in the Republican Caucus, Levi Ankeny withdrew. There was a tacit understanding that his support would go to a new candidate, Justice Dunbar of the state Supreme Court. Apparently the deal did not hold, for on the first ballot after Ankeny's withdrawal, Wilson got 44 votes to Dunbar's 27, and it was all over. On February 1, John L. Wilson was elected and finally on the 19th day the Legislature was able to get down to business.

On January 12, the Saturday before the session started, the various regional caucuses had met. While the senatorial contest was of primary interest, other areas of concern were addressed and there was general agreement that economy of administration and relief for victims of the economic depression were the major issues. The situation on the farms was extremely onerous and there was a great demand for repeal of the deficiency judgment law.

One hundred years later, the only act of the 1895 Legislature which anyone remembers is the passage of the "barefoot school-boy" law. The prime sponsor was John Rogers, a freshman Populist from Puyallup. Though in his first term, Rogers was the acknowledged leader of the Populist minority in the legislature.

The battle for enactment of the school equalization law was not an easy one. Most urban legislators and the most influential city newspapers opposed the bill. It came to the floor of the House in early February. After lengthy debate it was passed, survived a reconsideration vote, 34-31, and was passed finally by a 42-24 vote. A month later in the last days of the session the Senate also passed the bill and it was signed into law by Governor McGraw.

Meanwhile, a number of other issues, which seemed more critical at the time, occupied the legislators. In what had become a biennial ritual, an effort was again made to abolish the office of Lieutenant Governor. The

House voted 50-24 to do so but the proposal died in the Senate. One may speculate that by this fourth biennial session a number of Senators may have coveted the Lt. Governor's job. In an interesting commentary on the Office of Lt. Governor, the Tacoma Ledger suggested in an editorial on January 29, 1895, that the office should be maintained but that the salary should be abolished.

The Senate favored a constitutional amendment proposal for woman suffrage but it failed in the House. The House voted twice, 44-28 and 50-19; not enough to meet the constitutional two-thirds requirement of 52 votes. Attendance was a problem in both houses during the entire session. Prohibition forces were strong, vocal, and in many instances aligned with the suffragettes and a local option proposal passed the House but failed by one vote in the Senate.

The controversy over final location of the capital which had surfaced on and off since the first meeting of the Territorial Legislature in 1854 arose again in 1895. The issue was appropriation of funds for construction of a capitol building on the current site. Site preparation and excavation had already been done. However, many locations other than Olympia still coveted the prize. Within the Legislature John Rogers was a leading opponent of appropriating money to build the capitol. His announced position was that the people of the state couldn't afford the \$1 million price tag. In 1895 Seattle and Tacoma forces had tentatively agreed that Puyallup was the proper location to which the capital should be removed. One is left to wonder just how much influence this proposal had on Mr. Roger's position. A Capitol Commission had been created to oversee the construction of the government buildings but it ended up in constant conflict with the Governor and little was accomplished. Even with approval of an appropriation there was no effective implementation and the hole in the ground remained for 15 years.

The Agricultural College at Pullman had been a constant source of controversy since its founding four years earlier. Charges of misconduct had been levelled at the Regents, the Administration, and even at the students. Enoch Bryant had been hired as president to straighten out the institution and apparently he was succeeding as he received a vote of confidence from the legislature.

On those issues which were of most concern to the public, the session was an apparent failure. Both houses passed a bill providing relief from deficiency judgments but the Governor vetoed it. A measure providing railroad rate regulation passed the House but died in the Senate. At the close of the session the Seattle P.I. which was an outspoken Republican paper at the time commented that the only serious failure of the legislature was its failure to pass railroad rate regulation. Other editors were less benign in their reviews.

The most controversial and maligned figure in the state during the first six years was Charlie Laughton the first Lieutenant Governor who had been acting Governor in 1891, and who had vetoed most of the progressive legislature enacted during that session. He had not been renominated in 1892 and then lost in a close race for the House in Okanogan County. He then moved to the west side and remained an active and very controversial figure in state politics. On March 15, 1895, the day after the legislature adjourned, he died in a Tacoma hotel room at the age of 49. In spite of his

highly questionable reputation, he was regaled at his funeral by many who had maligned him in life. He was remembered as a jolly fellow and a very talented fiddler.

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The Republican party had been the dominant political force in Washington throughout the post-civil war era and was to remain so until 1932. The single exception was the brief period from 1895 to 1897. The populist tide was rising and the fierce battle between advocates of the gold standard and proponents of free silver was ripping traditional political loyalties asunder, particularly in the western states. The economic depression created additional distress. The administration of Governor McGraw was looked upon as a machine dominated by the railroads and other corporate interests.

1897

The populist movement had grown steadily in Washington from its roots in the People's party a decade earlier. It was strengthened by the emergence of urban reformers in Seattle, Tacoma, and Spokane. As the 1896 election approached the Populists were the strongest challengers to the entrenched Republicans. The Democrats remained a significant factor and a third organization, the Silver Republicans, had emerged. They were pro-silver Republicans who had left the party as the result of the bi-metal controversy.

The pure Populists wanted to go it alone against the Republicans but their more pragmatic brethren acknowledged that their chances for success lay in fusion. After substantial internal controversy the Populists set their nominating convention for Ellensburg in early August. The Democrats and the Silver Republicans followed suit and all three groups convened at separate locations in the central Washington city. They were able to iron out their differences and achieve a fusion slate. John Miller Murphy, the strongly partisan Democrat who published the Washington Weekly Standard in Olympia, described the three party meetings in an editorial in the August 21, 1896 issue in part as follows:

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*"When it is taken into account how difficult it is to find any score of men of precisely the same mind on a given proposition, and how difficult it is found sometimes to secure a verdict of a less number on precisely the same evidence and presentation of a cause, it is not surprising that there should have been some evidence manifested of man's combative nature in an assemblage of over a thousand delegates under three distinct organizations. The wonder is, with the trait of selfishness so largely developed in human nature, that so fair and equitable an agreement could have been secured within the short time afforded for deliberation, and we hazard nothing in asserting that it was solely owing to the patriotic impulse that pervaded all three of the Conventions.*

*At times when the spirit of party pride, or a scramble for place, or a grudge against some aspirant for favor, or other cause, aroused dissention that threatened to block all hope of union, a bare reference to the great issue at stake, the mighty interest involved and the far-reaching consequences of a misstep, at once subdued all animosity. It was literally "oil on the troubled waters," and as the needle to the pole, veered the great heart of the majority in each towards the great duty of the hour, the work in hand.*

*Represented in the three Conventions were men from all stages and conditions of life. The professional class were largely represented in the Silver and Democratic*

The Ellensburg  
Convention

*Conventions, although there was a large sprinkling of "business men" and of toilers in the latter. The Populist Convention was made up almost entirely of the hardy sons of toil, there being just enough of lawyers and doctors to support the idea that the People's Party had not been forgotten by the wily politician as a possible means of personal advancement under the old idea that only the learned professions afforded acceptable material for official service. If the Populists were wanting in the suavity of the Silver men or the urbanity of the Democrats, they made up for it in an earnestness that is capable of great achievements. If the average Populist ignores those amenities which grease the hinges of society and has a profound contempt for those Chesterfieldian graces so essential in the so-called "higher" walks of life, it must be admitted that he has a fixedness of purpose and an earnestness of endeavor that is a prime essential in surmounting difficulties."*

The Conventions proceeded to nominate a Fusion slate of candidates for state office. Populists were selected for Governor, Lieutenant Governor, and Attorney General. A Democrat and a Silver Republican were chosen as congressional candidates. The Populists left the convention with the understanding that their candidate would be the next U.S. Senator. This understanding was not to be.

As the fall campaign progressed it became evident that the Republican establishment was in serious difficulty. Times were bad and those in office were seen as unresponsive to people's needs and unduly beholden to the railroads and other corporate interests.

On election day the Fusion slate prevailed in all state-wide offices, gained a huge majority in the House and also took control of the Senate. The Republicans lost 41 seats in the House, returning only 13 members. There were 41 Populists, 10 Democrats, and 14 Silver Republicans. In the Senate there were 13 Republicans, 12 Populists, five Democrats, and four Silver Republicans.

C.E. Cline of Whatcom County, a Populist, was chosen Speaker without opposition. In the Senate, C.M. Easterday, a veteran legislator from Tacoma, now a Silver Republican was nominated as President Pro-tem but he withdrew immediately and W.H. Plummer, a Spokane Populist, was chosen as President Pro-tem. Plummer was a newly-elected Senator and Speaker Cline was only in his second term.

At Fusion caucuses held over the weekend before the session started there were obvious frictions among the regional interests and particularly between the cities and the rural areas. Forty-five Populists announced that they would vote only for a Populist for the Senate.

Every employee of each House was elected, a rather laborious task that consumed a substantial amount of time. The process was complicated by the fact that three distinct political parties made up the new majority and a vast majority of the members had no prior legislative experience. The Fusion legislature had a difficult time from day one. From a rocky start the process went steadily downhill.

As had been the case in each of the four prior biennial sessions the first order of business was the election of a United States Senator. The Fusionites were no more successful than their Republican predecessors in making a quick choice. Of the 112 members of the legislature, eighty-six were Fusion and of these 55 were Populists. Fifty-seven votes were required to elect. The Populists soon learned that their understanding that they would be allowed to choose the Senator was not to be. The Senate contest was acrimonious

from the start. The Populists tried a number of candidates, none of whom could muster more than 45 votes.

Judge George Turner from Spokane who had been the spoiler in 1893, when no Senator was chosen, emerged finally as the leading candidate. He was a lifelong Republican who had switched to the Silvers because of his silver mining interests. At the time he boasted he would never again vote for a Republican and he was apparently good to his word. After two weeks of fruitless balloting in joint session there had been no significant movement. The minority Republicans had consistently voted for Arthur A. Denny, the former delegate to Congress and founder of Seattle. The newspapers hinted at moves to enlist the Republicans in support of a coalition candidate but nothing came of it. Finally, the Fusionists were able to obtain the necessary signatures to call a caucus. In the caucus the Turner forces prevailed and on the next joint ballot, the 25th, he was elected. Most of the politicking was done as in past sessions, at the Olympia Hotel, a rather elaborate establishment located at 8th and Capitol Way.

In the aftermath of the Senatorial election there was the usual bribery investigation and on February 9, the Daily Olympian, commenting on the session's half-way point stated that the legislature had done little but elect a Senator and conduct a bribery investigation.

In early February the Seattle Times which was generally favorable to the Fusion movement criticized the majority in the Legislature for their dissension. During the Senate contest a rumor circulated widely that Governor Rogers and Judge Turner had made a secret deal. It was alleged that Rogers was secretly supporting Turner who would in turn support Rogers for the Senate in 1899. While this was never more than a rumor, it turned many Populists against Rogers, a breach which never was closed and contributed to the rapid decline of the People's movement.

In the second half of the session there was much hassling and not a great deal of accomplishment. The biennial squabble over permanent sitting of the capital surfaced again as it had in practically every session since the Territory was formed. Among the few things upon which the Pierce and King County people agreed was the inconvenience of Olympia. Travel time between Seattle and Olympia which had taken two to three days in the 1850's now took less than a day by train but it still required most of a day. Proponents of Seattle and Tacoma each realized that they could not successfully out maneuver the other as a location so they had tacitly agreed to support Puyallup. Their hopes were probably unrealistic as any change of location from Olympia was subject to a vote of the people. The issue, however, remained unresolved for many more years until construction finally was begun on the current legislative building.

Two bills relating to the construction of a new Capitol were handily passed but quickly vetoed by the Governor who many have been influenced by the effort to remove the capital to his hometown, Puyallup. Though these bills had passed both houses overwhelmingly, efforts to override the vetoes failed. It appears that threats to veto a lot of other legislation was influential in preventing overrides of the vetoes. The Governor also vetoed the appropriations for two of the three normal schools which he claimed were too costly.

Meanwhile, the Legislature was busy not doing a lot of what they had promised. The proposed Railroad Commission, a cornerstone of the

Populist platform, failed in the House by one vote. Much of the remainder of their program bogged down in internal haggling. While in the short term, the Populist program was a failure and the Fusion party quickly died, within twenty years almost all of their major points had become law. They included direct election of Senators, initiative, referendum and recall, a Railroad Commission, and municipal ownership of utilities.

The legislature did succeed in reducing the general fund appropriation from \$2.8 M in the 1895-1897 biennium to less than \$2 million but the press was less than complimentary. When adjournment came at 7:00 a.m. on the morning following the 60th day. Much of the lack of accomplishment was blamed upon the limited experience among the Fusion legislators.

By the end of the session the Governor was squabbling publicly with many of his own party members, a breach that never did heal. Also, Fusion, an uneasy alliance at best quickly disintegrated. At the same time economic conditions improved remarkably and by the time the 1898 campaign arrived the political climate had virtually done a 180 degree turn.

In the closing days of the 1897 session, two constitutional amendments were submitted to the people to be voted upon in the 1898 election. One was for a local option single tax advocated by many Populists and the other was woman suffrage. The single tax proposal lost more than 2-1 and suffrage failed by a 3-2 margin.

1899

The 1898 election was a virtual reversal of 1896. The Republicans gained 56 seats in the House for a total of 69. The Populists, Democrats, Silver Republicans, and Citizens party had nine among them. In the Senate the Republicans gained two seats for a total of 15. The Populists had 12 and the Democrats seven.

J. Hamilton Lewis the Seattle Democrat who had served in Congress as the Fusion Party representative after the 1896 election was blamed by many Populists for their dismal showing in the 1898 election. Lewis, a lawyer, who years later was a U.S. Senator from Illinois, had been a controversial member of the Territorial Council. He was flamboyant, a flashy dresser, and a gifted fast-talking orator. A southerner, he was an unabashed ladies man but he was also an outspoken opponent of woman suffrage. In his single term in Congress he was constantly in the newspapers as he flaunted the political establishment in Washington, D.C. In any event the 1898 election was a disaster for the former Fusionists.

The House organized quickly and chose E.H. Guie of Seattle as Speaker. In the Senate, negotiations between the Republican and Democrats broke down and the Democrats joined the Populists to organize. Augustus High, a Populist of Clark County, was elected as President Pro-tem of the Senate. Once again, as had been the case in each of the five prior sessions, the first order of business in 1899, was the election of a United States Senator. As had become customary, all activity centered in the Olympia Hotel. To start there were four primary candidates. The incumbent Senator John L. Wilson of Spokane was seeking reelection. The challengers were Mayor Hume of Seattle, Addison Foster of Tacoma, and Levi Ankeny of Walla Walla. The Tacoma Ledger pointed out that each candidate maintained a headquarters suite in the hotel where hospitality was available virtually around the clock. Wilson was on the third floor, Foster on the second, and Ankeny at the front

of the first floor. Hume, apparently a late arrival, was situated at the rear of the first floor.

In what had become a biennial ritual the Senatorial contest consumed the entire month of January. As usual, regional differences were among the prime factors involved. With both Senators from Spokane, Wilson's chances for a second term were not good. Eastern Washington support was split between Wilson and Ankeny. Pierce County was firm in support of Foster while King County support was split between Hume and Ankeny. The Times supported Ankeny and the P.I. supported Hume. The deadlock was finally broken when Wilson threw his support to Foster, the Ankeny forces took a walk and on February 1, after 22 days, Addison Foster of Tacoma was chosen U.S. Senator. The Wilson defection to Foster was seen as a direct slap at Seattle and the Times blamed the P.I. for the choice of a Tacoma Senator. In a gesture of conciliation Foster extended the olive branch to Seattle representatives at the post election banquet and promised them fair and equal treatment.

The capital controversy bubbled along as usual. However, many political, pragmatists had come to realize that removal from Olympia was not a realistic prospect as it would require two-thirds of the electorate to affirm a single alternate location. Also, a new element was introduced into the controversy. Governor Rogers proposed that the state buy the Thurston County Courthouse and convert it into a capitol building thus abandoning the construction project on the hill. Once again the Legislature passed a capitol construction appropriation and the creation of a Capitol Commission by huge margins. Again Governor Rogers vetoed both bills and had his vetoes sustained so as usual nothing was resolved.

A bill was introduced to legalize slot machines and to dedicate the proceeds to pay for education but the effort failed. The railroad lobby continued to display its clout and efforts to impose rate regulation and create a Railroad Commission failed again.

In the Senate there was a challenge to Senator C.A. Mantz of Stevens County, alleging election irregularities. Senator Mantz, a Populist, was chairman of the committee which held hearings on the contest. The matter held the attention of the Senate and the press for several days and ended in the confirmation of the seating of Senator Mantz. However, as an offshoot of the controversy the Legislature broke up Stevens County and created Ferry County from the area of Stevens lying west of the Columbia River.

While the Republicans had complete control in the House, the Democrat Populist coalition in the Senate was uneasy at best. Lt. Governor Daniels was accused of packing the committees in favor of the Populists. Then, in the middle of the session, a sifting committee was created. Consisting of three Populists, one Democrat, and one Republican; it had complete control of the floor calendar. The Seattle Times complained that after 55 days the Legislature had passed only 27 bills. Upon adjournment there was less press criticism than usual and the session closed down quietly. The Daily Olympian did take a vicious whack at H.J. Snively, the Yakima lawyer and former gubernatorial candidate who was Governor Roger's chief advisor. Snively, who had a public encounter with his landlady over payment of rent, was accused of being a scoundrel and a drunk. The Olympian was not a friend of the Governor but the Rogers-Snively connection soon terminated and Snively returned to Yakima to practice law.

As the last legislative session of the 19th century adjourned the economy of the state was strong and vibrant as it had ever been. Far more attention was directed at news from the Alaska gold rush than from Olympia.

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## 1901

As the election of 1900 approached the political climate in Washington had returned to the pattern which preceded the Populist-Fusion intrusion of 1897-1899. The Fusion movement had collapsed and populism had waned with the return of good economic times. Populists virtually disappeared from elective office though most items of their program became law in the ensuing 15 years. Republican domination of the Legislature was again firmly established in the 1900 election and was to remain uninterrupted until 1932. In the statewide election of 1900 the Republicans recaptured every statewide office except governor. John Rogers was reelected by a slim margin primarily because a large number of King County Republicans deserted the party's gubernatorial candidate.

Ironically, the Olympia Standard an unabashed Democrat weekly and the oldest paper in the state endorsed the entire Democrat ticket except Governor Rogers who was seeking reelection as a Democrat. The Standard called him a scoundrel. This animosity may have arisen from Roger's apparent antipathy toward maintaining the capital in Olympia. During his first term, Rogers had vetoed an appropriation for construction funds for the capitol building on the current site. John Miller Murphy the outspoken proprietor of the Standard alleged that Rogers had met with an Olympia delegation urging that he sign the construction appropriation. Purportedly he assured them he would give the matter serious consideration. As they left the meeting the telegraph operator assigned to the Legislature advised one of the Olympia group that the Governor's aide had dispatched a telegram to Spokane several hours earlier affirming that the Governor had indeed already vetoed the capitol appropriation. Rogers was the only successful Democrat in the 1900 statewide election.

As a result of the 1900 election there were 26 Republicans and eight Democrats in the Senate. In the House there were 59 Republicans and 21 Democrats elected. This was the only time between 1889 and 1932 that there were more than 20 Democrats in the House. During the same period there were never as many as 10 Democrats in the state Senate.

For the first time since statehood the 1901 Legislature did not begin with the challenge of choosing a United States Senator. The election of officers, particularly in the House was determined on a basis of geographical alliances. In the Senate, J.G. Megler of Wahkiakum County was chosen President Pro-tem. In the House there were four candidates for Speaker, one each from, Spokane County, Pierce County, King County, and from southwest Washington. By Sunday, the day before the session started, the members from northwest Washington and from King County had reached an agreement and on the opening day R.H. Albertson of King County was handily elected Speaker. He was serving his first term, - though he had served a term six years earlier.

The capital location controversy which had erupted periodically since 1854, was again a major issue in the 1900 campaign. In 1854, Olympia was the largest community and the center of population in the Territory. By 1900, it was neither. Legislators from all over the state grumbled about the

inconvenience of getting to and from Olympia. In addition the available facilities in the relatively small community were sorely taxed by the biennial influx of legislators, lobbyists, hangers-on and visitors. Finally, the small inadequate capitol building sitting away from town on the current capitol site was outdated, inadequate and a true anachronism.

The Portland Oregonian correspondent covering the Washington legislature in January of 1901, gave the following description of the Washington capitol.

*"Very few people have any idea of the sort of building in which the Washington legislature holds its meetings—called by courtesy a capitol building. The structure was built in 1857. It is two stories high, and there is not even room enough in it for a single committee of either house to hold its meetings. They are forced to secure quarters down town. The Senate meets in the upper story of the building, and the House downstairs. The roof of the capitol leaks, and the whole building is in very bad repair, being too dilapidated to warrant any money being spent in improving it. "In the interim between sessions the capitol is the refuge of bats and tramps. Once a cow was found fast asleep in the House of Representatives. Of late years the Secretary of State, who is the custodian of the building, has been allowing a family to live in it in order to keep it from going utterly to rack and ruin. The family has been keeping a boarding-house of the cheaper sort, and has served meals to loggers and grading teamsters in the sacred precincts of the Senate chamber. The state officers have their quarters in an Olympia business block. The Supreme Court holds its sessions in the same building, and the state library is located in two big store rooms on the ground floor. It is in such quarters as these that the business of the great growing state of Washington is done and it is little wonder that the capitol question is a burning one. For these quarters the state pays \$11,000 annually in rent."*

In this political climate, Tacoma interests launched an all out effort to capture the capital, proposing that Charles Wright Park be given to the state as a capitol site. The Tacoma effort included an invitation to come to Tacoma, visit the site, and enjoy the hospitality of the host committee. After the session started, Everett interests decided to seek the capital. They, too, entertained the legislature in their community. The proponents of a move seemed to downplay the difficulty which would be encountered in attaining two-thirds vote of the people in achieving a removal of the capital.

The capital removal issue became entwined with the politics of the proposed Railroad Commission and the efforts of the Levi Ankeny forces who wanted to assure his election as Senator in 1903. In the end no bill to move the capital passed and legislation did pass appropriating \$350,000 to purchase the Thurston County Courthouse for conversion to the capitol building. This decision left the present site on the hill unused. The excavation and foundations for the long-dreamed of capitol were to sit idle for another decade. Meanwhile, the heirs of Edmund Sylvester started legal action against the state to reclaim the 10 acre site the grant of which contained a reversion clause. That clause provided that if the property was not used as the location of the capitol it would revert to the heirs of Edmund Sylvester.

In other legislative action the railroad lobby still called the tune. For the seventh successive session efforts to create a Railroad Commission failed. Most other proposed legislation was in some way tied directly or indirectly to the railroad legislation. The proponents of capital removal charged that the defeat of their proposal was the work of the railroad lobby.

Governor Roger's first legislative object was the creation of an audit and control board which would be under his control and would oversee the management of all state institutions except the State Colleges and the University. The decennial census having been completed in 1900, the issue of reapportionment was before the legislature. The large Republican majorities quickly passed a legislative reapportionment measure and sent it to the Governor. The Governor was reluctant to veto the bill because he had to work with the veto proof majorities in each house. However, the Democrats in the Legislature threatened to withdraw their support from his audit and control proposal if he did not veto the reapportionment bill. He vetoed; his veto was promptly overridden. In addition to realigning districts it increased the number of senators from 34 to 42 and the number of representatives from 80 to 94.

In other legislative action the House passed bills regulating railroad rates and establishing a direct primary. Each failed in the Senate by one vote. An effort to create Riverside County from the eastern portions of Yakima County and Klickitat County failed in the Senate. The House passed a bill to regulate telephone rates. It also failed in the Senate. After much discussion the size of the Supreme Court was expanded from five to seven with the understanding that the Governor would appoint one Democrat and one Republican. A bill banning slot machines was sent to the Governor but he vetoed it.

Looking back nearly a century later there is a matter considered in 1901 which is of particular significance. The University of Washington had moved from its original site to the present site on the shore of Lake Washington. Legislation was introduced to sell the original six square block site in what is now the middle of downtown Seattle for \$250,000. There was not a great deal of opposition to the proposal, however, numerous amendments were too much of a burden and the bill died. Today the University tract produces annual income in the millions.

The Legislature was unsuccessful at passing Congressional reapportionment. Intra-party squabbling among the Republicans prevented reaching agreement upon establishing boundaries for the districts which had been increased from two to three. The disagreement arose from an effort to configure the Eastern Washington District so it would not send a Democrat to Congress. This issue could not be resolved leaving the three seats to be contested at-large.

While the capital controversy and the continuing saga of railroad politics provided most of the interest of the session, the action highlight took place on the last afternoon. Representative Easterday of Tacoma was the prime proponent of a libel bill aimed at newspapers. It passed the House and was on the Senate calendar on the sixtieth day. It got dumped and Representative Easterday was enraged, apparently feeling that Senator Ruth of Thurston County had double-crossed him. Ruth, who had been ill, was seated at his desk on the Senate floor. Easterday entered the Senate floor proceeded to Ruth's desk and punched him. Ruth rose to defend himself and numerous Senators intervened, a general melee ensued. The Senate quickly adjourned and Representative Easterday was bodily removed from the chamber. The Senators were highly incensed and demanded of the House that Easterday be expelled. At the evening session Representative Easterday appeared at the bar of the Senate and was recognized. He

publicly apologized to both Senator Ruth and the entire Senate and Senator Ruth generously accepted his apology. Both houses then proceeded to conclude their business. Of the 187 bills passed by both houses many received final action after the clock was stopped at midnight. The general fund appropriation for the 1901-1903 biennium was approximately \$2.25 million. The newspapers were neither particularly laudatory nor overly critical at the performance of the legislature. Most seemed happy to observe that the session was over and not too much damage had been done.

However, it was discovered after the session adjourned that legislation pertaining to capital punishment which had been passed contained a potentially fatal defect, also affecting other elements of the criminal code.

As a result, Governor Rogers called a special session in June that lasted two days, the 11th and 12th. Corrective legislation was quickly passed. An additional element arose when the newly elected Secretary of State Sam Nichols opined that the extraordinary session was the next session of the legislature pursuant to the constitutional definition. As a result, the Legislature acted upon and overrode these of Governor Rogers' vetoes. At least one of the overrides was seen to be purely political as it deprived the Governor of the power to select a printer. The Seattle P.I. commented that it was unlikely the Democrat-Populist Governor would again convene a special session. Continuing the precedent established in the first extraordinary session in 1890, the first action in the two-day session was election of officers. The officers of the regular session were reelected. After the overrides and passage of the corrective law the session quickly adjourned on the second afternoon.

#### **Primary Sources**

Olympia: Olympian, Washington Standard  
Port Townsend: Daily Call, Daily Leader  
Seattle: Post Intelligencer, Star, Times  
Tacoma: Ledger  
Journals of the House & Senate

***The Olympia Hotel***

*Built in 1890 at 8th and Capitol Way, in an ornate style unusual for Olympia at the time, the Olympia Hotel was a major gathering place for legislators. It burned down in 1904.*



*(Photo courtesy of the Washington State Historical Society)*

## Chapter IV: The 20th Century, Railroad Politics & the March Toward Prohibition

In the off year election of 1902, both houses were larger; the Senate by eight seats and the House by 14 seats. In the Senate the Republican majority increased from 26 to 33 while the Democrats gained one seat from eight to nine. In the House, the Republicans gained 21 from 59 to 80, while the Democrat membership decreased from 21 to 14.

1903

After respite from a senatorial contest in 1901, the 1903 Legislature faced, as its initial task, the choice of a United States Senator. In the 1890's and into the new century senatorial contests in legislative bodies across the country were becoming more and more bizarre and the movement toward direct election was gaining momentum. In a number of states, Washington included, there had been failure to elect a Senator and the state had been under-represented for the ensuing two years. In Oregon in 1897, the legislature never did organize as a result of the Senate controversy. Other states had a similar experience. Violence and near violence occurred in a number of legislative bodies and in Kansas on one occasion a state of near rebellion existed. In many states, the Senate contest which occurred in two out of every three biennia, had literally become the "tail that wagged the dog." All other business was on hold while the election was pending. The process often consumed weeks and in a few instances months. Meanwhile, state business was literally at a standstill. In a number of cases the Legislature was so torn asunder and the animosities so deep as the result of a Senate contest that little could be accomplished even after a Senator was chosen.

The 1903 legislators in Washington came to Olympia to face several candidates who sought to replace the Populist George Turner whose six-year term was ending. Though both houses were overwhelmingly Republican, they came to Olympia with no advance consensus upon whom the new Senator would be. As had become the custom, since its construction a decade earlier, the Olympia Hotel at 8th & Capitol Way was the center of all the action and intrigue surrounding the upcoming contest. Harold Preston, a Seattle lawyer, whose name still survives in the title of a major Seattle law firm, was the first candidate to arrive and set up headquarters at the Olympian. Preston was the King County candidate and his supporters felt very strongly that, after a hiatus of several years, Seattle was entitled to a United States Senator. There were two other major candidates. Former Senator John L. Wilson had been unseated in 1897, after the Populist landslide. Originally from Spokane, he had moved to Seattle after serving in the Senate and had become the proprietor of the Seattle P.I. The third candidate

was Levi P. Ankeny of Walla Walla, a wealthy businessman who had twice previously sought a Senate seat unsuccessfully. By Sunday before the session's start all three had set up headquarters and hospitality suites in the hotel.

The most significant political event in the state in the interim between the 1901 session and 1903 was the death of Governor Rogers in December of 1901. He contracted pneumonia in mid-month and within days it proved fatal. The only Democrat in statewide office was gone and Lt. Governor McBride had assumed the Governor's chair.

As usual railroad politics were to dominate all of the activity of the upcoming session. Governor McBride who had enjoyed the support of the railroads when he ran for Lt. Governor in 1900, announced that the creation of a Railroad Commission was his first priority. The pro-commission forces, though operating on a limited budget, rented adjoining rooms at the Olympia and opened a headquarters.

During the weekend before the session started a contest for Speaker was in full swing and there were three leading candidates. R.H. Wilson of Kittitas County was seen as pro Railroad Commission and drew his main support from King County. S.A. Wells from Spokane claimed primary support from the Eastside. J.G. Megler of Wahkiakum was the candidate of the Southwest and also was the sentimental favorite of some as he was the senior member of the legislature and had been President Pro-tem of the Senate in the previous session. While these three appeared to be the candidates, Dr. W.H. Hare of Yakima a freshman with no prior legislative experience, but prominent statewide in Republican politics, was busily amassing votes. Known as a moderate on the Railroad Commission issue, Hare had commitments from a majority of the Republican members by Sunday evening and he was handily elected Speaker as the session opened on Monday. In the Senate, J.J. Smith of King County was elected President Pro-tem.

The Republican platform in 1902 had promised support for a Railroad Commission. That, and the choice of a Senator, confronted the new Legislature from its first hour. Clearly, the Ankeny supporters were the men with the money. By the time the contest was over it was alleged he had spent over \$100,000 and some claimed as much as \$250,000 to gain election. How much of the money was his own and how much came from the railroads is a question which has never really been answered. When the balloting for Senator started on the tenth day of the session, Ankeny led with 48 votes, nine short of a majority of the Republicans and 21 short of a majority of the assembly. It is alleged at this point, but never actually confirmed, that the Preston forces tried to make a deal with the Democrats. The Democrats favored a Railroad Commission; purportedly the senatorial contest would be delayed until the railroad issue was determined. In return the Democrats would support Preston. In any event it never happened and the contest continued ballot after ballot. There were at least two Democrat Senators who pledged to vote for a Republican ultimately if it would prevent a permanent deadlock reminiscent of 1893.

As the contest proceeded, intrigue abounded. The Preston pro-Railroad Commission forces held firm in King County through many business interests in Seattle opposed the Railroad Commission claiming it would hinder Seattle's position in international trade. While many of the claims and counterclaims are difficult to pin down it was widely circulated at the time that

the Ankeny supporters promised any King County legislator who could defect to Ankeny that he could choose the next Seattle Postmaster. In any event, the solid Preston support in King County began to show signs of strain. The opponents to Ankeny finally began to falter and on the 19th day of the session and the 10th day of balloting, Ankeny was elected to the Senate. Newspapers which had opposed him were not kind in their comments. The Olympia Standard concluded that rich men buy senate seats. There is substantial evidence to support this conclusion throughout the country in the period 1880 to 1910. The Seattle P.I. added its comment that Levi Ankeny had bought and paid for a seat in the United States Senate.

February arrived, the senatorial contest was finally concluded and the legislature could finally get down to business. The death of the Populist-Democrat John Rogers brought to the Governor's office Republican Lt. Governor Henry McBride, a lawyer from Mount Vernon, who to the dismay of many of his supporters had become a strong supporter of the creation of a Railroad Commission. Even the Governor's support was not enough to turn the tide. The strength of the railroad lobby won out. In spite of strong Democrat support and a promise in the Republican platform that a Railroad Commission would be created, by mid-February a commission bill had failed in each house. New bills were introduced and the House bill reached the floor where a questionable ruling in favor of the anti-commission forces by the Speaker, Dr. Hare, caused a near riot. Both sides backed off to regroup and the Speaker ultimately reversed his ruling. A motion to indefinitely postpone ensued and it lost 49-41, The body then resolved to go into the committee of the whole to debate the issue. An election was held to choose a chairman of the committee and resulted in a 43-42 vote, evidence of the closeness of the contest. Ultimately the House passed a commission bill. Many comments indicated they did so knowing the bill would die in the Senate and it did.

The strength of prohibition proponents increased in each succeeding biennium. In 1903 their major effort was to enact a local option liquor law but it failed. The anti-gambling forces were more successful. Slot machines were again banned but this time there was no veto. In addition, gambling of any kind was made a felony.

In other actions legislation was passed to authorize the construction of irrigation dams on the Yakima and Naches Rivers. The libel bill, which had been so contentious and had finally failed in 1901, passed both houses but was vetoed by Governor McBride. Congress was memorialized to initiate a constitutional amendment providing direct election of Senators.

Every session seemed to produce at least one volatile event which captured headlines. 1903 was no exception. Louis Levy was a Republican from Seattle, evidently endowed with a generous sense of humor. One day in mid-February, Levy, a Jew, arose on the floor of the House and regaled his colleagues with humorous Hebrew stories. He apparently had the whole place in stitches. A few days later, however, Mr. Levy found himself in deep trouble. He was chairman of the printing committee and he was accused of soliciting a bribe in connection with the granting of the state printing contract. A legislative investigation ensued and it was front page news for days. The investigating committee finally reported back that they found no evidence of bribery but that Mr. Levy had exercised poor judgment and the matter was laid to rest.

The Seattle P.I. reported one interesting bit of trivia about the members of the 1903 legislature. In its study of their backgrounds it discovered that 11 members had lived on the same city block in the town of Ellensburg during the period 1886-1890.

At the end of the session the Olympia Standard, always a Democrat paper, called the legislative session a modest success. Some of its metropolitan counterparts were less kind. Both the ambivalent Seattle Times and the strongly Republican Tacoma Ledger concluded that the 1903 legislature was hopelessly corrupt and the worst ever. It had become a biennial custom to strip the decrepit old capitol building at sine die. In past sessions and particularly in 1897, the departing members and staff had taken with them practically everything that was not nailed down. In 1903, when the Legislature met in temporary quarters in the Farquhar Building, site of the Olympia Armory, there was, apparently, less devastation than anyone could remember.



#### *Farquhar Building*

*This building in downtown Olympia had been a general store. It was being used as a National Guard Amory when the Legislature occupied it in 1903.*

*(Drawing courtesy of the Washington State Library, Washington Room)*

## 1905

In 1904, the railroad lobby still controlled the Republican party in the state. This was clearly manifested at the state nominating convention where Governor McBride was dumped and failed to achieve renomination primarily because he had championed the establishment of a Railroad Commission, a major plank in the 1902 Republican platform. The Republicans nominated in his place Albert Mead, a Bellingham businessman.

In November, the Republicans again swept the election in the Legislature. Mead was handily elected Governor defeating former Senator George Turner. In spite of a rather mediocre performance in both 1901 and 1903, the Republicans again gained seats in both houses. Not a single Democrat was elected to the Senate. There were four Democrat holdovers and the Republicans occupied 38 seats. In the House there were 89 Republicans and three Democrats elected. Again, the first order of business was the election of a United States Senator; and, again the process consumed most of the month of January.

In the interim, the Olympia Hotel had burned down destroying the capital city's major gathering place. The destruction of this major facility made finding a place to stay in Olympia, always a challenge, even more difficult. This gave added impetus to the efforts of those who wanted to remove the capital to Tacoma or elsewhere. On the other hand, the Legislature moved into its new quarters in the Thurston County Courthouse. Though far more spacious and convenient than the old building it was immediately criticized because of a lack of space for a committee meeting.

As usual the Republicans came to Olympia without having agreed upon a Senate candidate and there were four active candidates. It was primarily a geographical issue. The holdover Senator Ankeny was from Walla Walla. The incumbent Senator Foster, seeking reelection, was from Tacoma. The other candidates were Charles Sweeney from Spokane, Samuel Piles from Seattle, and former Senator Wilson who had moved from Spokane to Seattle. The Tacoma-Seattle rivalry was particularly bitter in this contest. Many Seattle people felt that Senator Foster had not been fair to their community during his term. On the first ballot, Foster led with 43 votes, far ahead of Piles who had 32, but far short of the 68 needed to elect or the 64 needed to direct the Republican Caucus. Balloting continued daily with virtually no change. All of the major newspapers featured the Senate contest on page one. The results of the previous day's vote usually appeared in banner print. Sweeney, who had consistently gotten a vote total in the 20's, was the first to break. His representatives were able to gain several concessions of advantage to Eastern Washington from the Piles forces. They also were promised support of the Railroad Commission by Piles supporters. At 3:00 a.m. on January 27, Sweeney threw in the towel and gave his support to Piles who was elected later in the day by a near unanimous vote on the 13th ballot.

Having disposed of the senatorial election, the Railroad Commission was again the primary issue. After 16 years, this time the result was to be different. The railroad lobby had finally run out of steam. The debate was long and contentious but the Railroad Commission (predecessor to the current Utilities & Transportation Commission) was created with overwhelming support in both houses. The newly created three-member commission would thereafter regulate railroad rates and practices within the state.

Meanwhile, the capital controversy burst forth anew. Even the new capitol building did not appease the pro-removal advocates and Tacoma mounted an all out effort to force a new election on a capital site. They were successful in the House by a 55-36 vote. The vote indicated a strong preference by members from many parts of the state to leave Olympia. The removal proposal also passed the Senate 26-12, but Governor Mead vetoed the bill and an effort to override in the Senate failed on a 19-19 vote. The Tacoma effort outraged the citizens and businesses of Olympia. Open meetings were held under the auspices of the Chamber of Commerce and by near unanimous vote it was determined to boycott Tacoma businesses for the ensuing two years. The Olympia newspapers constantly maligned George C. Stevenson, a well-known lobbyist and public figure who they claimed was master minding the capital removal effort. They also alleged that Stevenson was motivated by major real estate holdings which he had in Tacoma.

Overall, the business of the Legislature did not seem too pressing, at least in the Senate. They found it convenient in February to declare a three-day recess so members could attend the state Elks Convention. For the third

successive session, direct primary legislation failed. A new county was created from Eastern Yakima and Klickitat counties and was named after Senator Benton of Missouri who had been so active in opening up the West for settlement in the mid 19th century.

The libel law which had been attacked in each of the two prior sessions was finally repealed. A \$1.00 bounty on coyotes and wolves was enacted with a maximum to be paid of \$50,000. The name of Washington Agricultural College was changed to Washington State College. Efforts to enact a local option liquor law, backed by prohibition proponents again failed.

The controversy surrounding public printing which had seldom waned since the first territorial session was in focus again. During the first decade of statehood the printer had been elected. A period ensued when the printing was contracted to private printers. Now a bill was passed creating the position of public printer to be appointed by the Governor. Indicative of the fact that nothing ever changes, lobbyists were banned from the House and Senate during the last week of the session. The newspapers claimed the ban was aimed at C.J. Lord an aggressive bank lobbyist.

As the session closed most newspapers applauded the Governor's veto of the capital removal bill. They also generally were complimentary of the passage of the Railroad Commission legislation, though the *Seattle Times* maintained the bill was passed for all the wrong reasons. Generally, the press gave the Legislature mediocre marks and a couple of the larger papers complained that there was far too much horse-trading. As is customary, all seemed relieved when the Legislature went home without having done too much damage.

**Thurston County Courthouse**  
*The state purchased the courthouse in 1901 and was used by the legislature from 1905 to 1928. The building, which is located at Legion and Washington St., now houses the offices of the Superintendent of Public Instruction.*



*(Photo courtesy of the Washington State Historical Society)*

In the election of 1906, the Legislature remained overwhelmingly Republican. In the Senate there remained 38 Republicans and four Democrats. In the House the Democrats increased their number to nine. In Jefferson County, two members were elected on the Citizen's Party ticket. When they got to Olympia, one identified as a Republican and the other as a Democrat.

Upon arrival in Olympia in January, the Legislature organized without any contests. J.A. Falconer of Snohomish County was unanimously chosen Speaker on the first ballot and Jesse Jones of Tacoma was chosen President Pro-tem of the Senate, also by a unanimous vote. There was no U.S. Senate election for only the second time since statehood. The Senate was so confident of their ability to do business quickly that they immediately resolved to adjourn in 40 days. The House would not accept the 40-day resolution and suggested a compromise at 50 days. As it turned out the session consumed the entire 60 days. The highlight of the first week was an address to a joint session by William Jennings Bryan who had twice been the Democrat presidential nominee.

There was a significant development in the organization of the Senate. Twenty-five members including the four Democrats combined to demand reforms in the Senate rules. This group were referred to as the "insurgents" and received generally favorable commentary from the press with the exception of the Seattle Times which questioned their motives. The "insurgents" demanded that they have the power to ratify the Lieutenant Governor's committee appointments. They also demanded repeal of the long-standing, so-called, gag rule which severely limited debate in a number of procedural situations. The press hailed these reforms and concluded that the domination of the Legislature by the railroads and their "ring" politician allies, which had prevailed since before statehood, was finally at an end.

Early in the session there was an effort to move legislation which would have severely restricted lobbying activity. On January 17, the following editorial comment appeared in the Tacoma Ledger:

*"Governor Mead, in his message to the state legislature, makes some timely remarks on the perennial subject of lobbying. He declares the "corrupting influence" of the professional lobbyists "one of the patent public evils that demand restriction. Their intrigues, always in opposition to the highest interests of the commonwealth, should be made as odious as treason." The governor, however, makes no suggestion as to methods by which the lobby can be broken up. Nor would it be easy to propose a practicable plan, although some other states have tried it. In Missouri, lobbyists have been barred from the legislative halls, and Wisconsin has a plan requiring their registration. But the only cure for the evil lies deeper far beyond either of these devices. The lobbyist's dangerous work is accomplished in the little back rooms behind the doors of the state capitol, or in hotel rooms, or elsewhere outside the control of statutory prohibitions.*

*Governor Cummins of Iowa gets at the core of the matter in some recent remarks. The Missouri and Wisconsin schemes seem to him utterly inadequate. "Men have an absolute right to appear before legislative committees to speak for themselves or for corporations," he says, "and this cannot be taken away without danger to our system of government." The trouble really lies, according to Governor Cummins, less in the lobby itself than in the men whom the lobby approaches, and it will disappear with the election of men who cannot be corrupted. An upright legislator needs*

*no anti-lobby laws to protect his integrity, and indeed he would be justified in resenting the reflection implied in their enactment, whether the purpose be to protect him from temptation or to block his possible villainy. On the other hand, if a legislator is corrupt, no law can make him honest. If it is in his nature to take a bribe, some way of getting at him will be found, and keeping the lobbyists out of the state house is a ludicrously ineffective attempt at safeguarding him. The thing to do is not to place such a man in a position where he will be of service to the corruptionists. That duty is up to the voters themselves. The only sure way of dispersing the lobby is to give the lobby no material to work on.*

*It may be said that men are elected in the belief that they will be honest, who afterwards, fall victims to the strong temptations at the state or national capital. Not once in a dozen times does such a thing happen. The man whom his neighbors have tried and not found wanting at home seldom proves faithless to public trust away from home. The lobby and its opportunities in the men of more or less doubtful reputation who manage through political intrigue and the support of rings and bosses to get party nominations and thus work their way into the legislatures. The enactment of effective direct primary laws will place the nomination of candidates in the hands of the voters themselves, and it should go far to destroy corruption by keeping out of the legislature the men who are meant for the lobbyist's designs."*

One of the moves regarding lobbying activity was a bill to require lobbyists to register. It ultimately failed in the Senate on a 17-16 vote.

The first major controversy of the 1907 session was an investigation of the newly created Railroad Commission. One of the commissioners, J.S. McMillin, owner of the lime pits at Roche Harbor in San Juan County was alleged to have collected \$6,000 in salary but spent only 17 days actually working on commission business. The issue received front page newspaper coverage for several days and McMillin finally resigned. Ultimately, he returned part of his salary to the state. Speculation was immediately rampant as to who his successor would be. The job was offered to former Governor McGraw who turned it down. The Governor then appointed Jesse Jones of Tacoma, the Senate President Pro-tem. This appointment caused some controversy within the Pierce County delegation in the Legislature but Jones was easily confirmed and took office at the end of the session.

The strength of prohibitionists had been growing each biennium since statehood and they pressed hard for local option. The effort failed, but by only one vote and the state was set for the bitter battle that was to consume the 1909 session.

Above and beyond the normal appropriations for the operation of state government there were two very significant commitments by the 1907 Legislature. One was to provide for construction of the Governor's mansion and the other was a contribution to the Alaska-Yukon Pacific Exposition scheduled for Seattle in 1909.

Another issue which consumed a great deal of time in the Senate was the seating of Senator George Cotterill of Seattle. Cotterill, a Democrat, and one of the leading proponents of the progressive movement in the state had defeated his Republican opponent, Joe Lyon, by one vote. Lyon's supporters mounted a vigorous challenge to Cotterill's seating. After lengthy consideration the overwhelmingly Republican Senate confirmed Cotterill's right to the seat.

There were widespread allegations of misconduct in the office of Land Commissioner Ross. A committee was appointed to investigate the

allegations. They held a number of hearings and found Ross innocent of any wrong doing but they criticized him severely for lax administration of his office.

The Seattle Times, alone among major newspapers, was highly critical of the so-called "insurgents" who had control in the Senate. The Times claimed the group were merely lackeys for former Senator Wilson who just happened to be one of the proprietors of the P.I.

Among legislative extra-curricular activities were a three-day recess to allow members to attend the state Elks convention and an excursion to Aberdeen by the entire legislature. The Aberdeen trip was sponsored by the proponents of creating Grays Harbor County from the western half of Chehalis County. After being wined and dined by the folks of Grays Harbor, the legislation creating the new county was handily approved. A subsequent court challenge resulted in overturning the legislation.

Other significant actions included: Creation of the office of Insurance Commissioner; providing for a direct primary with the election of judges on a non-partisan basis; adopting the Torrens system for land titles; a Congressional reapportionment bill which had pending since the 1900 census; legislation for bank regulation including provision for a Supervisor of Banking; and an appropriation for improvement of Columbia-Snake River navigation. A proposed constitutional amendment providing for initiative and referendum passed the House but was indefinitely postponed in the Senate.

Between the two houses there were 825 bills introduced. Two hundred sixty seven were passed, the most in any session since statehood. The general fund appropriation was just over 4 million dollars and "Sine Die" was accomplished just after 10:00 p.m. on the 60th day. For the first time it was not necessary to stop the clock at midnight.

The press was fairly non-committal in its assessment of the session. The Times said: "Seattle fared poorly." The Tacoma Ledger always outspoken in its provincial loyalties said: "Pierce County fared well." The venerable weekly Olympia Standard of John Miller Murphy found the legislative session to be totally unremarkable while the P.I. remarked that it was one of the most constructive sessions since statehood but for the fact that it had spent too much money.

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In the aftermath of the 1907 Legislature a new political atmosphere prevailed as the old system of selecting candidates at nominating conventions was replaced by the direct primary with the rather unique feature which provided that every voter selected a first and second choice with the cumulative total of first and second choice votes to prevail. The new open primary law also provided for a preference election for United States Senator. The first direct primary proved to be an unhappy experience for incumbents. Senator Ankeny was handily out-pollied by Congressman Wesley Jones of Yakima. Governor Mead and former Governor McBride were defeated by Samuel G. Cosgrove of Pomeroy and Lieutenant Governor Coon barely lost to Marion Hay of Lincoln County in a contest which was not finalized until a month after the election. Each of these contests was in the Republican primary and Jones, Cosgrove, and Hay were each subsequently elected.

In the November election, the Republicans won all statewide offices; they increased their margin in the Senate from 38-4 to 39-3 and gained in the House from 84 to 89.

The opening of the 1909 session was beclouded by the serious illness of Governor-elect Cosgrove. Recuperating in California, he was unable to appear to be sworn in to office. The Constitution was not entirely clear on the question of succession and Governor Mead temporarily held over in the Governor's office. Meanwhile, Marion Hay was sworn in as Lieutenant Governor but his predecessor Lt. Governor Coon challenged his right to office claiming that the direct primary law was unconstitutional and that Hay had used illegal advertising during the campaign. It didn't seem to bother Coon that he had used the same kind of advertising. The Supreme Court quickly heard the matter and ruled in Hay's favor by one vote.

In the period immediately prior to the session several press stories alleged that Senators Paulhamus and Metcalf of Pierce County and Senator Falconer of Snohomish County were trying to orchestrate the organization of the Legislature. Among other things, all three were proponents of local option. One account told of a trip to Yakima by Paulhamus in an effort to discourage L.O. Meigs in his campaign to be Speaker. Their effort clearly did not succeed as evidenced by what actually happened.

Senator A.S. Ruth of Olympia, an old line conservative and senior member of the Senate was chosen President Pro-tem. In the House the speakership contest was something of a surprise. In the week before the session it appeared that J.W. Slayden of Pierce County was the leading candidate. However, L.O. Meigs of Yakima, who was Chief Clerk in the 1907 Session, had been elected to the House. At 29, he was among the youngest members and he had been hard at work lining up firm commitments for his candidacy for Speaker. On Sunday, the day before the session started it was obvious Meigs had the votes and he was elected on the first ballot on Monday.

Looking back from many years afterward the 1909 Session it probably best-remembered for its enactment of a comprehensive criminal code. At the time, everything else was overshadowed by the vicious battle between "wets" and "drys" over the proposal to allow local option elections for prohibition. The movement to prohibit sale and use of alcoholic beverages had been slowly and steadily gaining strength across the country for twenty five years. In many cases the anti-saloon campaign was closely tied to the woman suffrage effort. Both issues had been before the Washington Legislature, to some extent in every session since statehood and also in the final years of the territory. This time it was clear from the outset that the "drys" were in the majority in the House. In the Senate it was a different story. There they were split virtually right down the middle. The result was a bitter and acrimonious session compounded by the illness and death of the new Governor and a ground-swell of charges of corruption and misconduct throughout state government.

In the second week, the legislators faithfully heeded the preference of the voters expressed in the September primary and elected Wesley Jones, United States Senator on the first ballot. During the third week Governor Cosgrove arrived in Olympia by private railroad car and was sworn in in a brief ceremony at the Capitol. He was an immensely popular figure throughout the state and his appearance shocked and stunned all who knew

him. He had lost almost 80 pounds and appeared weak and under great strain. During his brief stay in Olympia he signed two bills pertaining to the newly created Insurance Commissioner's office but quickly returned to his railroad car to return to California and Lt. Governor Hay assumed the roll of acting Governor.

The procedural reform effort which the "insurgents" had adopted in the Senate in 1907 were partially repealed and the so-called "gag rule" which limited debate in some instances was reinstated. In each house a resolution was adopted barring lobbyists from the floor.

An omen of the climate of the upcoming session may have occurred on a train bringing many of the members to Olympia on the Saturday evening before the session started. Senator R.F. Booth of King County apparently made some disparaging remarks about Senator J.W. Bryan of Kitsap County in the presence of Mrs. Bryan. A bitter and heated encounter between the two Senators ensued and nearly erupted into fisticuffs. The incident was widely reported by the daily newspapers in the most colorful terms.

The first major local option skirmish in the Senate arose over the makeup of the judiciary committee. By tradition lawyers served on the Committee. The preliminary makeup of the committee was eight members, four of whom were "wets" and four "drys." Under pressure from the anti-saloon forces membership was tentatively increased to 11 members and then to 15 members but the squabble continued. It was finally resolved to keep only lawyers on the committee and it proceeded to do business with eight members, a blow to the "wets."

A mini-crisis erupted in the House on the first weekend. At 10:00 a.m. on Friday morning the presiding officer, not the Speaker, declared the House in adjournment until 2:00 p.m. Monday, a clear violation of the constitutional provision preventing one house from adjourning for more than 72 hours without concurrence of the other house. The Speaker was quickly advised of the problem which had arisen in his absence from the chair. Speculation was rampant all weekend as to whether the House had inadvertently adjourned Sine Die. The problem was solved when the House was called to order at 10:00 a.m. on Monday.

In the House there was ample support and a strong local option bill passed on February 4. In the Senate it was an entirely different story. A very moderate local option proposal finally reached the floor. The "drys" offered 20 amendments to strengthen the bill. With the Lieutenant Governor acting as Governor there was no one to break ties. Every amendment lost on a 21-21 vote. On final passage the bill failed 20-22 and the controversy continued. The anti-saloon proponents were adamantly committed to a county-wide local option proposal but this was not to be. In the final days of the session a compromise was finally achieved allowing cities and towns to outlaw saloons through popular vote. The fifty-day battle over the liquor laws proved very divisive. Many long-time friendships were permanently scarred. There were a number of incidents of violence and near violence including two fist fights on the floor of the House between Representative McArthur of Spokane and one Smith a reporter for the Spokesman-Review.

While the liquor issued got most of the headlines, there was a lot of other significant action during the 1909 session. Two events off the legislative stage were of particular note. A gala open house was held to dedicate the new Governor's mansion and a series of events culminating in a large

banquet were held to commemorate the centennial of Abraham Lincoln's birth.

Probably more significant legislation was enacted than in any previous session, including: Criminal Code, Military Code, Education Code, Horticulture Code, and an Insurance Code. An extensive road construction bill was also passed. Perhaps of more significance than any other issue was the joint resolution passed by a two-thirds vote in each house placing the issue of Woman Suffrage on the 1910 ballot.

This proved to be the penultimate act in an effort which had been before the Territorial and State legislatures since the 1850s when an attempt at Woman Suffrage had failed in the House by one vote in a controversy which entailed whether or not the Indian wives of white settlers should be allowed to vote. The issue had been tentatively resolved in 1883 when the Territorial Legislature extended the franchise to women only to have the court nullify the act as unconstitutional on a technical basis when the issue arose on the appeal of a criminal case in which women jurors had been seated.

Big Bend County was created from the eastern part of Douglas County and at the last minute the name was changed to Grant. The Supreme Court membership was increased from seven to nine. Legislation was enacted regulating telephone companies and assigning the responsibility to the Railroad Commission. Construction of a capitol building was also authorized. Two noteworthy bills passed each house but were vetoed by the acting Governor. One would have provided for sale of state-owned oyster lands. The other, was a direct off shoot of the liquor controversy. Many candidates had been pressured before the 1908 election to make absolute commitment as to now they would vote on the local option issue. In response to this the Legislature passed a bill which would have made it unlawful for a candidate to make a pre-election commitment on any issue.

There were widespread charges and counter charges toward the end of the session that votes were being traded on appropriations matters. Among other things, it was alleged that the Speaker was going to be denied an appropriation for the Yakima State Fair if he didn't prove more helpful to the anti-saloon forces. He did get his appropriation.

While all of this was going on the cloud of scandal hung over state government and the downpour finally erupted in the last days of the session. If anything, the situation was made more intense by the bitter feelings surrounding the local option issue. First, the commander of the National Guard was implicated in serious misfeasance. He resigned and was subsequently jailed. The controversy surrounding the administration of Land Commissioner Ross which had arisen in the 1907 continued. The matter of the conduct of the Secretary of State and the Insurance Commissioner had become the center of interest and the focus of serious charges. Prior to 1909, the Insurance Department had been a division of the Secretary of State's office. The previous department head, J.H. Schively, had run for and been elected Insurance Commissioner in November, 1908. Meanwhile, allegations surfaced that Schively and his former boss, Secretary of State Sam Nichols had collected fees from insurance companies applying to do business in the state of Washington and not performed the appropriate investigation. The further implication was that the funds had been converted and misused. Senator Paulhamus of Pierce County who had been one of the leading proponents of local option was vocal in his demands for a thorough

investigation of the insurance office. In the dying days of the session an effort to investigate the Insurance Commissioner's activities failed in the Senate on a vote of 21-21. The vote very closely paralleled that by which local option amendments had failed earlier in the session. The pressure for an inquiry was too great and on the last day of the session an investigation of all departments of state government was authorized. A five-member committee was commissioned to complete its work and report back to the legislature by mid-July.

The Committee scheduled its first meeting in late March, but this schedule was delayed by the death of Governor Cosgrove on March 28. As the investigation proceeded Secretary of State Nichols resigned under pressure and the Committee focused on Insurance Commissioner Schively, who in the meantime had been indicted for perjury by a Spokane Grand Jury. The Committee concluded with a recommendation of impeachment to which Governor Hay, a Schively critic, responded by convening an extraordinary session on June 23. This was only the third time in 20 years of statehood that a special session was convened and in each of the other cases the session had been brief. In this instance a number of procedural issues were unanswered because no precedent had been established. It was determined that the session was open-ended both as to scope and length. More contentious was the question of leadership. Both Speaker Meigs and President Pro-tem Ruth were very controversial as neither were friends of local option. Many argued that their terms had concluded at the end of the regular session and that a new organization was required. In each instance, after a contested debate, the regular session leadership was maintained. Next, there arose an effort to call new elections for Governor and Secretary of State a proposal which failed. The House of Representatives heard the report of the investigating committee and overwhelmingly (96-0) voted to impeach Insurance Commissioner Schively. The Legislature recessed from time to time until the Senate convened on August 11, as an impeachment tribunal. The impeachment indictment included 26 counts. The trial lasted two weeks and Schively was ultimately acquitted on all counts. Of forty Senators present, 14 voted innocent on every issue. They were basically old guard "wets." When the voting on the impeachment got down to the last couple of counts Senator Hutchinson of Spokane disappeared requiring a call of the Senate and a delay of several hours while the Sergeant at Arms and the Olympia Police sought him out. When he was finally escorted into the chamber he was not warmly greeted by his colleagues and some very harsh words were exchanged.

There were other matters considered during this extraordinary summer-long session but no legislation of particular note was enacted. Schively was not tried on the Spokane charges and he served out his term as Insurance Commissioner. An interesting commentary on the investigation and its result was the experience of Senator Pliny Allen of Seattle. At the outset he had opposed any investigation at all. He served as chairman of the investigating committee and by the time the work was complete he had changed his position and was convinced of Schively's culpability. Combine this with the fact that the House voted unanimously to impeach and one might surmise that the 14 Senators who voted against impeachment were influenced by political factors beyond the facts of the case.

**Primary Sources**

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Journals of the House & Senate

## Chapter V: The Progressive Era and World War I

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1911

The election of 1910 proved monumental in that the issue of Woman Suffrage was finally settled and Washington became one of the early states in which women could vote. In the legislative election the Democrats gained one seat in the Senate and five seats in the House making the alignment 38-4 and 84-12. This seemed an insignificant change when one considers the turmoil which surrounded state government and the Legislature in the preceding biennium. In another aside, pursuant to the new local option law, nine towns in Western Washington voted for prohibition within the city limits.

On the Saturday before the session started in January, 1911, there was a legislative visitation to the University of Washington campus. A large number of legislators attended and they were greeted by a huge turnout of enthusiastic students.

1911 was the year in which the typewriter finally replaced the scrivener in recording the proceedings of the Legislature. A number of jobs were lost and there was a great deal of grumbling but this technological advance was clearly one of the most significant ever to be achieved.

In the Senate, the seating arrangement was determined by drawing lots.

The traditional battle to elect a new U.S. Senator no longer occurred. The voters expressed their preference for a Senate candidate at the September primary just as they had in 1909, and their choice, Miles Pointdexter, was summarily elected on the first ballot. Upon organization, Senator W.H. Paulhamus of Pierce County who had been a leader of the progressives in the 1909 Session was elected President Pro-tem. In the House, Howard Taylor of King County, was chosen Speaker. The complexion of the two bodies had changed significantly. The House which had strongly favored prohibition legislation in 1909, recalling the acrimony of that session, voted 53-41 to consider no liquor legislation during the session. On the other hand the Senate which had been evenly split between "wets" and "drys" in 1909, was now decidedly prohibitionist and proposals to further tighten the liquor laws circulated there throughout the session. The House stuck to its original position and a county local option measure failed there by a 54-42 vote.

In the absence of a Lieutenant Governor, Paulhamus was president of the Senate and he stacked every committee with a solid "dry" majority. The issue remained a highly emotional one as evidenced by one particular incident during debate on local option. Senator Falconer a "dry" and Senator Piper a "wet" were simultaneously passing through the swinging entry doors to the Senate chambers each going in the opposite direction. Both were banged in the face by the doors, an inadvertent accident. Rumors

quickly circulated that their facial marks were the result of an alteration and the two Senators had to rise together to assure their colleagues that such was not the case.

Reports had circulated prior to the session that another effort to remove the capital from Olympia was at hand, this time Snohomish County supporters were supposedly the proponents. This did not materialize and construction of the Temple of Justice was authorized. Final plans of construction of the Capitol building were also approved.

The Seattle newspapers, which had always provided in depth legislative coverage, usually on the front page, were much less thorough in 1911. Seattle had its own major political upheaval with which to contend. This was the recall effort against Mayor Hiram Gill for alleged corruption. The Seattle Times, which had supported the progressive movement a decade earlier was now the only newspaper supporting the entrenched establishment of Mayor Gill. They also were harsh critics of Governor Hay, always referring to him as acting-Governor Hay.

While substantially less volatile than the session two years earlier there were a number of significant matters considered in 1911. Two stand out in terms of historical importance. A joint resolution was adopted submitting the initiative, referendum, and recall proposal to the voters. It specifically omitted permitting a constitutional amendment by initiative. Also, Washington became the first state to adopt a workmen's compensation system. This was condemned by many conservative observers as a foolish radical scheme.

Among other laws enacted were a new insurance code, a Public Utilities Commission was created replacing the Railroad Commission, a bank code was enacted, and the eight-hour day for women became law.

Judicial elections were made non-partisan and subject to primary. Governor Hay had proposed that all statewide elective offices except Governor and Lieutenant Governor be abolished but the legislature wouldn't buy it. An effort to split Okanogan County in half, north and south, was unsuccessful. A move to undertake an investigation of the National Guard was also not approved. Reapportionment was an issue in the aftermath of the 1910 census but agreement could not be reached because of regional controversies as opposed to the ordinary partisan squabbles.

The most notable failure of the 1911 Session was its inability to adopt a transportation budget. Automobiles were now common and the need for roads was critical but controversies over what to build and in what order of priority could not be resolved and in the 1911-1913 biennium there was no new highway construction.

Controversy had surrounded Commissioner Ross and his administration of the Land Commissioner's office for years. Senator Paulhamus was a particular critic of Ross and under his leadership there was a proposal to replace the Land Commissioner with a three-member commission. Ross was very active in lobbying against a commission and he was ultimately successful.

The 1911 Session was not nearly as acrimonious as the 1909 Session had been, but it was not without its moments. Lobbyists were banned from the floor in each house from 9:00 a.m. to 10:00 p.m. There was continuous tension between the two houses related primarily to liquor issues. In the Senate, Senator Hutchinson who had been hauled in by the Sgt. At Arms

and Olympia Police for the impeachment vote in the Schively trial, was an open and vocal critic of Senator Paulhamus from the start of the session. Another Spokane Senator, Rosenhaupt, packed up and went home on the 56th day saying they should have finished their work and they were just wasting time and money.

Finally, the long time alliance between progressive leaders Senator Paulhamus and Senator Falconer of Snohomish County abruptly ended. Falconer's pet project was to obtain an appropriation for construction of a National Guard Armory in Everett. Paulhamus actively opposed this project. Among other reasons, he felt National Guard appropriations should be limited until the scandals surrounding the Guard were cleared up and settled. Paulhamus was successful in having the appropriation scrubbed only to have it reappear in the final budget to his dismay and Falconer's glee.

As the session closed, four hours after midnight of the 60th day, it received mixed reviews. Governor Hay and Senator Paulhamus were both very complimentary. The total cost of the session was \$95,000 and the Tacoma Ledger was very critical calling the Legislature radical and extravagant. The Seattle Times called the session the most vicious ever and was particularly critical of the workmen's compensation measure. The P.I. on the other hand said that overall the Legislature deserved good grades.

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The period between the adjournment of the 1911 session and the 1912 elections was one of great turmoil in national and state politics with particular impact upon the Republican party. The progressive movement was in full swing. Traditionalists continued to support President William Howard Taft while more progressive elements followed Teddy Roosevelt into the Bull Moose movement creating the first real multi-party presidential contest since 1860. In Washington State the Republican party had totally dominated the Legislature since years before statehood. The only exception had been in 1897 when the tri-party Populist-Democrat-Silver Republican coalition had enjoyed a majority in both houses.

The 1912 election did not result in overwhelming Republican majorities in the Legislature, a circumstance which would not occur again until the Democrats took over in 1932. In the Senate there were 25 Republicans, eight Democrats, eight Progressives (Bull Moose) and one Independent, still a clear Republican majority. In the House there were 48 Republicans, 30 Progressives, 18 Democrats, and one Socialist.

In statewide races, the Republicans won every office except Governor. In large part because of the Republican division Ernest A. Lister, the Democrat from Tacoma was elected Governor by fewer than 1,000 votes. Lister had not been the Democrat nominee, having run second behind Superior Court Judge W.W. Black of Everett in the primary. However, a challenge to Black's eligibility as a sitting judge was upheld by the Supreme Court and Lister was certified as the Democrat candidate.

There were other significant items in the 1912 election. The voters approved initiative, referendum, and recall. The Bull Moose Progressives carried the state for Teddy Roosevelt. One Socialist was elected to the Legislature and four others came within a few votes of winning. When the legislature convened in January, the Progressives with thirty members had hoped to organize with the help of the eighteen Democrats and one Socialist

(a bare majority of the 97 members). Their hopes were shattered when the Democrats joined with the Republicans to elect Howard Taylor of King County as Speaker. Many of the Democrats felt they had more in common with the Republicans than with the Progressives. There is also some evidence that they joined the Republicans to prevent a challenge to the election of Governor-elect Lister whose margin of victory was only a few hundred of a total of over 300,000 votes cast.

In the Senate there were 25 Republicans, eight Progressives, eight Democrats, and one Independent. The first significant action of the Senate was the confirmation of thirty interim appointees of Governor Hay prior to the swearing in of Governor-elect Lister. On inauguration day, the crowd that converged on the capitol was so large that there was a near collapse of the floors of the interior of the building.

After election of officers in the House, the Progressives attempted to liberalize the House rules, an effort which failed. Three Progressives, Representatives Sweet and Gilkey of Pierce County and Stevens of Spokane voted against the rules change and were promptly ousted from the Progressive caucus.

There were 25 lawyers and 25 farmers in the House and there were 12 lawyers and 12 farmers in the Senate. For the first time there were two women in the legislature, Mrs. N.J. Croake, Progressive from Pierce County and Mrs. Florence Axtell, Republican of Whatcom County. The press also took note of the election of Republican C.W. Masterson of Walla Walla County who was blind.

From day one, the relationship between the Legislature and Governor Lister was difficult. On several occasions the Progressives were more supportive of the Governor than were his fellow Democrats. Early in the session, both houses passed a bill appropriating money to reconstruct after fire damage at the Normal School at Cheney. Lister, who favored keeping only one Normal School, promptly vetoed the bill and returned it to the legislature. Meanwhile, the financing and building of highways had become a major issue. The 1911 Legislature had failed to pass a highway construction appropriation. The number of automobiles on the roads of the state were proliferating. Two proposals moved through the process; a tax bill and an appropriation bill. There was no secret that the Governor opposed the level of spending proposed in the legislature, a position which upset many of his fellow Democrats. In late February, a bill providing a 1.5 million dollar levy for road construction was passed to the Governor and he vetoed it. On February 25th the House took action on the vetoes of the Cheney appropriation and on the road tax. The Cheney veto was handily over-ridden but the road tax veto override failed 61-33. On the next day, February 26, the House expunged both veto votes from the records. A few days later the highway appropriation bill, which had passed the Senate, also passed the House. It was late Friday afternoon on the 54th day of the session. The leaders in the House were determined to deliver the bill to the Governor that day so he would have to act before the session ended. The bill was sent to the Governor's office between 5:00 and 6:00 p.m., but the office was locked. A legislative ball was scheduled later in the evening. The Governor made a brief appearance at the ball but departed before the bill could be delivered to him. Speaker Taylor then dispatched Chief Clerk Maybury and Representative McArdle, chairman of the Highway Committee to deliver the bill to the

Governor at the mansion. Upon arrival, Mrs. Lister answered the door and advised that the Governor was not available. McArdle and Maybury waited on the porch and inquired a couple of more times. Finally, convinced that they were being stiffed, they knocked one last time and when Mrs. Lister answered the door they dropped the bill inside on the floor. The two man delegation turned to leave and Mrs. Lister promptly kicked the document off the front porch. Most experts opined that the bill had effectively been delivered to the Governor and the next morning, Saturday, he appeared in the Senate and personally delivered his veto message. At the same time he roundly criticized Maybury and McArdle for rude and ungentlemanly conduct toward Mrs. Lister while trying to deliver the bill. Speaker Taylor had been present in the Senate to hear the Governor unload on his emissaries. Later in the day, when the House convened, the Speaker was equally scornful of the Governor for his conduct. In the aftermath of these recriminations, cooler heads prevailed and a compromise was reached. A 1.25 million dollar highway bill was passed and the Cheney veto was overridden. The highway appropriation included money for the Snoqualmie Pass Highway and the Pacific Highway. At the same time, the Governor vetoed legislation appropriating funds to build the Columbia River Bridge at Vancouver. This veto further aggravated Lister's relationship with the Legislature including a number of Democrats - some commentators compared the legislative atmosphere to the inimical atmosphere which had prevailed in the 1909 session when local option caused so much dissension.

Following the 1910 census, the 1911 Legislature failed to agree on either congressional or legislative reapportionment. The disagreements were not on partisan lines but strictly on geographical factors. The basic division was urban against rural, however, within this division there were other elements involved. King, Pierce, and Spokane Counties had differences as did various east-west interest groups. The controversy renewed in 1913. There was great pressure to achieve congressional apportionment since two seats were being contested at-large and an agreement was finally reached after session-long negotiations. On the other hand, legislative reapportionment was not accomplished. In fact the Legislature was not again reapportioned until an initiative accomplished it in 1930.

A number of measures promoted by the Progressives were adopted. Legislation implementing the initiative and referendum was enacted. A strong effort to authorize a vote on a constitutional amendment allowing the constitution to be amended by initiative was waged in the House where intense debate and parliamentary maneuvering occurred. Finally on a vote the proposal fell five votes short of a two-thirds majority. A minimum wage for women was approved, as was a mother's pension providing a \$15 per month for widows and certain single mothers. Also, capital punishment was abolished.

A total of 1200 bills were introduced in the two houses and 188 were passed. There were numerous charges and counter-charges that widespread vote trading had occurred with relation to the road appropriation and congressional reapportionment. Among measures which failed were: hand gun prohibition, presidential primary, an investigation of unrest at the state college, expansion of the local option liquor law, and non-partisan elections for county offices.

The last several days of the session were particularly bitter. Representative T.F. Murphine of King County the leader of the Progressives in the House issued a statement highly critical of the Legislature for failing to enact progressive legislation. The Governor and legislative leaders had been taking pot shots at each other regarding the spending level and the road program. In the Senate, Senator Hutchinson of Spokane, a Progressive Republican, and the cantankerous senior member of that body was enraged the House had killed two of his bills. In the 1909 special session, he had disappeared and delayed the final vote on the Schively impeachment for several hours. On this occasion, on the last day he effectively invoked a filibuster by demanding adherence to the rule which required that bills be read in full. After substantial delay, Hutchinson relented and left, heading for the railroad station to catch a train for home. A call of the Senate ensued and Hutchinson was restrained and dragged back to the Senate chamber after which the session sputtered to a close.

The liberal Seattle Star criticized the entire session as a fraud upon the people. Other publications were less caustic and gave the Legislature a passable review. The Tacoma Ledger concluded that the record was about as good as could be expected considering the three party division in membership.

Perhaps of most significance, the 1913 Legislature set the stage for the inception of direct government in 1914 with the initiative and referendum.

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## 1915

Seven initiatives were qualified for the 1914 ballot. Two others were scratched. The seven survivors became known as the "seven sisters." Five of them failed decisively. Two passed by fairly small margins. They were statewide prohibition effective January 1, 1916, and a prohibition on private employment agencies charging fees. It is interesting to note that these two issues had been before the Legislature for many years and the public had been well informed on these subjects. The five measures which failed were newer matters and most observers concluded that the voters voted no where they were not familiar with the issue. On average about 80% of voters who cast ballots for candidates voted on the initiative measurers.

The short life of the Progressive party was almost ended in the 1914 election with many returning to the Republican party. In the House 78 Republicans, 13 Democrats and six Progressives were elected. The six Progressives caucused while driving around town in a Ford touring car. Neither of the women who had served in 1913 returned. One ran for the Senate and lost while the other, who had been a Republican, sought reelection as a Progressive and was unsuccessful. In the Senate there were 32 Republicans, six Democrats, and four Progressives. The 1915 legislature proved far more conservative than its predecessor. In the House W.W. Conner of Skagit County was elected Speaker and in the Senate E.L. French of Clark County was chosen President Pro-tem. In the House there was an immediate challenge to the seating of T.N. Swale, a Progressive from Snohomish County by Republican J.M. Hogan. A recount of the votes indicated that Hogan had won by 14 votes and he was awarded the seat. This was the first time since statehood that a challenger had been awarded a contested seat.

The prohibition initiative, approved by the voters, did not put the liquor issue to rest. As had been the case in almost every session in the twentieth

century liquor matters were again at the forefront. A majority of the 1915 Legislature was "wet." In the immediate aftermath of the 1914 election, hotel operators had successfully qualified an initiative which would have permitted sales in hotels with more than 50 rooms. Prohibition was to take effect on January 1, 1916, however, the next election was not until November, 1916. An immediate effort was launched by supporters of the initiative to have a special election in 1915. The effort was soon abandoned when it was determined that the Governor would veto a special election bill and the incumbent publicity would be extremely negative.

In the House the Democrats were frustrated early when they determined they could not even muster enough support to secure the one-sixth necessary to demand a recorded vote. Both houses were far more conservative than their predecessors of 1913. Governor Lister proposed a drastic change in the Legislature. He called for a unicameral body of 15 members which would serve full time. The idea was not well received. Another proposal would have combined the Boards of Regents of the University and the College; this too, was not well received. The House again entertained a bill to abolish the office of Lieutenant Governor but it was not successful.

With the advent of the automobile, a new business had grown up in most cities of the state. Referred to as jitney service, individual operators picked up passengers and delivered them from place to place for a fee. The practice was virtually unregulated, insurance was often not carried and abuses were numerous and widespread. As a result, the legislature stepped in and after much discussion and debate enacted a bill requiring jitney operators to post a sizeable bond. Many of the operators complained vociferously that they could not afford the bond and were going to be forced out of business. Governor Lister vetoed the bill and it was summarily overridden. This was only one of several Lister vetoes which were overridden in 1915.

As had been the case in 1913, the road building program was again a volatile issue. Charges and counter charges alleged log rolling and vote trading as many critics assailed the "pork barrel." The Highway Appropriation Bill got hung up in conference over the refusal to include money for completion of a two-mile stretch of road from Uniontown to the Idaho border in Whitman County. The controversy was finally resolved and the two miles of road were included in the budget.

Among the bills which Lister vetoed only to be overridden were one requiring initiative petitions to be signed at the place of voter registration and another reorganizing the State Land Board and the State Board of Equalization. At least one newspaper alleged that many of Lister's vetoes were an expression of personal disgust with the Legislature. The only substantive veto which was not overridden was a bill abolishing the Tax Commission and replacing it with a single commissioner. With respect to the initiative signing requirement, one matter of concern was the allegation that in some rural counties there were more petition signers than there were registered voters in the county. This gave rise to the suspicion that there was substantial fraud involved in the initiative process.

In addition to the substantive bills which Governor Lister vetoed there were 15 others which he disapproved because they contained errors.

As had been the case so often in the past, legislation to remove the capital from Olympia was introduced but it went nowhere. On the other hand an

appropriation of \$1,500,000 was approved to complete construction of the Temple of Justice.

As had become customary, Senator Hutchinson of Spokane stirred up a controversy with the introduction of a joint memorial calling for the creation of a new state, Lincoln. It was to consist of Eastern Washington and Northern Idaho.

Only one-half as many bills were introduced in 1915 as had been dropped in in 1913. However, about the same number were enacted into law. The general fund appropriation was approximately \$9,500,000 down from over \$11,000,000 in the prior biennium.

Reviews of the 1915 session were all over the lot. Tom Murphine the progressive spokesman was highly critical and the Washington Standard called the legislature the most reactionary in the history of the state. In its typically outspoken fashion the Seattle Star called the Legislature a bunch of traitors and accused Governor Lister of having no guts. They also, immediately helped promote a referendum campaign against several of the measures enacted during the session. In highly inflammatory news stories they fired away at what they deemed to be the reactionary excesses of the Legislature.

On the other hand the more conservative press was generally less critical. The Tacoma Ledger commended the legislature on a thoughtful and considerate session and the Daily Olympian called the session lackluster but business like.

The referendum campaign against measures enacted by the Legislature was successful in referring seven issues to the voters in 1916. Among those were the one requiring initiative signatures be secured at the voter's registration office. The referendum campaign was heavily backed by labor, the Grange, and related organizations. All of the referendum measures passed overwhelmingly (about four-one) negating the actions of the 1915 legislature.

1917

While the voters overturned the measures passed by the prior session they reelected Governor Lister and increased the already overwhelming Republican majority in both houses. Only one Progressive survived. In the Senate the Republicans gained four seats for a total of 36 to five Democrats and one Progressive. In the House there were 83 Republicans and 14 Democrats, a Republican gain of five and a Democrat gain of one all at the expense of the Progressives.

The Progressives had expended most of their energy in pursuing the referendum campaign against the several 1915 laws which they found to be objectionable and in the aftermath of the 1916 election, while the referendum campaign had been mildly successful, the party was virtually extinct.

The House organized in 1917 with the unanimous election of Guy Kelly of Pierce County as Speaker. In the Senate there developed a contest between the more conservative group who supported Dr. P.H. Carlyon of Thurston County and the Progressives who backed Ralph Nichols of King County. Going into the session it appeared that Carlyon was the choice of the members, however, he failed to prevail on the first ballot though he had the most votes. On the second ballot he trailed Nichols by three though neither had a majority. At this point, in the interest of harmony, Carlyon withdrew and Nichols was selected as President Pro-tem. The insurgent group

led by Nichols had originally planned to seek a change in the rules regarding the selection of committees. They backed off when they were given an additional two seats on the rules committee. The controversy in the Senate focused on two matters. The first was centered upon support or opposition to Lt. Gov. Hart. Senator Nichols was spokesman for the anti-Hart forces while Senator Jesse Jones of Tacoma led the Hart friends. Ironically, Nichols and Jones had been allies in 1907, in opposing the Lt. Gov. Coon with respect to the appointment of committees. The other issue was the makeup of the education committee where a battle was expected between supporters of the College and the University. At first it was charged that the committee was stacked in favor of the College. The primary concern was as to which school would be permitted to offer which programs in the area of graduate studies. The presidents of the two institutions made numerous appearances at committee hearings and were widely quoted in the press. After lengthy and sometimes not too friendly debate a compromise was crafted. To many it seemed that the University came out on top.

With prohibition in full effect in the state, liquor remained an issue in 1917 as "dry" forces proposed even more stringent restrictions and supported what was known as the "bone" dry bill. After lengthy debate, both houses passed the bill and Governor Lister signed it. For the most part the relationship between Governor Lister and the legislature was much improved after his reelection to a second term. During the first term the hostility between the executive and the legislators was almost constant and at times very bitter. This was a greater factor than during any administration since statehood and was probably only matched by the acrimony which existed between some legislators and the Governor during the territorial administration of Elisha P. Ferry in the 1870's. However, the relationship in 1917 was not totally amicable. Lister regularly threatened to move out of the Governor's mansion, claiming the legislature had failed to appropriate enough money for its adequate upkeep. At one time the Lister family did temporarily remove themselves to their Tacoma home.

Overall, the legislators did not seem to be greatly affected by the voters repudiation of the conservative measures passed in the 1915 session. Two issues of great concern to labor were central to the 1917 session. The first was a reaction to the activities of the I.W.W. (Wobblies), the radical labor movement which was active in various areas of the state. The climax of this concern arose after the so called Everett Massacre in 1916 in which a boat load of Wobblies from Seattle were engaged in a pitched battle with law enforcement officers and citizens when they attempted to disembark at the Port of Everett and several deaths ensued. Criminal syndicalism legislation was proposed and passed both houses. The bill attempted to prohibit any criminal activity, sabotage, or terrorism in support of industrial or political reform. It was violently and actively opposed by the general labor movement and by liberals and free speech advocates. The onslaught of opposition was intense and Governor Lister eventually vetoed the proposal though it enjoyed widespread bi-partisan support.

The other labor issue was the "first aid" bill. Ever since the enactment of the industrial insurance code there had been a continuing controversy over the financing of the treatment of on-the-job injuries. The matter was finally resolved in 1917 by a bill which required both employers and workmen to contribute to the injury fund. It was not popular with labor but it was the

best compromise obtainable and after passage in each house the Governor signed the bill, though with some reluctance.

During most of the 1917 session legislative activities were relegated to the inside pages of the newspapers. As the country moved closer to entry into World War I, a new development captured the headlines and front pages practically every day.

A very interesting item in the 1917 session was a bill which passed the Senate but died in the House. Many members and outside observers were increasingly critical of the proliferation of bills being introduced. In response to this concern the Senate passed a proposal which would have required the introducing member to personally pay the cost of printing.

A single event cast a cloud over the entire session when on January 30, Ernest Olson the Industrial Insurance Director was murdered in his office by a disgruntled injured workman. Bills were immediately introduced to restrict hand guns and to reinstitute capital punishment; neither effort was successful.

A much less critical occurrence early in the session received substantial press attention. It was the first fist fight on the floor in eight years. The cause was a bill to muzzle dogs and the participants were Senator Howard Taylor of King County, a former Speaker of the House, and future President Pro-tem of the Senate, and Senator Ed Brown of Whatcom County. Both were Republicans. In the absence of a strong two party representation during these years definite factions developed within the majority party and often resulted in strong and bitter intra-party animosities.

The appropriations which had been approved in 1913 and 1915 to commence construction of the capitol had both been ruled unconstitutional. The dominant figure in the House in 1917 was second term Representative Mark Reed from Mason County. Reed, a successful lumberman, serving as major-

ity floor leader was instrumental in the passage of legislation which again provided for commencement of construction of the new capitol building.

The Legislature eliminated the second choice provision on the primary election ballot which had been in effect for several years and allowed voters to make a first and second choice for executive office, each candidate receiving the cumulative total of first and second choice votes. The Legislature also provided for a vote on a constitutional convention at the 1918 election,



**Mark Reed**

*Chief executive of the Simpson Timber Company in Mason County. He was the dominant figure in the House of Representatives in the period following World War I.*

*(Photo courtesy of the Washington State Historical Society)*

established a bank guarantee fund, and enacted a new probate code. Also, as war fever swept the country, an increased appropriation for the National Guard was approved. In the House a bill was passed providing for military training in the high schools of the state. It was not approved in the Senate. However, legislation was approved permitting condemnation of land for the site of Fort Lewis and authorizing bonding to finance the land purchase.

It had become almost a custom for Senator Hutchinson the Progressive Republican from Spokane to kick up at least one major fuss per session. First elected to the House in 1890, he had served two terms then before being elected to the Senate in 1908, as a Republican. He was reelected in 1912 as a Progressive and in 1916 as a Republican. In 1917 he again sought passage of a memorial to make Eastern Washington and Idaho a new state. He gained additional notoriety in the dying days of the session when he interrupted a roll call. He was told to sit down by Senator Fairchild who was presiding. He refused. The Sgt.-at-Arms was called and finally the entire security staff was summoned. Hutchinson finally sat but he then refused to vote.

As the session closed the Seattle P.I. said it was the best in years. The Times found the Legislature not as reactionary as in 1915, but still not very progressive. Even the Democrat Olympian Standard held it to be a better than average session. As usual the Seattle Star merely found the legislature corrupt.

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While the 1917 session was relegated to the inside pages of the newspapers by the imminent entry of the U.S. into World War I, the 1918 elections suffered the same fate. Only this time it was the fast-approaching end of the war. Total Republican domination of the Legislature continued. The Republicans gained three seats in the Senate and six seats in the House and the last of the Progressive Party members were gone after there had been 38 members only six years earlier. Two significant ballot measures did appear on the 1918 ballot. The so-called "bone-dry" law which authorized total prohibition passed overwhelmingly on a referendum. On the other hand, a proposed constitutional amendment to call a constitutional convention was defeated.

The Legislature convened in January of 1919 with general consensus that post-war reconstruction was their major concern. There were, however, three major matters which captured the legislators' attention. Governor Lister was seriously ill. The great influenza epidemic was having a major influence on all public gatherings. Finally, post war planning was underway but the pending Seattle general strike was a serious immediate concern.

In the Senate, an insurgent group of more progressive members was pressing for an amendment to the rules to open the committee process and to allow bills to be more easily pulled from the rules committee. To a certain extent the controversy was also seen as an urban-rural issue with the rural interests favoring the more open process. At the pre-session meeting of the Republican State Central Committee, together with the Republican Senators, a tentative compromise was reached. However, the compromise did not hold and the old rules were maintained on a 27-14 vote.

In the House, Fred A. Adams of Spokane was chosen Speaker and in the Senate Dr. P.H. Carlyon, who had been denied the position two years earlier, was elected President Pro-tem. Both he and Adams represented the

so-called old guard and he was a strong proponent of highway construction.

As an early order of business, the legislature ratified the 18th Amendment (prohibition). The vote was unanimous. The social activities of the legislature always received attention from the press, particularly from the Olympia papers. As a result of the flu epidemic, the inaugural ball was cancelled. It was duly noted by the venerable Olympia Standard that this was the first time in the history of the territory and the state that the party had not occurred. Public gatherings were banned in Olympia for a substantial period of time and the makeshift gala was finally held at the Red Cross Hall in Tumwater on February 5.

While lobbyists had always been present in Olympia during legislative sessions, for the first time in 1919, they maintained an office near the Capitol. There was the usual criticism of their activities as the session commenced. Such criticism had become a regular biennial ritual.

As the session began two of Governor Lister's vetoes from the 1917 session were overridden. The first was the criminal syndicalism bill which was aimed primarily at the I.W.W. and severely limited their rights of assembly and expression if such activities were held to be in furtherance of efforts to undermine the government. The second, was a matter of lesser importance. In a controversy with the Legislature in 1917, Governor Lister had moved his family out of the mansion and then vetoed the appropriation for mansion maintenance. The veto was overridden, an accommodation was reached and the Governor moved back into the mansion.

Post war reconstruction was the subject at the top of the agenda but little was accomplished as everyone awaited congressional action and direction and none was forthcoming. A proposal for a veteran's bonus passed in the House and was vigorously debated in the Senate where it was finally defeated on a tie vote. The primary supporter in the Senate was Senator George Lamping of Seattle, himself a former military officer. During debate in the Senate, Senator Guy Groff of Spokane questioned Lamping's courage. Several of his colleagues were outraged and rose to his defense. Groff ultimately rose to apologize but the proposed bonus fell one vote short. It was enacted by the people by Referendum in the election of 1920.

February 6, was the date set for a general strike in Seattle. National attention, as well as that of the Legislature was focused on the upcoming work stoppage. Representative A.E. Miller of Seattle was an official of one of the unions which were on strike against the shipyards in Seattle and he was granted a leave of absence at the start of the session. The general strike was organized in support of the shipyard workers. When Miller sought an extension of his leave of absence it was refused and he was removed from the legislative payroll.

During this same period of time Governor Lister's health continued to deteriorate. He called in Attorney General W.V. Tanner and University of Washington President Henry Suzzalo to help him run the office. Finally, on February 14, the Governor advised the Legislature that he could no longer act and he stepped down temporarily in favor of Lieutenant Governor Hart. He never did recover sufficiently to return to office and he died later in the spring. As he stepped down, bills which had been passed but not signed were returned to the house of origin to be reenacted.

In the aftermath of the assassination of Industrial Insurance Director Olsen in 1917, capital punishment was re-instituted by substantive majorities. A fourth normal school was authorized at Centralia dependent upon the community providing an appropriate site. The huge increase in the number of automobiles brought public demands for more and improved highways. \$4,000,000 was appropriated and a bond issue of \$30,000,000 was approved to be placed on the 1920 ballot.

Two issues which were to remain at the forefront of the public and legislative agenda for many years came into sharp focus in the postwar 1919 session and in many ways they were closely interrelated. One was reclamation, primarily in Eastern Washington, and the other was the extension of municipal and public ownership of electric utilities.

As the post war reconstruction period set in, there was substantial public support for the reclamation of lands throughout the state. In western Washington reforestation was the primary concern while on the East side attention focused on the arid lands of the Columbia Basin. The Grand Coulee had not yet surfaced as a possible irrigation source. However, there was a proposal to dam the Pend Orielle River North of Spokane as a source of irrigation water for the Basin and legislation was introduced to provide a \$100,000 appropriation to study the feasibility of such a project. At that time, \$100,000 was a lot of money and the proposal was highly controversial but it was finally approved in both houses. It is interesting to note that pressures on legislators seem never to change. After the vote in the House the Tacoma Ledger of February 13, had the following comment in its legislative sidelights:

*“Representative Mansfield of Lincoln county asked to be excused from voting on the \$100,000 appropriation for surveying the Columbia basin irrigation project. He gave as his reasons for making such a request that he had received a large bundle of letters from his constituents opposing the bill and he also had received a large bundle from his constituents endorsing the bill. Hence, he said, he found his constituents divided 50-50 on the matter and as he did not know what his constituents wanted, he didn't know how to vote. He was forced to vote and voted aye.”*

The efforts of the advocates of municipal ownership of electric utilities were less successful. Legislation, which in later sessions would become known as the “Bone Bill,” for Homer T. Bone, its primary backer, was not approved. It would have allowed the municipal utilities, primarily Seattle City Light and Tacoma City Light to sell electricity beyond the city limits. The issue, however, remained one of the major ones to confront the legislature for the ensuing generation.

Governor Lister, a Democrat, had feuded almost constantly with a Republican Legislature, which was dominated by conservatives, during his first seven years in office. As the 1919 session commenced, it appeared that finally a reasonable accommodation had been reached. Whether a truce was real or merely a temporary cease fire because of the Governor's failing health was never to be determined as Lister had to step down in mid-February. He did not regain his health and died later in the spring.

In the aftermath of World War I a number of communities sought appropriations for armories. Originally armories were proposed for Aberdeen, Everett, and Walla Walla. Several other communities then sought to piggyback their own armory projects and it appeared the armory bill would sink

under its own weight. It did reappear in the late hours of the session and only the original three were approved.

The voters had turned down calling a constitutional convention in 1918 and Governor Lister proposed resubmission. The Legislature turned thumbs down on that idea but as an alternative a constitutional amendment was proposed to broaden the tax base and impose an income tax. This failed to get the necessary support to pass in the Legislature.

The significant work was fairly well completed by the last week of the session. The otherwise peaceful glide toward adjournment was sidetracked on the evening of the 59th day in the House when Representative Roth of Whatcom County arose and interrupted a roll call on the Highway bill. He was ordered to desist and be seated. He refused to be seated but finally relented. A few moments later he arose again and finally had to be escorted from the chamber. The bill which he sought to disrupt was then passed. The Seattle Times commented that the members loafed their way through the 60th day.

A total of 205 bills were passed. Among those of significance were: the Columbia Basin survey, a salary increase for elected officials, the five-cent fare bill which allowed the Public Works Department (predecessor of the W.U.T.C.) to fix trolley fares, \$3.5 million appropriation for construction work on the Capitol, the Criminal Syndicalism Act, an \$18,000,000 general fund budget, a \$4,000,000 highway construction budget, and a proposed \$30,000,000 highway construction bond issue be placed on the 1920 ballot.

The more progressive members of the Legislature went away from the session generally dissatisfied and committed to bringing forth a better organized effort and program in 1921.

The press was generally fairly kind in their post mortems. A lack of more decisive action was blamed on the failure of Congress to take positive action toward post-war reconstruction.

The Seattle Union Record which was the voice of organized labor gave the Legislature high marks. The generally conservative Tacoma Ledger also was complimentary, calling the session above average. The Seattle Times called the session business-like but short on accomplishment blaming the lack of action on congressional failure to move on reconstruction. The P.I. merely commented that the session was an amiable one.

For only the fourth time since statehood, acting Governor Hart convened an extraordinary session in March of 1920. The session lasted two days. The first action was unanimous ratification of the 19th Amendment to the U.S. Constitution (Woman Suffrage). In reaction to public demand, the proposed veteran's bonus which had failed in 1919 on a tie vote in the Senate was passed and placed on the 1920 ballot for voter approval along with a proposed tax to pay for it. Finally emergency appropriations were approved for the public schools and for the higher education. The higher education situation had become particularly critical as enrollment expanded after the war ended. The session which convened at noon on March 22nd ended at 4:04 a.m. on March 24th.

#### Primary Sources

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## Chapter VI: Postwar Politics As Usual

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1921

The November 1920 Election further decimated the Democrat presence in the Legislature. Republicans swept all nine statewide offices; the Democrats elected one representative and likewise had one member in the Senate. Two members of the Farm-labor Party were elected to the House and one to the Senate. The voters approved the soldier's bonus but defeated the highway bond issue and the proposal to increase elected official's salaries.

When the Legislature convened in January, the reform movement which had been promised at the end of the 1919 session failed to materialize. E.H. Guie of King County who had been the Speaker in 1899, was unanimously chosen Speaker. In the Senate, Howard Taylor of King County who had been the first two-term Speaker of the House was chosen President Pro-Tem, also by a unanimous vote.

Governor Hart, who had been acting Governor since the spring of 1919 was elected overwhelmingly in 1920. His first major proposal to the Legislature was a total reorganization of the administration of state government. The new administrative code would consolidate the executive branch into 19 departments. Two department directors were to come from each of the five congressional districts. The proposed reorganization was the prevailing issue during the entire first month of the session. The primary opposition came from organized labor which concluded that the new organization greatly lessened their involvement in the industrial insurance department. They were particularly incensed that an emergency clause was included, thus precluding a referendum. The reorganization bill passed both houses by February 4, with only token opposition; five in the House and three in the Senate. Labor organizations immediately brought court action challenging the emergency clause. The Supreme Court heard the challenge on an expedited basis and upheld the emergency clause on a five-four vote concluding that the Legislature itself was the judge of whether or not an emergency existed.

To commemorate Lincoln's birthday on February 12, the entire Legislature took an excursion boat to Seattle. A few days later, by concurrent resolution, a five day recess from February 19 to February 24 was approved.

As had become his custom the aging maverick Senator Dick Hutchinson from Spokane introduced a memorial to create a new state of Eastern Washington and North Idaho and as usual it went no place. Proposals which were also unsuccessful included one to control handguns and another to stiffen the penalties for serious crimes.

The voters having approved the veteran's bonus, it was necessary to find the funds to pay for it. After contentious debate it was finally determined to

impose a poll tax. The property tax was the primary source of state revenue and in the economic slowdown which followed World War I, that tax had become burdensome. The Legislature was actively looking at other potential revenue sources including a sales tax and an income tax but they were unable to achieve a consensus on any new revenue proposals.

Early in the session large contingents of Indians descended upon the Capitol demanding recognition of their fishing rights. In particular the demands centered on the Yakima fishing grounds at Prosser on the Yakima River. Both houses were persuaded of their cause and enacted legislation preserving the rights at Prosser but Governor Hart vetoed the bill and both houses promptly overrode the veto.

A bill was also passed placing the regulation of municipal utilities under the Utilities Department. Governor Hart also vetoed this proposal and the Legislature did not override this veto. The issue of allowing municipal utilities to sell power beyond their corporate limits was again a source of controversy throughout the session but no agreement on legislation was reached.

A proposal to rewrite the State School Code was again debated throughout the session. Among other changes, it would have made the Superintendent of Public Instruction an appointed office and also would have substantially changed the administration of public education in the state. The strong opposition of the state superintendent was successful in side-tracking the proposal.

A phenomena of the post war period was a strong prejudice against all foreigners which pervaded the country. In this region it strongly emphasized anti-Japanese feelings and resulted in a proposal that prohibited alien land ownership. Though adamantly opposed by civil rights advocates the Legislature succumbed to the popular tide and handily passed legislation banning alien ownership of real estate.

For the second time a decennial census was completed without the Legislature being able to re-apportion itself. Minor changes were approved in three Spokane districts but otherwise the legislative districts remained as they had been since the post 1900 census apportionment.

Senator Taylor of King County, the President Pro-tem and House floor leader, Mark Reed of Mason County were among the most powerful members of their respective bodies and they got into a rather serious dispute late in the session. It arose from charges by Senator Taylor of blatant vote-trading in the House and provided a degree of excitement to an otherwise fairly dull session.

The State Patrol was created at the 1921 Session with a total appropriation of \$70,000. Driver's laws were also enacted; for the first time a driver's license was required. It was provided that three traffic violations would result in a license suspension. Speedometers and rear view mirrors were made mandatory equipment on all motor vehicles.

For years there had been a biennial effort to legalize horse racing and professional boxing. Once again they were unsuccessful. Also, as had become customary, there were a number of proposals to totally revise state government. One would have created a unicameral legislature. Another, pushed by a Spokane group, would have installed a commission form of state government. None of these proposals received serious attention.

The general fund budget which was adopted reflected the economic climate and was 10% smaller than the 1919-1921 appropriation.

The Seattle Star which was usually progressive in its politics was generally complimentary of the Legislature's work. The more conservative P.I. was also generally positive in its reviews. The other dailies were less benign and the Tacoma Ledger was particularly harsh calling the session extravagant and wasteful. All in all the session was probably one of the least noteworthy since statehood. The reorganization of the executive branch as proposed by Governor Hart was clearly the most positive action of the session.

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All of the ballot measures which appeared on the 1922 ballot as a result of action in the 1921 session and the brief 1922 special session were defeated. They included repeal of the poll tax and a negative public response to proposals for increased elected officials salaries, a new public school funding formula, and a closed primary.

In the 1923 Legislature, the Democrats gained eight seats in the House for a total of nine and there were three Farm Labor members, a gain of one. The Republicans had 85, a net loss of nine from 1921. In the Senate there were 39 Republicans, a loss of one. There remained one Democrat and the Farm Labor representation increased from one to two. There was speculation that the minority together with insurgent Republicans might provide some interesting change but it never really materialized. In the Senate, P.H. Carlyon of Thurston County, a strong highway advocate, generally identified with the old line was elected President Pro-tem. Meanwhile, in the House, Mark Reed, the Mason County lumberman, who had been the major power in the House for several years, was chosen Speaker.

Early in the session Homer T. Bone, Farm Labor member from Pierce County, re-introduced his bill to allow municipal utilities to sell power outside the corporate limits. He also proposed a joint resolution to allow constitutional amendment by initiative.

As is often the case, taxation was the overriding issue in 1923. Property tax remained the primary source of support for state government and there was a great deal of public dissatisfaction therewith. It was accompanied by the usual claims of extravagance and excessive state spending. Numerous proposals were explored but it all came to naught when the House defeated an income tax proposals on a 58-38 vote. The Legislature did, however, successfully reduced the general fund appropriation from the prior biennium by \$1,500,000.

Stock fraud had resulted in the passage of a "blue sky" law in 1921. Governor Hart vetoed the bill because it excluded mining stocks which were the source of a large part of the controversy. It remained a volatile issue throughout the 1923 session. A bill was again passed and the mining interests were again successful in being excluded. This time Governor Hart allowed the bill to become law without his signature.

In 1919, the Legislature had approved creation of a new normal school at Centralia provided that the community donate the land. They had finally come up with the land but it was determined that their appropriation was defective and the entire matter remained in limbo. In a similar manner, the Women's Industrial School (detention center) in Spokane County, which had been closed several years earlier, remained closed. Governor Hart had vetoed the appropriation provided by the 1921 Legislature. The Senate

voted to reopen the school and this was a major concern among the women legislators and with major women's groups throughout the state. Many of these groups sent representatives to lobby in Olympia but they were greatly disappointed when the House defeated the bill on a 48-48 vote.

Overall, there was not a great deal of excitement during the 1923 session. However a couple of incidents did stand out. In late February, Representative Charles Heighton of Seattle, one of nine Democrats in the House gave a very inflammatory speech to a Democratic club in Seattle in which he lambasted lobbyists and the legislators who he deemed to be unduly influenced by them. Majority leader Ed Sims of Port Townsend took umbrage at the remarks of Mr. Heighton and threatened a move to censure him. Nothing came of it but a verbal barrage continued through the remainder of the session. Among other items, Heighton had accused the Stone and Webster lobbyist of operating a "blind pig" in Olympia on behalf of the electric utility industry. During prohibition locations where liquor was dispensed were known as "blind pigs."

The other notable incident involved veteran Representative Charles Roth of Whatcom County who had first served in the House in 1893 and had returned on a number of occasions since. Roth was so incensed by passage of a bill subsidizing oil exploration on state lands that he arose on the House floor and in an emotional speech announced that he was resigning from the Legislature because the conduct of his fellow members was unconscionable and he could no longer serve with them. After a couple of additional tirades he eventually calmed down and did not fulfill his threat to resign. But it was not before his final outburst on the floor from which he had to be subdued and removed from the chamber. His disruption was highlighted by someone clanging a cowbell and it became so tumultuous and emotional that Representative Maude Sweetman fainted dead away.

The budget had passed both houses by late February and the closing days of the session were dominated by controversy over Representative Bone's proposal to allow the municipal utilities to sell power beyond the city limits. Eventual resolution was achieved by passage of two bills, each with a referendum attached thereto. The first was the Bone proposal. The second, pushed by Speaker Reed, included the Bone proposal but added a 5% tax on all sales by the utilities whether within or outside the corporate limits of the selling municipality. The passage of these measures were virtually the final actions of the Legislature in 1923.

Among the enactments during the session were a new dental code; a barber licensing act; a stringent narcotics law; an updating of the Workmen's Compensation Code which, among other things, increased benefits; and a further appropriation of \$2,000,000 toward completion of the new capitol building.

The press was less than excited in their post-mortems of the session. The Tacoma Ledger called it an average session, better than some and worse than others. The Seattle Times said little was accomplished and some of the other papers didn't even comment by way of editorial at the close of the session.

As the 1924 elections approached there was a modest revival of the Progressive movement both nationally and in the state. Senator LaFollette of Wisconsin was the national leader and ran for President of the Progressive ticket. In this state, LaFollette ran far behind President Coolidge and far ahead of the Democrat John Davis who had been nominated on the 108th ballot at the Democratic convention. While garnering a significant vote total in the state the Progressives had no electoral success. Several of their candidates outpolled Democrats, but none were successful in winning election.

In the Senate there remained 39 Republicans the same number as in 1923. The Democrats gained one for a total of two and there remained one Farm Laborite. In the House Farm-Labor representation was gone and the Democrats lost four seats returning with a total of five as compared to 92 Republicans.

When Governor Hart determined not to seek reelection, a number of candidates emerged and 10 Republicans, four Democrats, and one Farm Labor party candidate finally filed. In the Republican primary Senator E.L. French of Vancouver and Roland Hartley an Everett lumberman who had served in the House and also previously run for Governor emerged as the leading candidates. Hartley barely edged out French in the primary and then won handily in the general election.

All ballot issues failed. Both the Bone and Reed power referendums were turned down. Also, a Ku Klux Klan-sponsored initiative which would have prohibited parochial schools was defeated. A 40 mill tax proposal was also unsuccessful. The 1925 Legislature, again overwhelmingly Republican, convened to a surprise proposal from the new Republican Governor. Governor Hartley announced that he had not yet developed a proposed program for state government and he asked the Legislature to adopt a budget and go home in thirty days to return in the fall for a special session. By that time he promised to outline his proposals for the program of his administration. The Legislature responded affirmatively, accomplished the required business and adjourned on the 32nd day. The relationship between the Legislature and Governor was relatively cordial. Few foresaw what the future held. The relationship between the Republican Legislature and the Democrat Governor Lister during his six years in office between 1913 and 1919 was a rocky one. It was a picnic compared to what was to develop between the Republican Legislature and the Republican Governor from the fall of 1925 until 1933.

In the House, Republican Floyd Danskin of Spokane was easily chosen Speaker. In the Senate a real contest developed for the choice of President Pro-Tem. Going into the session, Senator W.W. Conner, a former Speaker of the House was virtually conceded to be the choice as President Pro-Tem. However, he had been a strong supporter of Senator French in the Republican race for Governor. As such, he was not seen as a particular ally of the new Governor. In the weekend before the session started as the members gathered in Olympia an anti-Conner movement quickly developed behind Senator E.J. Cleary of Whatcom County. When the Senate convened on Monday, Cleary emerged the winner on a 22-20 vote.

Otherwise, the commencement of the session was rather routine. In the Senate there was a challenge to the seating of newly re-elected Senator P.H. Carlyon of Olympia who had been President Pro-Tem in 1923. The circumstances were rather unusual. Senator Carlyon had been defeated by two

votes in the Republican primary as he had been actively campaigning for Senator French for Governor. He then mounted a write-in campaign for reelection to the Senate. His campaign was successful and he won reelection by a comfortable margin. His challenger contested his seating alleging campaign irregularities. The Senate quickly disposed of the matter and seated Carlyon by a unanimous vote. The challenge to Carlyon's seating was seen by many as a move by Hartley supporters in retaliation for his support of French.

One of the first issues to face the 1925 Legislature was ratification of the proposed child labor amendment to the U.S. Constitution. In 1923 the Legislature had memorialized Congress to act upon such an amendment. It had done so and the matter was now before the states for ratification. The amendment was never ratified and Washington was one of those states which failed to ratify. The Senate defeated ratification 27-15 but then passed a proposal to submit the issue to the people for a vote in 1926. Senator Conner had been denied the President Pro-Tem job in part because of his support for Governor Hartley. Ironically he and his supporters proved to be the Governor's staunchest allies in the fight against the child labor amendment as they tried every possible procedural move to thwart the amendment. The House failed to act and ratification was dead.

Governor Hartley's inaugural address was considered by many to be rather extreme. He blasted the supporters of the child labor amendment, calling them bolsheviks. He was equally scornful of the highway program. In addition he proposed a short session with a follow-up special session in the fall after he had developed a program. Amid some grumbling he did ultimately prevail.

Hartley had been in office but a week when the labor organizations started promoting a recall campaign. The leadership was outraged by the appointment of a labor official, who was on the outs with the state leadership, to the position of supervisor of Industrial Insurance. Martin Flyzik of the mine workers who had supported Hartley was the appointee. Within the labor movement, he was a long time bitter foe of William Short, president of the Washington State Labor Council. Short saw Hartley as being an enemy of labor and personally despised him.

While child labor and the labor squabble got early headlines there were two issues which consumed a large part of the Legislature's time. One was the so-called "seed bill" which would have provided relief to drought-stricken farmers, particularly veterans, in Eastern Washington. It was the major concern of most Eastside members in both houses and the bill finally passed both houses by apparently veto proof margins.

The other major item was the Governor's proposal to cut highway taxes and appropriations. In the Senate, immediate reaction of the Highways Committee was unanimous opposition. However, that opposition melted away and by the end of the session a compromise was reached which basically approved the Governor's demand for a reduced highway tax.

When the "seed" bill reached the Governor's desk he promptly vetoed it. As quickly, the House overrode the veto but the override bogged down in the Senate on the thirtieth day which had been previously agreed to as the last day of the session. Upon the failure of the Senate to override, the House refused to adjourn and the standstill prolonged the session by two days. On the 32nd day the standoff ended and the 24th Legislature adjourned "sine die". It was the first time since statehood that a biennial session had

adjourned substantially before the constitutional 60-day limit. Only 129 bills were introduced. Thirty-six passed and one, the "seed bill" was vetoed. No state in the Union passed fewer laws in the regular 1925 session.

Governor Hartley had prevailed totally. Everything he proposed was accepted. The Centralia normal school enabling legislation was repealed. The 1.5 mill highway tax levy was discontinued. The Tax Commission was created. Vote requirements for bond elections were established and the Governor's budget was approved. However, all was not as benign as outward appearances might have indicated. Animosities between House and Senate and between East and West were widespread. Also, advocates of various causes clashed repeatedly. More critical was a fast growing breach between Governor Hartley and many legislators, a gap which was to widen and become successively more bitter during the ensuing eight years.

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The Legislature reconvened on November 9 for a session which was to last 60 days with brief recesses at Thanksgiving and Christmas. During this session the wheels really came off the wagon in the relationship between the Legislature and the Governor. The first major item in the House was the election of a chief clerk to replace Charles Maybury who had held the job since 1913. Two candidates emerged. They were A.W. Calder of Vancouver who had been deputy chief clerk and H.H. Sieler of Chehalis who was assistant secretary of the Senate. Going into the session each claimed to have the pledges of a majority of the members. Much of Sieler's support came from King County and Calder's basic support was from the rural areas of the state. Speaker Danskin favored Calder though he remained officially neutral but Representatives Sims and Reed the recognized leaders supported Calder who was also seen as the candidate of the old guard and was more favorable to Governor Hartley. Calder prevailed 49-47 with the support of three of the four Democrats in the House. Representative Banker of Okanogan County was known to support Sieler. However, he did not appear in Olympia until about an hour before the session opened at noon on November 9. Meanwhile, Representative Belle Reeves led the three remaining Democrats into the Calder camp. At the time, women legislators were still fairly rare and some of the press made quite an item of the fact that a Democrat woman had turned the tide in the clerkship contest.

Governor Hartley's initial address to the Legislature was seen by many as extremely hostile and reactionary. He was highly critical of higher education governance and of President Suzallo and the University of Washington in particular. He proposed abolition of the Boards of Regents and Trustees and replacement with a nine-member board of higher education to be appointed by the Governor. He also harshly criticized the common school system advocating abolition of the office of the Superintendent of Public Instruction. Highway and reclamation spending were also prime targets of his wrath.

If the January session was a honeymoon the November session maybe best described as the onset of a long and acrimonious divorce proceeding. Among other developments, long time allies E.A. Sims and Mark Reed, of Jefferson and Mason Counties respectively, went their separate ways. Sims became the Governor's primary supporter while Reed joined his severest critics.

One of the first confrontations of the session centered upon the final appropriation for finishing and furnishing the new Capitol building. There

1925  
Second Session

was a notable and lasting result of that skirmish between the Governor and the Legislature. That was the placing of the Governor's office on the northeast corner of the new building and not in the northwest corner in close proximity to the mansion as called for in the original planning.

During the first several weeks of the session, the Senate sat on all the Governor's appointments but finally confirmed them just before Christmas. A major issue was reclamation in Eastern Washington, primarily the Kittitas project, and it centered on a bill introduced by E.F. Banker of Okanogan County and strongly opposed by Governor Hartley. The bill ultimately passed the Senate 30-9 and passed in the House 66-29. While the margins were veto-proof and the Governor did immediately exercise the veto, when the bill did return to the House of Representatives, Sims was able to prevent an override by two votes. This action instigated a confrontation between the pro-Hartley members led by Sims and anti-Hartley majority now led by Sims' former ally Mark Reed.

Reed presented a list of 13 demands which the majority were concerned with and threatened a deadlock if some accommodation was not obtained. Meanwhile in the Senate a serious controversy arose between supporters of the State University and the State College over the distribution of the higher education millage. In the House an adhoc committee of ten, five on each side, was appointed to seek a compromise on the reclamation program. They did achieve an agreement which passed unanimously. The Senate also overcame their millage controversy and passed the higher education bill 27-12.

The Governor requested another opportunity to address the Legislature and did so on December 8. By this time he was at odds with most of the other elected officials and he launched an attack on the practices of Land Commissioner Savidge. This did nothing to alleviate the already acrimonious climate in the capitol. As a result of the attacks on him, Savidge made the unprecedented request to address the Legislature himself. In a subsequent vote the Senate favored the position of Savidge over that of Hartley on a 28-nine vote.

As the process proceeded several Hartley vetoes were upheld and the minority pro-Hartley forces really began to flex their new found muscle. One result was a prolonged session. Originally, all had anticipated a pre-Christmas adjournment. This was not to be, and the session ultimately consumed the full 60 days adjourning on January 7.

While compromise was reached on reclamation and higher education, many other matters of interest fell by the wayside. The reincarnation of the "Bone Bill" failed. All labor legislation was unsuccessful as was a proposed new motor vehicle code. The Governor's pet project to abolish the Regents and Trustees of the colleges and replace them with a state board failed. Reopening of the Women's Industrial School passed both houses but was vetoed.

During proceedings to override one of the Governor's vetoes on an education bill, Speaker Danskin who was favorable to the Governor made a ruling which was supportive of the pro-Hartley position. Former Speaker Reed appealed the ruling of the Speaker and the Speaker's ruling was reversed. The relationship between the Governor and the two houses had become so bitter that late in the session a resolution of censure of the Governor was successfully passed. Basically it accused him of intemperate conduct. The session wound down in a very sour mood. The P.I. commented that in spite of the acrimony the session was reasonably constructive. As the

legislators adjourned and headed for home the battle lines for the upcoming 1926 election were drawn. Those lines were not between Republicans and Democrats. Regardless of party, the upcoming election pitted those for the Governor against those who opposed him. A substantial majority were in the latter camp.

As the 1925 extraordinary session closed in early January of 1926, political observers speculated that the warfare among Republicans provided the Democrats a golden opportunity to benefit in the upcoming 1926 election. With the possible exception of the 1909 battle over prohibition no session since statehood had been as bitter and divisive as was the session in the fall of 1925.

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In spite of this, the Democrats were unable to capitalize on the Republicans internal strife. They gained no seats in the Senate and only three in the House. The 1927 Legislature convened with 40 Republicans and two Democrats in the Senate and 88 Republicans, eight Democrats, and one Progressive in the House. The 1926 campaign had been waged almost entirely, even among the Democrats, on a pro-Hartley, anti-Hartley basis. Those opposed to the Governor prevailed. In the Senate there were 26 who were at least nominally opposed to the Governor while 11 were considered his allies and five were neutral. In the House the alignment was 43 opponents and 33 allies with the remaining 21 members somewhere in between. Also during the 1926 interim a vigorous recall effort against Governor Hartley was launched. While there were a number of allegations involved, the primary issue arose from the long-standing animosity between the Governor and President Henry Suzzalo of the University of Washington. While a controversial figure, Dr. Suzzalo did have a large and devoted following across the state. Governor Hartley fired a majority of the Board of Regents of the University. The new majority promptly placed Dr. Suzzalo on leave and then terminated him. This caused a broad public outcry and gave impetus to the recall movement which eventually fizzled out. However, the Regent firing episode cast a long shadow over the entire 1927 legislative session.

Hopes had been high that the new legislative building would be ready for occupancy when the Legislature came to town in January. Unfortunately this was not to be. The reason, in part, was an ongoing feud among the members of the Capitol Committee over the furnishings of the new building. The three members were Governor Hartley, Auditor Clausen, and Land Commissioner Savidge. Hartley opposed Clausen and Savidge who generally agreed on almost every major decision. There is some doubt as to whether the Governor's positions were based on conviction or upon personal animosity toward the other two members of the committee. In any event, this ongoing controversy cast one more shadow on the convening of the legislative session.

Upon organization the anti-Hartley forces prevailed. Ralph Metcalf of Tacoma was elected President Pro-tem of the Senate. He was generally considered a leader of those opposed to the Governor. In the House Ralph Knapp of Seattle was elected Speaker. While not so outspoken, he was also considered to be in the anti-Hartley camp.

The members arrived to find 31 veto messages before them. In the 1925 extraordinary session the House had adopted a rule which permitted reconsideration of a veto override vote. The most vehement Hartley opponents,

under the leadership of Pliny Allen of Seattle sought to re-institute this rule but were badly defeated on a vote of 75-19.

The matter of compensation had become a problem for many members. The daily stipend of \$5.00 had remained unchanged since statehood and inflation had finally taken its toll. By January of 1927, it was generally conceded that room rent in Olympia was \$2.50-\$3.00 per day. This may have been a factor in that about one-half of the legislative races were uncontested. In any event, the members proceeded to vote themselves a per diem increase only to have the Supreme Court overturn it on a 5-4 vote.

Governor Hartley had been a vocal critic of the policies and practices of Land Commissioner Savidge for a long time. During his first two years in office he persisted in a barrage of allegations and charges and demands for investigation. At the 1925 special session the Legislature authorized an interim investigation. It was completed and the report was presented in the opening hours of the first day of the session. The report's conclusions determined that Commissioner Savidge was administering his office properly and exonerated him from any improper conduct. Hartley's foes were determined that this report be received before the Governor addressed the Legislature.

Without a two-party structure, informal caucuses tended to form along various interest lines. This had occurred during the entire period since statehood. Regional groupings and urban-rural divisions were common. Issue proponents and opponents also tended to meet together with varying degrees of formal organization. While the primary alignment in 1927 was pro-Hartley, anti-Hartley, the Seattle P.I. speculated that other interests such as public power-private power, wet-dry and city-country might overshadow the controversy surrounding the Governor. There were 34 farmers in the House of Representatives, the greatest number in the history of the state. They met together at the outset and made their demands known. The first item on their agenda was a proposal for farm to market roads and their campaign was ultimately successful.

On the third day Governor Hartley delivered his biennial speech to the Legislature. Considering the series of tirades he had delivered during the prior special session, this message was unusually conciliatory. The non-confrontational tone of the speech seemed to calm the atmosphere for a few days but the peace was not long lasting. A pension bill sponsored by the Fraternal Order of Eagles had passed in 1925 and was vetoed by the Governor. During the third week of the session the Senate overrode the veto on a 30-11 vote. It was generally agreed that this vote was not a true test of the Governor's support as a number of his allies also favored the pension bill and hence voted to override. The House subsequently sustained the Governor when the effort to override fell 15 votes short as only 50 members voted to reverse the veto.

A better test of the Governor's strength in the Senate came several days later when Regents for the University of Washington and a Trustee at Cheney were not confirmed. Based upon those votes it appeared there were 23-25 firm opponents and 13-15 firm allies of the Governor. This left between 2 and 6 in neutral ground. With 28 required to override vetoes this left the fate of the vetoed bills firmly in the hands of the neutrals in the Senate. In the House, the Governor's situation was much stronger as more than 1/3 of the members were considered to be in his camp.

In the House, former Speaker Mark Reed of Shelton and former majority leader Ed Sims of Port Townsend were acknowledged leaders. In earlier sessions they had rallied the so-called "cow county" legislators on matters of mutual interest primarily with regard to highway construction. However in the 1925 special session they had fallen out. Sims became the leader of the pro-Hartley faction and Reed led the Hartley opponents. Early in the 1927 session they again found themselves allied in support of a tax classification measure. They suffered a humiliating defeat when their bill was defeated 70-23. Freshman members, of whom there were more than 40, voted against them almost unanimously. At this point the House leadership was in a virtual shambles.

Meanwhile the Governor's proposals were not faring well and his problems were compounded by a charge that he had misused funds appropriated for mansion maintenance. Some of the money had been spent for furniture and upon review the Attorney General ruled that the money had indeed been improperly spent and it must be repaid.

As had become customary, highways matters were a primary concern. The Governor's original budget proposal was unanimously rejected by the Senate Roads Committee and the highways budget remained in controversy until the last days of the session. Until 1927, the highway engineers and the State Patrol operated within the Department of Efficiency. Governor Hartley proposed creation of a Highways Department. The Senate proceeded to consider the highways reorganization proposal - finally passing a bill 24-16. It contained changes unacceptable to the Governor and the House turned it down 51-44. At this point the Reed-Sims alliance again fell apart. Over the opposition of Sims and with the support of Reed the highway reorganization passed the House 48-47. By some, the final bill was seen as an effort to punish the Governor by making him one of three members of the Highway Commission thus relegating him to possible minority status. The budget battle ran on with Eastern Washington members standing firm in support of farm to market roads and a paved loop highway through the Eastern part of the state.

Another of the Governor's primary proposals was to place much of the power of the higher education Regents and Trustees in the hands of a nine-member Board of Higher Education to be appointed by the Governor. This suggestion did not meet with legislative approval. An alternative providing for a 9-member joint Board of Regents and a 15-member Board of Trustees to be elected by the people also was not approved.

As population continued to shift throughout the state malapportionment became more pronounced at every session. By 1927, King County, in particular was grossly under represented, but as had been the case in every session since 1911, the effort to reapportion the Legislature failed and the 1901 apportionment remained in place.

An example of the depth of feelings surrounding Governor Hartley is exemplified by an incident in the Hall family. Senator Oliver Hall, from Whitman County was the senior member of the Senate having first served in 1893. He had missed a couple of terms but was in his seventh term in 1927. He was an outspoken foe of the Governor. His brother, Elmer was an assistant Sergeant at Arms and an ally of the Governor. Elmer's son Oliver, the Senator's namesake, came over to Olympia from Eastern Washington seeking employment as a page but his uncle vetoed his application. However, all

was not lost. Upon learning of the situation, Governor Hartley found two jobs for the young man.

As the session neared its conclusion the Senate remained fairly firm in its opposition to the Governor's proposals. The House was less critical and as a result was at loggerheads with the Senate on several issues. The Governor's standing was strengthened substantially when the recall movement against him lost momentum and petered out completely.

For years women's groups across the state had campaigned tirelessly for the establishment of a women's training school which they deemed necessary to the rehabilitation of female offenders. Success had always evaded them either through failure of passage or by gubernatorial veto. Their hopes were dashed again when a bill which had passed the Senate failed on a 49-45 vote in the House. However, a compromise was salvaged with authorization of a women's reformatory at Walla Walla, a proposal which the Governor did not veto.

Early in the session there were a number of charges levelled at the administration of the Industrial Insurance Department. As a result the Senate authorized an investigation under the leadership of Senator D.V. Morthland of Yakima, a strong Hartley opponent. His hearings got a lot of press but resulted in no significant action.

The highlight of the last week of the session was the move to the new capitol on Monday, March 7. The planned celebration was largely overshadowed by the intense controversies surrounding the major undecided issues. In addition, many of the older members, were grumbling about the inconvenience of having to traipse all the way up the hill to the new building. There was considerable comment in the press to the effect that the Republicans had failed to adequately address many major issues in an orderly fashion. A majority of legislators were "drys," however, they had failed in an effort to strengthen the prohibition enforcement laws. Efforts to ease the property



*Present-day Washington State Capitol and grounds.*

tax burden were not successful. Reapportionment efforts had fizzled again. Senator Metcalf of Tacoma had tried again to pass a power bill which would have allowed municipal utilities to sell power outside the borders of the city and his effort was thwarted rather handily. In addition, the long-standing controversy over management of state timber lands just wouldn't go away. Each of these issues had a substantial constituency and the failure of the Legislature to enact legislation left a great deal of dissatisfaction with a large segment of the public. Also, during the last week of the session the Senate again voted against several of the Governor's appointees as Regents at the University of Washington and Trustees at the Cheney Normal School.

In an effort to end the logjam and get the session off dead center that off-again, on-again pair, Reed and Sims got together to fashion a timber bill which finally passed the House 90-1. Fashioning a highway appropriation compromise proved more difficult. At midnight on Thursday night they covered the clocks. A session that lasted nearly 30 hours finally concluded at 5:34 p.m. on Friday afternoon when the highway appropriation was finally settled by deleting the proposed Ocean Beach highway, but keeping a sizeable appropriation for the Aurora Bridge in Seattle.

Governor Hartley rewarded the Legislature with a total of 59 vetoes. Among those vetoed were, a reclamation bill, school equalization, an appropriation for dedication ceremonies for the Capitol, and a part of lands legislation which expanded the authority of the Commissioner. The Tacoma Ledger took a parting shot and called the session grossly political. The strained relationship between the Governor and the Legislature remained an unhappy one and it was not helped at all by the Governor's active veto pen.

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In the immediate aftermath of the 1927 session there was some indication that the Republicans had given the Democrats real hope for gains in 1928. However, this was not to be. The Democrats, long split between conservatives (so-called bourbons), and progressives were further fractured when they nominated Al Smith an Eastern catholic, "wet," as their presidential candidate. In the state Legislature in the 1928 election they lost one of two senators and two of eight representatives. The lineup for 1929 was 41 Republicans and one Democrat in the Senate and 91 Republicans and six Democrats in the House. Once again a majority of the Legislature ran unopposed in the general election.

1929

Despite all of the controversy which surrounded his first term as Governor, Hartley was comfortably reelected to a second term. This also solidified the status of his allies in the Legislature.

The proposed constitutional amendment permitting tax classification was defeated at the polls in November. This, coupled with a court decision limiting bank taxation, presented the new Legislature with revenue problems even tougher than had been expected.

Upon convening in January, the Hartley forces were in command in the House and Ed Davis of Columbia County was unanimously chosen Speaker. In the Senate, Reba Hurn, the only woman in the body and at least a nominal Hartley ally mounted a campaign for President Pro-tem but was unable to gain significant support. Fred Hastings of Seattle was chosen and the balance of power in the Senate remained, at least, mildly hostile to the Governor. He did nothing to improve relationships when he promptly vetoed the

Legislature's expense appropriation bill. Early in the session on January 23, a dinner was hosted in Olympia by Seattle businessman Simon Burnett. The purpose was ostensibly to seek peace between the Governor and his opponents. Comments from those who attended indicated that it was an amicable and pleasant evening. For a few days it seemed that perhaps accommodation was at hand, but the peace was short-lived. Twice previously the Legislature had passed the old age pension proposal of the Fraternal Order of Eagles and twice the Governor had vetoed the bill. The Senate promptly enacted a new pension measure by a 27-13 vote.

The so-called Grange Power Bill had been before the Legislature for a decade. It would allow the creation and operation of Public Utility Districts. This time it was in the form of an initiative to the Legislature but it failed 20-17 in the Senate assuring a vote of the people in 1930.

As usual, taxation and highways appropriations were major issues. In addition, the Governor proposed a new Highways Department, amendments to the powers of the Tax Commission, abolition of the Capitol Commission, and new governance for the institutions of higher education. He also proposed repeal of the tax millage for higher education. The first major defeat for the Governor occurred when the House, which was generally sympathetic to him, defeated the proposal to repeal the higher education millage law.

For several sessions, Grays Harbor forces had attempted to get authorization for the Port District to build a logging railroad northward across the Olympic Peninsula in order to give small operators better access to market and thus to achieve better prices for state timber. Large operators opposed the proposal. Senator Finch from Grays Harbor County, one of the leaders in the Senate, was the prime mover behind the railroad measure and it was passed by the Senate. A very tough controversy ensued in the House. The Seattle Star charged that large timber interests were threatening Eastern Washington legislators. The allegation was that support of the peninsula railroad would result in defeat of the farm to market road legislation which was the major concern of members from agricultural areas of the state. In the end the farm to market bill passed and was signed by the Governor. The House, however failed to approve the Olympic Peninsula Railroad.

The Governor did propose a bank tax measure to replace the tax which the courts had ruled out. It was debated throughout the session and was strongly opposed by savings banks and savings & loan associations. It was finally passed in large part because of the critical need to replace the revenue lost as a result of the court decision. Various taxation proposals were floated throughout the session as the burden of the property tax, which was the primary source of state revenue was becoming increasingly onerous. Measures for sales tax and income tax were introduced but went nowhere. In the end a proposed constitutional amendment for tax classification was placed on the 1930 ballot. It was very similar to a measure defeated by a very small margin in 1928.

The so-called Showalter bill to reorganize the public school system and further equalize financing was passed by the Senate but ultimately failed by one vote in the House. This was attributed primarily to strong opposition from Seattle.

As the session moved toward its conclusion a number of significant developments occurred. The House narrowly defeated the Eagle's pension bill paving the way for an initiative campaign. Legislation was enacted

permitting the creation of junior colleges. The "drys" passed a measure toughening prohibition laws. The Senate turned down the Governor's proposal to create a single governing board for higher education but they ultimately approved his new Highway Department after a number of revisions and after several false starts.

In the end, it was again the highways program and budget which delayed adjournment. Provision for the Tacoma Narrows bridge was passed and signed by the Governor. A Deception Pass bridge was approved but vetoed, and an override failed. The final bill included paving of the Sunset (East-West) highway and adjournment was delayed by a hassle over proposed state purchase of the Pasco-Kennewick bridge across the Columbia River. "Sine die" occurred at 9:30 Friday night 21 1/2 hours late after agreement upon a highways compromise.

As usual Governor Hartley wielded a liberal veto pen. Among those measures which he turned down were Junior Colleges, a gas tax increase to pave the East-West highway, and the "drys" prohibition enforcement measure. In contrast to earlier sessions, the press had very little post-session comment on the performance of the 1929 Legislature. The animosity between the Governor and the legislators, while less than during the two prior sessions was still a factor, particularly in the Senate. The most glaring failure of the session was probably the inability to come to grips with the tax system and the need for some alleviation of the burdensome property tax.

The 1930 election did little to change the complexion of the Legislature. While the depression was well underway the Republicans maintained overwhelming domination. In the Senate there was one Democrat and in the House there were eight (a gain of two). Of the 89 Republicans elected to the House, 50 ran unopposed. This was about typical of the number elected without opposition throughout the previous decade in which the average number of Democrats in the House was slightly over six. In the Senate during the same period there were two Democrats in two sessions and only one in four sessions. During the entire period since statehood the average number of Democrats in the Senate each session was just over four while the average in the House was fewer than 10. The maximum number in the Senate was nine in 1893 and 1903. In the House the largest number of Democrats was 21 in 1901. During the first 22 sessions ending in 1931, 188 minor party legislators were elected. Of these, 72 served in 1897, the only session not controlled by Republicans. In 1913, 40 minor party candidates were elected, two of whom ran as Socialists. These were the only two Socialists ever elected, who ran as Socialist party candidates. Prior to the 1932 election, Republicans held 82.5% of the legislative seats, while Democrats had 11% and third party candidates had 6.5%. In the next four elections, Democrats held 87% of the seats.

There were also significant measures enacted on the 1930 ballot. The constitutional amendment providing for tax classification was successful. An initiative providing for Legislature reapportionment passed forcing redistricting which the Legislature had failed to accomplish since it had done so after the 1900 census. Most significant was the passage of the Grange power initiative. After more than a decade of frustration and failure to gain legislative acceptance the people approved enabling legislation providing for the creation of Public Utility Districts.



**Belle Reeves**  
Chelan County House member  
1923-27; 1931-37. She became  
Secretary of State and was the  
first woman to hold state-wide  
elective office other than  
Superintendent of Public  
Instruction.

(Photo courtesy of the Washington State Historical Society)

When the 1931 session organized there was a modest contest for Speaker, however the Hartley forces rallied behind E.J. Templeton of Everett and he was handily elected. The eight Democrats supported Belle Reeves the only woman among them. On January 9, 1931, the Seattle Times made the following editorial comment.

## The One Partisan Gesture

*"The Democratic minority in the state House of Representatives is to be united in support of Mrs. Belle Reeves, Chelan County representative, as a candidate for Speaker. The Democratic minority consists of but eight members, so that the nomination of Mrs. Reeves will be no more than a pleasant gesture; yet as she is the only woman among the eight, it will give expression to that gallant courtesy for which Democrats, in some sections anyway, have been noted since long before the days of equal suffrage.*

*No one who has served in other sessions with Representative Reeves will question the propriety of paying her this honor. No doubt, in fact, some who are rated as Republicans and who know her well would be glad to vote for her election as Speaker, if they did not feel bound to one or another of the candidates who bear the same party label as themselves.*

*For many years the Democrats in the Legislature have been so few in number that partisan alignment has not seemed worth while. They have regularly made such a gesture as will be made in honor of Mrs. Reeves, but thereafter have not held together with any reference to party policy or possible advantage. In the further doings of each session they have acted as individuals, working and voting as they severally pleased*

*And in this respect the course of Republican legislators generally has been the same. Though in overwhelming majority, they have not in a long time deferred, as a body, to any party policy or public declaration. They may organize factionally to serve the purposes of some nominally Republican leader or group; but very, very few*

*of them work in any spirit of concern for the present or future welfare of the Republican Party.*

*Maybe it is just as well; apparently it doesn't matter. Under the direct primary, legislators and legislative candidates, like all others in or seeking political office, have little or not sense of responsibility to any party. In the circumstances, those who have reason to deplore the deterioration in public service and weaknesses of lawmaking have not far to look for the cause."*

During the proceedings to elect House officers, newly elected Representative Clement Scott of Clark County was selected to give one of the seconding speeches for the new Speaker. Scott, a prominent citizen of Vancouver and a past state Exalted Ruler of the Elks, had long coveted a seat in the Legislature. He rose to give his seconding speech and commented as to how he had dreamed of this day for years. He completed his remarks, sat down and keeled over dead. Needless to say, this was a tremendous shock to those present and resulted in the suspension of further proceedings on that day.

There was one noteworthy development in the otherwise routine naming of committees in the House. For the first time in many years a Democrat was named to the Rules Committee. There was a minor squabble between the East and West over the makeup of the Revenue Committee but it was settled amicably.

In the Senate, which was much less friendly to the Governor, Senator W.J. Sutton of Cheney, in Spokane County, was elected President Pro-tem. He joined Lieutenant Governor Gellatly who was clearly not an ally of the Governor.

The state's fiscal situation had steadily deteriorated since the years of World War I. Twenty-two tax reform proposals were introduced during the first few days of the session. Among these were an income tax and a sales tax. While taxation was clearly the major issue, prohibition loomed as a major concern. Throughout the nation, enforcement was just not working. Otherwise law-abiding citizens were just ignoring the liquor laws. Testing the waters early in the session it was clear that the "drys" had substantial majorities in each house. However, the liquor shadow hung over the entire session and culminated late in February when enforcement agents staged a raid at the Olympian Hotel. They found liquor in the possession of several lobbyists and at least one Senator. The offenders snuck down to Tenino in company with the sheriff and paid modest fines under assumed names. The press had a field day reporting the scandal and many pontifical speeches were delivered on the floor on both sides of the issue. The "wets" decried the raid as a setup orchestrated by the anti-saloon league lobbyist. The league vehemently denied any involvement but speeches were heated and provided some of the highlights of a session which otherwise was not very noteworthy.

Governor Hartley, in his address to the Legislature, reignited his long-standing feud with Land Commissioner Savidge, again alleging misconduct and demanding a legislative investigation. The response from the bodies was not notably supportive. Several matters over which the Governor and the Legislature had contested through three prior biennia returned as issues.

One of the Governor's strongest proposals was a request to repeal the reclamation revolving fund which existed to develop reclamation projects around the state. In the Senate continuation of the fund was affirmed when

it was merely temporarily suspended over the Governor's protest. The vote was 40-1.

The most heated issue of the session was the Governor's proposal for a budget control act which would have imposed state oversight over the budget practices of the County Commissioners. Included were provisions that the state Tax Commission, controlled by the Governor, would appoint a tax commission in each county to oversee the budget process at the local level. Needless to say, Commissioners from all over the state converged on Olympia to oppose the proposal. The bill however remained alive throughout the session and finally succumbed when, among other things, an amendment was offered to make the local tax commissions elective.

For the fourth consecutive session the Senate passed the so-called Eagles Old Age Pension bill. They also provided taxing authority to counties in order to fund the pensions. Where the Governor had vetoed it previously, this time it failed in the House on a 46-45 vote. Both houses reached agreement on congressional reapportionment and it got the Governor's approval. The voters had approved legislative redistricting by initiative in 1930. However, the cow county legislators were aghast at how their numbers and influence were diminished. They were able to achieve a two-thirds majority in each house to overturn the initiative and impose their own reapportionment. The Governor promptly vetoed the bill leaving the initiative in place.

Under intense pressure from dairy interests a bill was passed imposing a heavy tax on oleo margarine. It included an emergency clause. The Governor signed the bill and it was immediately challenged in court and the court upheld the emergency clause.

For twenty years there had been efforts in almost every session to legalize boxing. It was finally approved only to be vetoed by the Governor who claimed it provided unfair advantage to certain sponsors.

On the fiftieth day of the session only ten bills had passed both houses. Several major issues remained unresolved. They included budget, taxation, highways, the Showalter school reorganization proposal, and the Governor's demand for an investigation of the Land Commissioner's office. On the 54th day, Friday, March 6, an incident reminiscent of Mrs. Lister kicking a bill of the mansion porch occurred. A number of bills were pushed under the door of the Governor's office shortly after 5:00 p.m. in an attempt to force his action during the five days before the end of the session. The bills disappeared and were nowhere to be found. The mystery was resolved on Monday when the cleaning lady returned to work. She had found them under the door and innocently stuck them in a closet for safekeeping.

Throughout the winter of 1930-31, the depression had continued to become more grave. One incident in Seattle became a focal point of legislative attention during the last days of the session. The president of the Puget Sound Savings and Loan Association had left the state and the association failed. The president was returned from New York to face criminal charges of embezzlement. There was a great deal of finger-pointing, alleging lax supervision by the state. There were even some claims that the regulators had looked the other way as the Governor had close personal ties to some officials of the association. The Legislature approved a special appropriation to the Attorney General for him to assist in the investigation of the affairs of the association.

The session ground slowly through the last week. As midnight approached on Thursday, the 60th day, the clocks were covered and the session continued. Finally, an income tax passed both houses, and the school reorganization was approved. In a compromise both houses approved a legislative investigation but it was to encompass all state agencies and not just the Land Commissioner. Meanwhile, the budget hang-up continued with the Governor and the House at odds with the Senate. The 1927 session had lasted until Friday morning and the 1929 Session until Friday afternoon. The 1931 Session plodded along through Friday and Saturday and the press lamented the ineptitude of the Legislature. Finally at about 3:00 a.m. on Sunday the budget conference reached an agreement and adjournment finally came late Sunday night, a full 72 hours after the constitutional 60-day session had expired.

As had become customary Governor Hartley wielded an active veto pen. This time he red-lined 69 bills in whole or in part. In one message he referred to certain members of the Senate as jackasses. This drew a vehement public response from Lt. Governor Gellatly. He also vetoed the appropriation to the Attorney General for the Puget Sound Savings and Loan investigation. Other vetoes included the income tax, the Showalter school reorganization, and the Legislature's redistricting bill. The curtain came down amid widespread grouching about the failure to conclude legislative business within the allotted time period. Thus, ended over 60 years of total Republican domination of the legislative process in the territory and the state.

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## Chapter VII: Depression Politics and a New Majority

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1933

By the time the 1932 elections approached the depression was well into its third year. An electoral upheaval reminiscent of the Populist fusion tide of 1896, but much more lasting and significant was about to occur. The September primary indicated a significant increase in the strength of Democrats but the Republican vote was still a majority. The November tidal wave was not yet foreseen. The precipitous deepening of the depression and the aggressive, effective presidential campaign of Franklin D. Roosevelt set the stage for a landslide for the Democrats in the state legislature.

In the House, the Democrats increased their number from eight to 70. In the Senate where there had been but one Democrat there were now 25 to 21 Republicans. In the House, 62 Democrats were first-termers. In the Senate there was no Democrat holdover. The new members were a diverse and interesting lot. Several were among the unemployed. A substantial number sincerely believed that the system had totally failed. They advocated varying degrees of government intervention in the economy. Some were convinced that collectivism was the only answer.

Among the new house Democrats, a dozen, from Seattle, who were unemployed, rented the old Sylvester Mansion in downtown Olympia. They brought in cots, hired a mother and daughter as cook and housekeeper and set up a boarding house. The cost came to about \$25 a head per month. The most often-heard complaint was the inconvenience of having only one bath in the large house.

Upon organization, the Senate Democrats chose Walter Ronald of Kittitas County as President Pro-tem. In the absence of any seniority, Senator Ronald was chosen in large part because he was the oldest member of the caucus. In the House, George F. Yantis of Olympia, one of the eight returning Democrats, was elected Speaker. All during the years of Republican dominance the body had ordinarily broken down into two or more factions. The new Democrat majority quickly developed in a similar fashion. Three factions emerged quickly; these factions prevailed for the next decade. There were the old liners often referred to as "bourbons" who often were aligned with the Republicans. At the other extreme were the radicals, referred to as the "left wing." Between were a sizeable group who often wielded the balance of power in a climate which was uncertain and tinged with a certain amount of fear. As the legislators converged on Olympia in the first week in January they were greeted by the usual army of lobbyists, job seekers, and hangers-on. In addition, several hundred members of the unemployed Citizens League had come to Olympia to demand immediate action by the Legislature to alleviate hunger, need, and unemployment.

Many claimed the League was Bolshevik inspired. Most of the marchers were merely hungry, tired, and discouraged.

One newly elected Democrat from Seattle wrote to the Governor-elect that he was destitute and had no clothes suitable to attend the Legislature. Governor Martin responded by donating his old suits and shirts to the Democrats in the House.

The first major issue to confront the House of Representatives was the seating of Nelson Robinson, a newly elected member from the 32nd district in Seattle. He had been charged and convicted of statutory rape but was nevertheless elected. He was sentenced to the penitentiary but was pardoned by Governor Hartley several days before the session convened. Robinson arrived and was sworn in with all other members, however, his King County colleagues almost unanimously recommended his expulsion. He was given the opportunity to defend himself and present his case. He was not persuasive and the body approved expulsion by a 93-5 vote. There was also a move to unseat two Yakima County Republicans for election irregularities but that effort never got off the ground.

A bit of levity enhanced the first day's activities on the Senate side. Newly elected Senator "Nifty" Garrett of Sumner arrived on a donkey which he rode right up the front stairs of the capitol building. On day one both houses passed and sent to the Governor the appropriation for expenses of the Legislature. Governor Hartley promptly vetoed the proposal stating that it was too high. His veto was immediately overridden.

On the third day of the session Governor Martin was inaugurated, and he addressed the Legislature. Unemployment was rampant, nobody had any money and the state fiscal situation was complicated by the passage of the 40 mill limit in the 1932 election. Until this time property tax had been the primary source of the state revenue. The Governor proposed a \$10,000,000 bond issue to fight unemployment; he also imposed an immediate reduction of 10 to 25% in the salaries of state employees. He also outlined a highway construction program to create jobs. Austerity measures, and they were extreme, did not nearly offset the loss of revenue imposed by the 40 mill limit. Expected receipts from the newly voter-approved income tax, which was soon held unconstitutional did not close the revenue gap. Numerous tax measures were proposed including recommendations by the Governor. Most attention focused on a general or selective sales tax and a gross receipts tax. The taxation issue was at the forefront during the entire session and was finally resolved with adoption of the Business and Occupation tax.

Governor Martin's proposal to issue bonds to provide funds to create jobs was seen by many as unprecedented and quite revolutionary, however, it did not go nearly far enough to satisfy the newly elected "left wing" members. They advocated the immediate issuance of script by state government. The script was to be circulated in lieu of cash and backed by the credit of the state. They fought for this proposal throughout the session without success. The Governor's \$10,000,000 bond proposal was ultimately passed and withstood a constitutional challenge.

Some observers noted that the legislators became less progressive as the session moved along. The "Bone" power bill which permitted municipal utilities to sell outside corporate limits had been an issue in every session for a decade. It was passed handily in both houses by early February. Likewise,

the “Eagles” old age pension proposal had been around nearly as long and had in fact passed only to be vetoed by Governor Hartley. It, too, was readily passed by early February and provided for \$30 per month pensions for those over 65. The law was to be administered at the county level, however, the Legislature failed to make provision whereby the counties could fund payment of the pensions.

Another measure which had been around for several sessions was that advocated by Dr. Showalter, the Superintendent of Public Instruction. It reorganized the system and increased the state share of support for local schools from 20% to 50%. While looked upon by many as a second “barefoot schoolboy” law, it was not favored in the major urban areas. After session long debate the new equalization plan was adopted. This also further complicated the state revenue crunch.

On February 6, 1933, Jim Marshall of the Seattle Star wrote an article which appeared atop page one under the headline “Why Jim Wouldn’t Let His Wife See The Legislature.” It seems appropriate to set forth the entire article since it articulates an often-held impression of legislative bodies generally:

*“Mrs. Marshall is always asking me to take her down to Olympia to look at the Legislature, but I’m not going to do it.*

*She is a swell housekeeper and a dandy manager of the home finances—and I don’t want her spoiled by a bad example.*

*Years ago, when we first got married, she invented a scheme for getting ahead, staying solvent, and saving money.*

*It was: Put out less than you take in.*

*If the Legislature would just take a tip from Mrs. Marshall, we’d all be better off and taxes would come down.*

*We got ourselves a new home the other day, over in Wallingford. It’s a swell place, with one of these automatic climate-makers, and shower baths, and a great big living room with a fireplace, and a recreation room in the basement, with another fireplace.*

*We’ve dreamed about that home, for years. Now we’re going to get it—thanks to the lady—because for all those years we’ve been putting out less than we took in.*

*If the state would just spend less than it takes in for a few years, what a grand home it would be for us to live in. And what things we could do with our savings.*

*There isn’t much difference between running a home and running a state.*

*If Mrs. Marshall had been running this state for the past 10 years with the same enthusiasm and good sense she’s used in operating our place up on Queen Anne Hill, the state would be out of debt.*

*And she’d be cutting down the expenses today, instead of looking around for more things to tax.*

*A wise girl! She always kept the expenses just under the old paycheck; instead of running up the expenses and then hounding me to ask the boss for a raise. (Fat chance, these days!)*

*It was only last night, while we were packing up some of the furniture, getting ready to move, that Mrs. Marshall said: “I’ve worked pretty hard at this, Jim. Won’t you take me down to Olympia? I want to see that Legislature at work.”*

*Well, there are times to be lenient and times to be stern. No, honey, “I said. “You can have a trip anywhere else—but not there. I just don’t want you to have your economics corrupted.”*

industrial insurance coverage independent of the state monopoly system, an issue which became highly controversial and reared its head in a number of sessions in the post World War II period.

The 1933 session also legalized horse racing, permitting pari-mutuel wagering. It defeated an effort to legalize dog racing. After being an issue in every session for nearly twenty years, professional boxing was finally made lawful.

As the final week of the session arrived many issues remained unresolved and there was widespread speculation that a special session would be required. The dire financial situation virtually precluded an appropriation for a session and placed intense pressure on the legislators to finish on time. The last week was further complicated by two major events regionally and nationally. The financial crisis had become so severe at the end of February that governors in neighboring states had declared a bank holiday. This forced Governor Martin to follow suit. Then, President Roosevelt, immediately declared a national bank holiday upon his inauguration on March 4. This development caused great consternation and in some instances near panic throughout the country. It also virtually banished any news of state legislative activity from the press for several days.

During the same week Congress finally concluded its long debate and voted to submit the repeal of prohibition to the states for ratification. It was provided that the states must ratify at a constitutional convention to be held for that purpose in each state.

Meanwhile, our Legislature continued its efforts to conclude its business with the added obligation of enacting provision for a repeal convention. There were still a large number of devoted "drys" serving, particularly in the Senate and they were determined to make the repeal process as difficult as possible. Some members wanted to provide for the Legislature to assemble itself into a convention to ratify repeal. This did not sell and ultimately the Governor was authorized to call a convention between five and eight months after the Legislature adjourned with the provision for election of delegates to the convention.

The Legislature did conclude its business without a special session though it required about 48 hours after Thursday midnight to get things finished.

Among matters resolved in the dying days were: 1) Passage of the integrated bar act requiring all lawyers to belong to the State Bar Association; 2) Extension of police powers to members of the State Patrol; 3) Enactment of a securities act which was partially vetoed; 4) An appropriation to study feasibility of a canal from Olympia to Grays Harbor; and 5) An appropriation to survey for the Grand Coulee Dam.

The longstanding feud between the Senate and King County was focused on a session-long battle over providing funds for condemnation of land in the city for access to the newly constructed Aurora Bridge. Seattle legislators sought over a million dollars and were constantly thwarted throughout the sessions. Opponents claimed that such a sizeable sum would do nothing to help provide jobs. A compromise was finally crafted which gave \$500,000 to the Aurora Bridge project.

The Highway Appropriation was so crafted as to eliminate the traditional log rolling which dominated the dying days of many previous sessions. The Director of Highways was authorized to prioritize projects and to

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maximize the creation of jobs.

Two notable efforts were defeated. Repeal of the death penalty was debated throughout the session but did not pass. Also an effort, primarily by the newly elected “left wingers,” to repeal the criminal syndicalism law was unsuccessful. The last week also brought a new hunger march on Olympia but the city and county officials were better prepared than they had been in January and were able to minimize the impact of the protest and to get most of the marchers to leave town. Finally, an appropriation was approved which decreased spending almost 25% from the prior biennium. The session was so different in makeup than any that had preceded it that most observers chose to reserve comment and had very little to say by way of post mortems.

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## 1933 Second Session

The states reacted swiftly to the proposal amendment to repeal prohibition. By December, thirty-five states, including Washington, had ratified and action by a thirty sixth was anxiously awaited. Anticipating that action, Governor Martin convened a special session of the Legislature on Monday, December 4, to consider liquor legislation. Earlier in the year he had convened a committee to study the implications of repeal and to propose a liquor code for the state.

Coincident with the convening of our Legislature the Utah convention, after some delay, reluctantly ratified repeal. Senator E.N. Steele, who was also the mayor of Olympia, introduced the Governor’s proposal which included the state monopoly system. With numerous amendments it was enacted and remains in effect today in what has always been known as the Steele Act.

The December session was only the sixth extraordinary session since statehood. No real precedent had been established for such sessions and a preliminary concern was whether the officers elected at the regular session continued to serve. There was some movement, particularly, in the House, to elect new officers. This idea was quickly put to rest and the officers of the regular session were confirmed and continued to serve. The first major controversy surfaced when an appropriation to pay for the session was proposed. Approximately \$100,000 was required to fund a 60-day session and several members advocated such an appropriation. Others maintaining that the session would last as long as the funds lasted proposed a \$50,000 funding. The matter bounced back and forth between the two houses for several days until a \$75,000 compromise was achieved. Ironically, the session lasted 40 days and adjourned just as the appropriation was all expended.

Another controversy arose in the House at the start of the session. Nine members who had been state employees or who had received pay for work done for the state were challenged. It was alleged that they were disqualified from serving. Governor Martin had specifically directed that no legislator could hold a state job and several legislators resigned to take such jobs. The House determined, however, that the nine challenged members were not in violation of any law and could continue to serve.

The Senate, many of the members of which were “drys,” accepted the basic format of the Governor’s state monopoly proposal within a few days. The House was a totally different story. Many members there, notably from the “left wing” wanted more liberal policy and favored liquor by the drink

in restaurants and hotels. At the outset, the Speaker appointed a liquor committee of 33 members and appointed Representative Robert Waldron of Spokane, another freshman who had emerged as a leader, as chairman. Waldron promptly resigned complaining to the Speaker that so large a committee was totally unmanageable. The Speaker responded that the committee had to represent all points of view and all regions of the state and so it remained as originally appointed. Representative J.T. Ledgerwood of Garfield County who was one of the few experienced members of the majority caucus and who had served three prior terms in the House was named chairman to replace Waldron. Proceedings in the House committee were something of a circus throughout the session.

Many of the members wanted to quickly adopt a liquor law and go home. The "left wing" in the House, on the other hand, since they were in session wanted to go about solving the people's problems. By the end of the second week they presented to the leadership a demand for action which included a twenty point program aimed primarily at social issues and problems exacerbated by the depression. At the same time they requested a recess until January 2. This request was not accepted since a majority desired just to resolve the liquor issue and adjourn before Christmas. Any hope of early adjournment was dashed over the ensuing weekend when long time Progressive Republican Senator Dan Landon of Seattle died. Both houses recessed on Monday out of respect to the Senator and most members were absent on Wednesday attending the funeral in Seattle. Both houses recessed on Friday, December 22, for five days with the liquor issue still unresolved. There remained strong support in the House for liquor by the drink in restaurants and hotels, a concept to which the Senate was strongly opposed. Nothing was resolved in the last days before Christmas nor in the interval before the New Year. Immediately after the new year the large House Committee held hearings on the Senate bill which largely encompassed the recommendations of the Governor. The proceedings together with floor action consumed most of two weeks and resulted in 106 amendments to the Senate bill. By the time it got back to the Senate the money to pay for the session had run out. The Senate accepted all but a couple of House amendments and the Steele Act establishing the state liquor monopoly became law. Adjournment occurred just before midnight on the fortieth day.

While the liquor issue was the reason for the session and the primary concern a number of other matters emerged. Passage of the "Bone" Power bill in the regular session encouraged public power advocates to press for further authority. Senator Bone, who had been elected to the U.S. Senate in 1932 returned to Olympia to press for a constitutional amendment to put the state in the electric power business both in production and transmission. His cause was supported by a majority but not the necessary two-thirds. The vote in the Senate was 24-21.

During the depression, kidnapping for ransom had become a major criminal problem throughout the country. Representative Magnuson introduced legislation extending the death penalty to include kidnapping for ransom. The same Legislature which had almost repealed capital punishment several months earlier handily passed the Magnuson bill and kidnapping became a capital crime.

There were a number of other matters which were considered priorities but only a few passed. Construction of roads to the Grand Coulee Dam site

was approved and revisions of the Business and Occupation tax were adopted. Legislation was also enacted to adopt a public convenience and necessity standard for granting trucking authority. Among efforts which failed were bills making gasoline retailing a public utility; providing fiscal relief to the institutions of higher education; legalizing dog racing, permitting municipal ownership of telephone companies; invoking a mortgage foreclosure moratorium and providing for the reorganization of state government.

An investigation of conditions at the Monroe Reformatory was authorized but a demand for a similar investigation at the Northern State Hospital was not approved.

The “left wingers” left the session discouraged by the failure of their agenda but determined to return as a stronger force in 1935.

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## 1935

The economic depression which had contributed to the monumental political upheaval in the 1932 election continued through 1933 and 1934. One result was further gains by the Democrats in the 1934 election. Ninety-one Democrats were elected to the House, leaving only eight Republicans. In the Senate there were 37 Democrats and nine Republicans. There were four significant measures on the November ballot; three passed, one failed. The graduated net income tax which passed handily in 1932, only to be ruled unconstitutional, was defeated. The 40 mill property tax limit was reaffirmed. The controversial initiative banning fish traps was passed. Finally a referendum on the “Bone” bill was passed. The measure had been contested in the Legislature for more than a decade. It permitted municipal utilities to sell power beyond city limits.

There had been a substantial contingent of liberals, referred to as “left wingers,” among the House Democrats in the 1933 session. However, they were inexperienced and not well organized. Consequently, their influence was not as significant as it might otherwise have been. By the 1935 session the “left wingers” were far better organized. The depression spawned a number of causes aimed at curing the nation’s social and economic woes. In this state among the most active were the Townsend Plan and Technocracy. Also, many here were enamored of Upton Sinclair’s, E.P.I.C. (End Poverty in California) movement. An organization was formed, primarily in King County, which in many ways paralleled EPIC. It originated as the Commonwealth Builders, Inc. In order to broaden its horizons it subsequently changed its name to the Washington Commonwealth Federation. It became the umbrella for radical politics in the state until its demise at the end of World War II.

In the immediate aftermath of the 1934 election there was intense speculation as to just how many of the House members would actually vote with the “left wing.” Estimates ranged from 30 to 50. As the session approached, four primary candidates for Speaker emerged, two from the “left wing” and two regulars. The “left wing” program had two primary thrusts. The first was general opposition to Governor Martin who they saw as far too cautious and conservative. The second was production for use which called for cooperative ownership and operation of virtually all business and industrial enterprises. In effect, a socialist state was envisioned. Their candidates for Speaker were Ralph Van Dyk, a dairy farmer from Whatcom County and

Frank Gehlen from Toppenish in Yakima County. Upon gathering in Olympia it was clear that Van Dyk had more support and Gehlen withdrew in his favor.

Among the regulars the choice was less clear. The main candidates were Robert Waldron of Spokane and J.T. Ledgerwood from Pomeroy in Garfield County. They caucused with the eight Republicans and after three ballots Waldron prevailed 32-27. On the floor on third ballot, Waldron was elected 58-39 with the help of all eight Republicans. On the first two ballots Van Dyk had led with 40 votes. The organizing session consumed eight hours as every elected office was contested and the "left wing" attempted several procedural moves in an effort to increase their vote. In almost every instance their strength remained firm at 39.

The new Speaker, Robert Waldron, was a 30-year old lawyer from Spokane, serving his second term. He had emerged along with Warren Magnuson as a leader among the huge group of Democrat first-termers in 1933.

Meanwhile, organization proceeded smoothly in the Senate where Ed Pierce of Spokane was easily elected as President Pro-tem. The number of standing committees was much larger than is currently the practice. There were 54 committees in the Senate and 48 in the House. A similar number had existed in every session since statehood.

Supporters of Governor Martin constituted a substantial majority in each house. The Governor proposed a very limited program stressing support for education and pensions and an early adjournment. He also supported a high Grand Coulee Dam, continuing the state agricultural adjustment act, and adopting a new highway code.

On the other hand, the "left wing" presented a lengthy wish list which emphasized social legislation. Included were residential property tax exemption, constitutional amendment by initiative, adequate school support, pension funding, state monopoly of the gasoline business, expanded public works, creation of a state bank, a moratorium on mortgage foreclosures, and repeal of the deficiency judgment law.

In addition, a commission had been appointed to review the state constitution and recommend possible changes. Nine amendments were recommended.

1. A new unified court system
2. Unicameral legislature
3. Provision for county consolidation
4. Legislative referral of proposed constitutional amendments by majority vote
5. Graduated net income tax
6. Authorize abolition of all state-wide elective offices except Governor
7. Juries to be reduced to as few as six
8. Disbursal of federal funds without legislative appropriation
9. Superintendent of Public Instruction to be non-partisan

A few days before the session started the Seattle Times predicted that the session would be the most difficult since statehood. Many observers would probably agree that the Times' prediction was correct. The "left wing" was far better organized and had greater numbers than had been the case in

1933. Lacking a majority on most issues they concentrated their efforts on opposition to the Governor who to them exemplified reactionary politics. Their particular target was C.F. Ernst the director of the relief agency. Ernst, a Republican, was continuously accused of maladministration. He was the constant target of the "left wing" but he managed to survive all onslaughts, many of which were vicious, and remained in his position throughout the 1930's. Another Martin appointee who came under intense fire was E.T. Banker the Director of Conservation. Banker was a conservative Democrat from Okanogan County. He was the only Democrat House member who had served in every session from World War I until 1933. As Director of Conservation he opposed the state going into the power generation and distribution business. This roused the ire of public power advocates who mounted a campaign to have him fired. Their effort failed in the Senate when a request to the Governor that he be fired was defeated on a 23-23 vote.

The 1933 session had appropriated money for a feasibility study of a canal from Olympia to Grays Harbor. It was seen by many as a gigantic public works project that would put many of the unemployed to work. The study did conclude that the project was feasible and there was real enthusiasm at the outset of the 1935 session. However, as the dire financial condition of the state became obvious the canal project was relegated to the back burner from which it has never emerged.

While the 1933 extraordinary session had passed the Steele Act creating the state liquor monopoly, the battle was far from over. Two important issues remained unresolved. One was the Sunday sale of beer and wine and the other was liquor by the drink. While each was actively pushed during the entire session the efforts were unsuccessful. In spite of repeal "dry" forces remained strong. In a vote in the House, liquor by the drink failed 61-35.

Jurie B. Smith of Seattle emerged as the floor leader of the "left wing." They fought hard throughout the session but lost most of their battles. They were disillusioned when they got only two seats on the 14-member rules committee. Eleven "regulars" and one of the eight Republicans also were chosen to constitute the committee. To add insult to injury, at mid-session there was created a sifting committee to recommend which bills would go to the floor. No left wingers were chosen for this group and they were outraged.

In spite of these procedural setbacks they fought for their program throughout the session. In most instances they were unsuccessful. An effort to repeal the criminal syndicalism law which had been enacted in the "red" scare after World War I, lost in the House 72-27.

Their demand for an in depth investigation of all welfare and relief programs was adopted in a very watered down form which they found totally unsatisfactory and it was seen as victory for the Governor. Likewise, the Governor's relief program was adopted over the adamant opposition of the "left wing." Their proposal for production for use lost in the House 48-44 but an initiative campaign ensued and successfully achieved a place on the 1936 ballot. Working in conjunction with other public power advocates a constitutional amendment was approved for the 1936 ballot. It would have put the state in the business of producing, transmitting, and selling electricity. In an ill-disguised effort to get at C.F. Ernst, the relief administrator, they

mustered sufficient support to reduce the salary level of all department heads to \$4,000.

The effort to put the state in the gasoline business had the tacit support of the Governor and it passed the House overwhelmingly, 83-10. When it got to the Senate it was indefinitely postponed under rather bizarre circumstances. The Senate debated the gas bill under a call of the Senate with all 46 members present. Finally, a motion was made to indefinitely postpone. When the roll call reached Senator Kathryn Malmstrom of Pierce County she was nowhere to be found. Malmstrom who was one of the "left wing" leaders in the Senate had simply disappeared sometime after answering the call. The Sergeant at Arms went looking for her without success. After a lengthy delay she was excused and the roll call continued. Apparently the lobbyists for the gasoline industry had done their work well as the Senate voted to indefinitely postpone prevailed. 31-14. Sometime later Senator Malmstrom returned to her desk and claimed she had become ill and left to go to town to get some medicine. It was later disclosed that she had ridden the elevator to the fourth floor where she mingled with a group of visiting high school students and walked unnoticed out of the gallery in their midst.

Not to be outdone by the Senate, a much more unruly event transpired in the House. Governor Isaac Stephen's elderly daughter had returned to Olympia where she was evidently living in extreme poverty. A bill was being debated in the House to provide her a modest pension. Representative Myron Titus a "left wing" member from Seattle was vehemently opposing the measure. When the Speaker could not get him to desist he was removed by the Sgt-at-Arms. He returned a few minutes later and was again ordered removed from the chamber. This time he resisted mightily and he kicked and seriously injured an assistant Sgt-at-Arms who ended up in the hospital partially paralyzed. Most writers concluded that the conduct of Representative Titus was affected by strong drink. The pension was approved. A subsequent effort to expel Representative Titus for being drunk and disorderly was not successful, however, he did not return as a member of the 1937 Legislature.

The growth and expansion of chain stores throughout the state concerned many existing small business. The concern was shared by the "left wing" as well as by numerous other members. A punitive, progressive tax was imposed upon chain stores in 1933, but Governor Martin vetoed it. It was reenacted in 1935 in a somewhat different form and it was again vetoed by the Governor.

A measure was even introduced to make the production and marketing of milk and dairy products a public utility. A bill was introduced and passed, however, which provided free milk, once a day, to every student under 14 in the public schools. The financial situation in the state was dire. In spite of this, the dietary needs of children were deemed so serious as to make this measure necessary. Actions such as this give evidence of just how critical the economic and social conditions were in the state in the depths of the depression.

As remains the case today, the Legislature is often called upon to referee professional turf battles. In 1935 the controversy was between advertising dentists and the more conventional practitioners. A prohibition of advertising was sought. There were in the House both an advertiser, Dr. David Cowen of Spokane, and a conventional practitioner, Dr. W. W. Robbins of

Pasco. As is often the case in such controversies a compromise was achieved. Advertising remained permissible but prices were not to be contained in any ads.

Another highly contested issue was the creation of the Puget Sound Pilotage Commission. It was the major legislative goal of the Port of Seattle but it was opposed by most other port districts who feared it would favor the Port of Seattle to their detriment. The Port of Tacoma was the most adamant opponent. The Pilotage Commission was created, the Governor signed the bill, and the opponents challenged in court but were unsuccessful and the Commission remains in place to this day.

While the normal activities of the 1935 session progressed, a gigantic black cloud hung over the Legislature. The financial situation was more dire than at any time in history. Revenues were down drastically, the income tax had been held unconstitutional, and the 40 mill limit had been continued on property taxes. Because of the severely depressed economy demands for social services were vastly increased. The “left wingers” were adamantly demanding a whole menu of new social services yet they were unwilling to support a sales tax which seemed to be about the only available source of general revenue. As the session neared its conclusion the “left wing” was loudly demanding a special session. At that time legislators received \$5.00 a day for 60 days. On the 60th day per diem ceased. If, as had become customary, the clock was stopped at midnight on day sixty and the session dragged on over the weekend, no one got any pay. In this session a number of issues remained unresolved and deadlock persisted for six agonizing days. When finally resolved there was a general fund budget of \$77,000,000 dollars and a sales tax had been imposed as part of a \$32,000,000 tax package. Many of the members who remained in Olympia until the end were spending their nights sleeping in the chamber and in adjacent rooms. “Sine die” finally came at 8:17 p.m. on Wednesday, March 20, the 66th day. The main stream press was basically non-committal in their commentaries on the session. The weekly publication of the “left wing” said:

*“Ring down the curtain! The carnival is over—the comedy ended; and the weary patrons turn their eyes from an empty stage not knowing whether to laugh or cry.*

*The twenty-fourth legislative session of a great state comes to a close, and as the actors wash off the grease paint, mop up the beer suds, and climbed out of their political regalia, thousands of outraged citizens storm the box office demanding a refund of hard-earned cash.*

*‘The admission was too high,’ they yell. ‘We came to witness the unfolding of a great epic, and they gave us sixty reels of low, slap-stick comedy.’ ‘We dared to dream of an all-star production, a reincarnation, perhaps, of American principles, ideals, and statesmanship, and they gave us hours of petty bickering, factional disputes, and party grumblings.’*

*Childish games were played in the sanctimonious chambers of law-making, while the people slowly realized the ominous perpetuation of torture, starvation, and economic insecurity. The great “champions of the people” laughed, told funny stories, passed out cigars, drank good liquor, while the folks at home cashed a lean voucher each week, keeping a hopeful eye on Olympia.*

*In cushioned chairs the majority sat back—not for the benefit of the people, but for the sake of the highest bidder who might offer them gilded trinkets. They divorced themselves from the drab memories of their own communities, from the faces of the suffering masses they had eloquently addressed during campaign days. They*

*isolated themselves into an autocratic body and gambled cruelly with the lives of the people of the state.*

*Over night they forgot the 'forgotten man' and became 'statesmen,' without the intelligent social vision and humanitarian ideals of a few of our illustrious forefathers.*

*The people clamored for equality, justice, economic security for their children—and the mighty salons turned deaf ears and fought among themselves like dogs over a few scrawny bones thrown into the arena by an administration pledged to the interests of the few.*

*The show might have been funny if it had not been for the fact that starving men and women can not laugh while facing death. And so we mourn the tragic burial of a people's cause and with shamed faces, ring down the curtain!—J.A.S."*

While the "left wing" had wanted a special session to push for more social legislation it appears that most of the public were happy that the session was over. As the 24th biennial legislative session ended one writer pointed out that since statehood, 17,789 bills had been introduced. Of these 4,444, almost precisely one in four, had been enacted into law.

Democrat dominance in the Legislature reached its high point after the 1936 election. There were 41 Democrats and five Republicans in the Senate and 93 Democrats and six Republicans in the House. Progressive measures did not fare so well on the ballot. Of all ballot measures only an extension of the 40 mill limit was successful. Among those measures which failed were: a graduated net income tax, production for use, putting the state in the electric power business, civil service for state employees, flood control bonds, and an increase in legislative expense allowances.

When the Senate convened in January, the Senate, quietly and without controversy, chose George F. McAuley as President Pro-tem.

In the House, the situation was much less benign. Prior to the session at least nine names had been mentioned as possible Speakers. By the time of convening this number had boiled down to three major contenders. The "left wing" was solidly behind Jurie B. Smith of Seattle who received 30 votes on the first ballot. The remaining members, the moderates and conservatives were split between George Adams of Mason County and Ed Reilly of Spokane. Realizing that he could not hope to be elected and maneuvering for maximum influence for the "left wing," Smith signalled his allies at the start of the second ballot and they all voted for Reilly who they apparently preferred to the more conservative Adams. Further controversy arose almost immediately and continued throughout the session as the "left wing" did not get the concessions they felt they had earned for supporting Reilly. In the aftermath of the Speaker's election, no one was particularly happy with Reilly's committee appointments though the "left wing" did get 5 of 14 seats on the Rules Committee. Meanwhile, in the Senate there was a new development in committee assignments. The conservative pro Martin, majority in the Senate, were not happy with Lt. Governor Vic Meyers. They frowned upon his animosity to the Governor and his apparently coziness with the "left wing." As a result a new rule was adopted requiring confirmation of all committee appointments by the body. In the Senate, the strength of the left was much less than in the House. Of 11 seats on the Rules

Committee, three were occupied by “left wingers.” The power of the Rules Committee was much greater then than it is at the present time. The heavy moderate majorities on Rules proved a severe limitation upon the influence of the “left wing”.

In the House in 1933 and 1935, the primary division was between the left and everyone else. By the time the 1937 session was well underway a third element had emerged. Known as the “wishbone” caucus, and consisting of about 17 members it emerged as a force in the middle between the left and the conservatives. On a number of occasions the “wishbone” group wielded the balance of power. Overall, in the House, the situation was not a happy one. The left and the right did not trust each other. The majority immediately amended the rules to require a two-thirds vote to relieve the Rules Committee of a bill. The “left wing” cried foul and spent most of the session plotting to amend the rule back to its previous form. The “left” was especially miffed when one of the six Republicans was given a seat on the Rules Committee. From the start, Reilly’s hold as Speaker was somewhat tenuous as the “left wingers” constantly chipped away at his status. Finally, his forces and those of Representative Adams reached some accommodation realizing that if they didn’t do so, Jurie B. Smith and his “left wing” allies were going to dominate the agenda.

In the Senate, John Ferryman, the crusty old Democrat from Chelan County, who had been chairman of the Appropriations Committee in 1935 had made a lot of enemies and he was not reappointed. This, coupled with his failure to win election as President Pro-tem, made him more crotchety than usual and he threatened to resign from the Senate. Partially to placate him and partially to get rid of him for a while, the Senate chose Senator Ferryman as their representative to attend the Roosevelt inaugural and they appropriated \$600 dollars for his expenses. When the warrant reached the State Treasurer’s office it was dishonored as being beyond the Senate’s authority and the members then raised the \$600 from their own donations and off to Washington, D.C. Ferryman went.

Since a majority in each house were generally in support of Governor Martin’s program an unprecedented step was taken. That was the formation of a joint steering committee to oversee the progress of legislation in each house. Early in the session, the Senate majority which was generally very favorable to the Governor, had an open disagreement when they ordered an investigation of five of the executive appointees. In the end they all got a clean bill of health.

The “left wing” was better organized in 1937 than in either 1933-1935. The Washington Commonwealth Federation had been formed to replace the Commonwealth Builders with the purpose of attracting a broader constituency of progressive interests. It became far more active in pushing progressive causes in the Legislature where “left wing” political strength clearly peaked in the 1937 session. While their maximum number was 39 or 40 on election of officers and on procedural votes, they were able to muster a majority on several bills which they supported. Both houses passed and the Governor signed repeal of the criminal syndicalism law which was an anathema to all of the political radicals. Bills on the “left wing” agenda which passed the House but disappeared in the Senate were: a memorial in support of the Townsend Old Age Pension Plan; and bills putting the state in the retail gasoline business; and prohibiting the use of tear gas against

pickets. Representative Ed Henry, one of the leaders of the Progressives and in later years a respected King County Superior Court Judge introduced a bill to totally reorganize the Board of Regents of the University of Washington. It would have increased the membership to nine and mandated that at least one woman, one labor representative and two faculty members be included. By amendment the faculty representation was reduced to one but the bill finally faltered. The House also passed a joint resolution proposing a unicameral legislature. It did not succeed in the Senate. A proposal to allow the Sunday sale of beer and wine passed both houses but was vetoed by the Governor. Slot machines were banned except in private clubs. Both houses also approved a 30-hour work week but it was vetoed.

In addition to the usual hassles over education and revenue two over-riding issues dominated the 1937 session. These were labor legislation and welfare and relief proposals. These coupled with recurring procedural confrontations in the House and confrontations between the majority and the Lt. Governor in the Senate made for a session which was more contentious than usual. The "left wing" and several others were extremely unhappy with the placing of a Republican on the House Rules Committee and they finally forced the matter to a vote on the floor. The vote was 49-47 to keep the Republican member on the committee. As the session progressed the animosity between the Lt. Governor and the more conservative majority in the Senate became more and more pronounced. Meyers, a strong proponent of the "left wing" program, got involved with the House members of like persuasion. At one point he so infuriated the Speaker that he threatened to extract the Lt. Governor's moustache one whisker at a time if he didn't stay the hell out of the House of Representatives.

As had become customary, there were volatile events in each chamber. After consideration of a youth employment bill in the Senate, William Pennock, a young Seattle radical and W.C.F. official who later became a House member, arose in the gallery and started to make a speech. He refused to desist and was bodily ejected from the chamber. In the House, Representative Henry, one of the leaders of the "left wing" had to be restrained when he arose and started to make a speech in the middle of the roll call on final passage of a banking bill. Also, in the House, a major scandal erupted in the closing days. Rex Strickland of Seattle who had been a member in 1935 was lobbying for small loan interests. He was arrested and charged with offering a bribe for support of small loan legislation. At the same time charges were levelled at supporters of funeral director's legislation who were also alleged to have offered payment for votes.

The first major eruption over labor legislation occurred in early February when more than 30 House members alleged they had been duped into signing on as co-sponsors of a labor bill which they thought was the Governor's proposal to combat labor unrest. It was in fact a draft presented by and supported by organized labor. While this tempest blew over, in the end no bill affecting collective bargaining and strikes was passed. This was the only major defeat suffered by the Governor and was seen by the "left wing" and labor as a major victory. Labor had threatened to actually disobey the law if the Governor's bill passed.

A proposal for a graduated net income tax was again submitted to the people. Among bills passed were: a restoration of previously reduced salary levels of county officials; changes of status of normal schools to colleges of

education; creation of the Apple Commission; pensions for judges, teachers, and police; and authorization for bonds for construction of the Tacoma Narrows Bridge.

The controversy between the Lt. Governor and the majority in the Senate resulted in the introduction of a bill to abolish his office. They also reduced his proposed budget in the appropriations bill, an action which nearly caused a serious confrontation. Finally, the Governor's proposal for pensions and welfare in the amount of \$43,000,000 gained passage but not without great controversy especially in the House where the "left wing" fought to the bitter end for a more liberal program. The session ended early in the afternoon of the 61st day after again raising taxes including extension of the sales tax to food which was subsequently vetoed by the Governor.

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## 1939

There was a mild economic recovery in the mid-thirties. One result was the loss of "left wing" strength in the Legislature and a modest resurgence of Republicans. In 1938 in the Senate the Republicans gained only one seat but in the House they gained twenty for a total of 26. Of the 73 Democrats, only 28 were committed left wingers leaving the balance of power with the non-left wing Democrats and the Republicans. The 45 majority Democrats tended to break into two separate groups best described as conservative and moderate. During the session the conservatives often joined with the Republicans to wield the balance of power, though the moderates were occasionally able to muster enough votes to influence the action. In the Senate where there were 40 Democrats and 6 Republicans, 16 of the Democrats were identified as committed "left wingers" leaving the 24 moderates with a bare majority in the 46-member body. As in the House the majority often required Republican support to move its program.

There were four statewide ballot issues in 1938. Two passed; two failed. The 40 mill limit was re-instituted and the office of the Superintendent of Public Instruction was made non-partisan. The initiative limiting strikes lost in a very close contest but the proposed constitutional amendment for a graduated net income tax was overwhelmingly defeated.

In a development which was a departure from the earlier sessions in the 1930's the moderate Democrats in the House met regularly between the election and early January. They outlined their legislative program and decided upon their leadership. John N. Sylvester, a young Seattle lawyer, serving only his second term had commitments for enough votes to be elected Speaker even before the session convened in Olympia. He was elected by a 69-30 vote with all Republicans voting for him. The "left wingers" supported George Twidwell of Grays Harbor County. Mike Smith of Seattle one of the "left wing" leaders approached the majority in an effort to reach an accommodation but he was rebuffed and his colleagues were virtually shut out in any meaningful committee influence. Speaker Sylvester convened a steering committee of five to assist in make committee assignments. It included three from Spokane and one Republican but no one from the "left wing" and they were infuriated at this slight. One proposed committee assignment did not fly. Roy J. Kinnear, a Seattle Republican, was slated to be chairman of the Revenue Committee. This was too much for even some moderate Democrats to swallow and they joined with the "left wing" members to sidetrack the Kinnear appointment. J.R. "Jackrabbit" Jones, a

conservative Democrat from Douglas County became chairman. Of 15 members appointed to the Rules Committee, four were Republicans, one was a marginal "left winger", and 10 were from the moderate-conservative majority. There were 50 committees in the House and the "left wing" got only seven chairmanships. As the Democrats settled more and more into three separate groups the 26 Republicans selected Mark Moulton, a lawyer from Kennewick, as minority floor leader and he proved to be an influential spokesman.

The House did amend the rules to require a two-thirds vote to pull a bill from the Rules Committee and this was an issue in contention throughout the session. This rule change caused some apprehension to the Republicans but it was a real sore point to the "left wing" and they unsuccessfully challenged in on several occasions.

Kieron Reardan, a newspaper man, from Snohomish County was chosen as President Pro-tem in the Senate. As the session started, Lt. Governor Meyers met with the moderates and then declared that the session was off to the smoothest start in his experience. However, the majority further clipped his wings. Since statehood the Lt. Governor had appointed Senate committees. In 1937, largely because of mistrust of Meyers, the rules were changed to make committee appointments subject to confirmation by the body. This time they acted further and removed entirely the Lt. Governor's prerogative of naming committee members. This move was in part, a result of Meyers continuing identification with the "left wing." It was also probably motivated by an action on his part in the prior Spring of 1938. At the time, Governor Martin, who by now was truly hated by the "left wing" was in Washington, D.C. on state business. Meyers, who was vacationing in California was contacted and urged to return immediately to the state and convene a special session to deal with welfare and relief. The word of what was up reached Governor Martin. A race to return to the state developed and Meyers got here first but he dallied along the way and before he got the call of the session certified Martin, who had chartered a plane in Chicago, landed in Spokane. A court challenge ensued but the call of the special session was nullified. This antic by Lt. Governor Meyers further antagonized many moderate Democrats and contributed to the subsequent limit on his prerogatives. A proposal to severely limit the Lt. Governor's right to call a special session was seriously considered and probably would have become law if constitutional questions could have been overcome.

The Senate treatment of the "left wing" was about the same as in the House. They were given three seats on Rules, four on the critical Social Services Committee, and four on the Revenue Committee. Of more than 50 committees they received only 12 chairmanships, all of relatively minor committees. As had been the case in the three prior sessions, the moderate majority was stronger in the Senate than in the House.

The first bill passed by both houses was one including the Tacoma Narrows Bridge and the first Lake Washington Bridge in the state highway system. The overriding issue before the Legislature was the welfare program. Washington was already spending a greater portion of its resources of social programs than any other state. The more liberal members backed by the Washington Commonwealth Federation wanted substantially increased spending. However, as it always the case, resources were severely strained. A court decision which limited the responsibility of family

members for destitute elderly relatives jeopardized the state's eligibility for federal matching funds. Lt. Governor Meyers returned from a trip to Washington, D.C. in late January with assurances that our funding was not in jeopardy. However, local federal officials testified to the Legislature and advised that the funding was, in fact, in jeopardy. A House committee was formed to study the welfare issue; three conservatives, three moderates, and three "left wingers."

The conservative control in the House began to unravel when some Democrats joined Republicans in support of a memorial which opposed construction of a federal farm labor camp in Yakima County. The moderates joined with the "left wing" to defeat the memorial and the Republicans were extremely angry. At about this time the "left wing" tried again to amend the rules. They chose to move on Lincoln's birthday when a large number of members had been excused. The word leaked out over the weekend in time for some of the leaders to race back to Olympia and thwart the effort.

At the session's start, Speaker Sylvester had promised economy in the operation of the House and a greatly reduced numbers of employees. The "left wing" received almost no patronage. By early February employment had reached 147 almost double what had been anticipated at the beginning. Bitter that they had been denied their share, the "left wing" launched an all out attack on the Speaker for his extravagance. One commentator wrote that the primary qualification for employment as a doorkeeper in the House of Representatives was the ability to open and close a door. Evidence of the caliber of hard ball politics being played was when the word circulated that anyone who voted in favor of changing the two-thirds rule would lose both their patronage and their favorite bills.

By mid-session the centrist Democrats had become fairly well organized and Julia Butler (Hansen) of Wahkiakum County had emerged as their leader. In a number of instances they tried to broker issues between the leadership and the "left wing" and they were responsible for defeat of the labor camp memorial.

Stanley Atwood had been elected Superintendent of Public Instruction. He was a Seattle school teacher and was closely identified with "left wing" politics. He proposed a new school fund distribution formula based solely on need. He was opposed adamantly by Senator Pearl Wanamaker of Island County and ultimately even his "left



**Julia Butler Hansen**  
Wahkiakum County House member 1939-1961. She was the first woman Speaker Pro-tem, a leader on transportation issues and became a longtime third District Congressman.

(Photo courtesy of the Washington State Historical Society)

wing" allies deserted him. Senator Wanamaker also was successful in removing jurisdiction over vocational education from the Superintendent and turning it over to the State Board of Education. Several bills were introduced which would have impacted the P.U.D.'s. The Grange proposed a state power authority, a compensating tax on P.U.D.s and expanded bonding authority. Opponents wanted to put the P.U.D.s under regulation of the Public Service Commission and also to subject their bonding to voter approval. All of these proposals failed. In this same vein the 1939 session may have been more notable for what it didn't do than for what it did do. Proposals which failed included: A little Dies Committee (un-American activities), a unicameral legislature, income tax, Sunday beer and wine sales, liquor by the drink, and state purchase of the ferry system. A proposal encouraging school districts to merge bogged down in a controversy over whether it should require a majority vote of all the merging districts or of each district separately.

As usual, most of Governor Martin's program was adopted, however, there were a few notable exceptions. A limited relaxation of the prohibition on fish traps on Puget Sound and the Columbia River was not enacted. The Governor had pushed for an elimination of straight party voting but he was thwarted by opposition from the Democrat party organization. Welfare administration was taken from a single director and turned over to a commission of three.

Among measures passed were the authorization of local housing authorities, licensing fees for slot machines which continued to operate even though illegal and a bill which would have permitted the Lt. Governor and any legislator who had served six years to take the state bar examination without further qualification. The latter two measures were vetoed by Governor Martin.

As the session wound down in early March, appropriations, taxes, and welfare were the primary issues remaining unresolved. Each house was very angry at the other and within the House the factions were at each other's throats. The "left wing" was bolstered by the appearance of 1500 protesters at a rally in Olympia. Their supporters packed the galleries during an acrimonious eleven hour debate on the welfare bill. Their amendments failed. On several occasions the Speaker threatened to clear the galleries. A bill which conformed to the Governor's basic proposal finally passed 61-37. The "left wing" persisted to the very end of the session seeking more programs and more taxes, however, when the sales tax was extended to food to come closer to balancing the budget they bitterly opposed the regressive tax.

The sixtieth day dragged by with no final resolution on budget and taxes. On one occasion the "left wing" members all walked out of the House. The Senate went on a virtual sit down strike in frustration. Matters were finally resolved in a marathon Saturday night conference and "sine die" occurred early Sunday afternoon after new taxes, including the sales tax on food, were agreed upon. This time Governor Martin did not veto the food tax. The general fund budget was just over \$200,000,000. This was a huge increase over the budget levels of the two prior biennia. The additions were almost entirely attributable to spending on social programs. Even with this greatly increased spending the Washington New Dealer which was the publication of the Washington Commonwealth Federation slammed the Legislature for

being totally insensitive. The mainstream press was generally non-committal on the legislative performance. The Tacoma News Tribune did say that they felt the Legislature did as well as could have been expected under the circumstances.

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## Chapter VIII: World War II, Public Power Comes of Age

The 1940 election may best be described as a mixed bag. The Republican resurgence, which had started in 1938, continued, but only modestly. They gained three seats in the Senate for a total of nine. In the House, five were added for a total of 31. Party wise the Democrats had veto proof majorities. However, the philosophical differences among the majority members made unanimity on anything a virtual impossibility. In the statewide offices, the Democrats won all except Governor in which Seattle Mayor Arthur B. Langlie defeated former U.S. Senator C.C. Dill of Spokane by only 5,000 votes of over a million that were cast. Dill had defeated Governor Martin in the Democrat primary.

The Voters had also renewed the 40 mill limit and turned down an increase in elected officials salaries. There were two other ballot measures of critical importance. One passed and the other failed. Both were seen as major victories for the political left. A forty dollar per month minimum old age pension was approved. An initiative which would have subjected Public Utility District bond financing to a public vote was handily defeated.

When the Legislature gathered in Olympia the first week in January, there was great pressure from the state Democratic party and from some members to challenge the Langlie election based upon alleged irregularities in the vote count. This subject dominated all pre-session discussions and planning. In the Senate, George Lovejoy of King County was elected President Pro-tem and two defacto floor leaders emerged among the Democrats though three elements seemed to exist. Joseph Drumheller of Spokane represented the old leadership. Albert D. Rosellini of Seattle led the more liberal members. A third sizeable group, primarily of new members, occupied the middle. This left the nine Republicans in a position to influence the balance of power on a number of occasions.

Upon convening, the Senate refused to seat two newly elected Senators - Agnes Gehrman of Grays Harbor and Pacific Counties was challenged as she had won by only 15 votes.

A canvas overseen by a Senate committee increased her lead by 10 votes and she was routinely seated. The case of Linus Westman of Snohomish County proved more difficult. He had admitted to brief membership in the Communist party during he 1930's and this was the basis for the challenge. A five-member committee was selected to investigate the challenge. After lengthy hearings the committee voted three-two to seat Westman. However, the whole Senate did not accept the committee recommendation. 19 Democrats and six Republicans voted not to seat him. 17 Democrats and

three Republicans voted in his favor. Based upon the 25-20 vote the seat was declared vacant. Westman challenged the Senate finding in court but was not successful. Those proceedings fully occupied the Senate during the first several days of the session.

Meanwhile the prospective challenge to Governor-elect Langlie was the first order of business as his inauguration was set for Wednesday at noon. Senator Rosellini introduced a resolution calling for an investigation of the election and postponement of the inauguration.

The Speaker, Ed "Freshwater" Reilly, a moderate from Spokane, opposed the position of his party leadership and indicated he was prepared to sign the certification of election for the Governor. The Lieutenant Governor as president of the Senate was more reluctant. However, the matter was settled when, before packed galleries in a joint session the vote was 97-45 to seat the new Governor.

Aside from the election challenges both houses had organizational problems. In the Senate it was well into the second week before committee assignments were finalized. For the first time in eight years the Democrats claimed that the bitter controversies between right and left in each house had been resolved and that the party caucuses would meet as units. In the House, the Speaker promised a caucus meeting at least every two weeks and they amended the 1939 rule which required a two-thirds vote to relieve a committee of a bill and changed it back to a simple majority. Periodically over the years there had been efforts, primarily in the House, to reduce the number of bills introduced. The idea was floated again at the beginning of the 1941 session but as in the past nothing came of it.

A new element in the House was a formally organized rural caucus. While such a group had functioned informally for many years this time it elected a chairman and secretary and planned to meet at least every other day. The caucus was bipartisan and selected Fred Martin of Skagit and San Juan Counties as chairman.

Efforts were mounted to override two of Governor Martin's 1939 vetoes. Both failed. One was the bill which would have permitted Vic Meyers as Lieutenant Governor to become a lawyer based upon his time in office. The other was the veto of the tax on pinball and slot machines.

Since statehood, legislators had received \$5.00 per day while in session. This, plus mileage for one round trip per session between the capital and the place of residence was their sole compensation. It had truly become unrealistic. In January, 1941, a decent hotel room in Olympia cost at least \$3.50 per day. Rooms in private homes were a bit less. \$1.50-\$2.00 per day did not provide a luxury diet. The voters had turned thumbs down on increased salaries in the 1940 election. The Legislature voted themselves \$5.00 per diem to be confirmed by receipts. The Governor signed the bill. Controversy soon arose with respect to receipts. It culminated in at least one confrontation as reported in the press. Senators Drumheller of Spokane, Maxwell of Seattle, and Mohler of Olympia were having an early breakfast in an Olympia cafe. Discussion apparently turned to the local Senator's per diem and became rather heated. Pushing, shoving, and the exchange of blows ensued. No one was apparently harmed and the actual details depended upon whose account one heard.

Faced with a Republican Governor and a full slate of Democrats in the other statewide elective offices there arose a concerted effort among some

Democrat legislators to clip the Governor's wings by distributing some of his authority among other elected officials. This effort was strongly supported by the party organization and continued throughout the session but in the end there were only minimal results. With the failure of the so-called government reorganization, the Democrat party organization threatened an initiative campaign but nothing ever came of it. One significant result was achieved with passage of legislation requiring all agency lawyers to be on the staff of the Attorney General.

The split among conservatives, moderates, and liberals which fragmented the huge Democrat majorities in each house during the 1930's was much less obvious in 1941. There were fewer "left wingers" present. In the House, where the cleavage had been most evident the majority was now only slightly more than two-thirds and a notable development was the commitment by the Speaker to hold regular party caucuses. Also, noteworthy was the emergence of H.C. "Army" Armstrong of Seattle as one of the leaders among the Democrats. He had been one of the most outspoken "left wing" advocates in the 1930's.

In the Senate where the "left wing" had never been as strong as in the House strong lines had developed separating the liberals and the conservatives. Joe Drumheller of Spokane was the "de facto" leader of the conservative group which included all 9 Republicans. The liberal group which included a majority of the Democrats actually formally elected Al Rosellini of Seattle as their leader. This was the first time in the Senate that a floor leader had been chosen by election. There were some floaters and neither side could claim a firm majority. The first test came on a proposal for a formal investigation of all state institutions which Drumheller actively opposed. He was defeated on a 22-21 vote approving the investigation. The makeup of the Rules Committee was indicative of the close balance in the Senate. There were five Democrats who were generally considered conservative and one Republican. There were also five liberals and Lt. Governor Vic Meyers who always voted with the liberals.

The almost total failure of the proposed government reorganization which would have diluted the powers of the Governor is largely attributable to the conservative faction in the Senate as the bill which finally emerged from that body was fairly innocuous.

The monumental fiscal crises which had confronted the Legislature in each of the prior four sessions had eased somewhat. However, they were faced with financing the increase in pensions which had been mandated by initiative in the fall election. A battle over once again submitting an income tax measure to the people was waged throughout the session and was finally approved in the dying days. Meanwhile, they implemented the new pensions effective March 1, and it was immediately necessary to provide the financing. Many proposals emerged, the most practical of which proved to be the Governor's recommendation to increase the sales tax from 2% to 3%. The Democrats ultimately, and with some reluctance, went along with the new sales tax but made every effort to hang it around the Governor's neck.

The usual issues consumed most of the time and effort. There were a number of proposals to liberalize the liquor laws and as usual they failed as a strong "dry" philosophy continued to dominate. Sunday beer sales and liquor by the drink were roundly turned down again. The proponents of more liberal liquor laws had one very modest success. Taverns were

permitted to extend their Saturday hours until 1:00 a.m. on Sunday.

After their successful campaign to defeat the restrictive initiative which appeared on the 1940 ballot the public power forces led by the Grange and some elements of the labor movement sought to liberalize the powers of the publicly owned electric utilities. They had one success and one failure. The tax applicable to P.U.D.s which they sought was approved. Their desire to permit joint acquisition of the property of investor-owned utilities was not successful.

As the session wound down, closure was delayed by the same issues that always seemed so difficult to resolve, school and highway appropriations. In this case, highway matters were responsible for not meeting the sixty day deadline. On Friday evening, the 61st day, angry House members marched on the Senate. They were unhappy with Senate action on appropriations for secondary highways. The march was not productive as the Senate defeated the House bill 22-19 claiming that it represented a return to the old "pork barrel" method of distributing highway funds. With that action the session came to an end with "sine die" occurring at about noon on Saturday, the 62nd day.

One observer commented that the House enjoyed the most harmonious session in a decade. The mainstream press had concluded that the session had been reasonably productive and that the new Republican Governor had enjoyed good success with the Democrat legislature. The very conservative Seattle Argus lambasted the Legislature as incompetent, shallow-brained addleheads. On the other hand the Washington New Dealer, the voice of the left condemned the legislators and the Governor and threatened the formation of a third party.

## 1943

In the interim between 1941 and 1943, by far the most significant event was the entry of the U.S. into World War II. At the state level the political climate took a decidedly conservative turn. Three Republicans were elected to Congress. Further liberalization of the pension laws was soundly defeated. The income tax was turned down again and the 40 mill limit was re-enacted for the sixth consecutive time.

In the Legislature, the Democrat margins slipped to 57-42 in the House and to 27-19 in the Senate. For the first time since statehood a truly bipartisan two-party Legislature was elected. On only three prior occasions had one party not totally dominated. In each of those the circumstances had been unusual. The large Populist majority of 1897 was an uneasy amalgamation of three separate parties which quickly fell apart. The Republican majority was fragmented in 1912, as a result of the national progressive movement led by Teddy Roosevelt. Once again it was a phenomena that did not last and many of the Progressives elected in 1912 quickly returned to the Republican fold. The other exception was the Democrats 25-21 majority in the Senate in 1933. It was not larger because most of the Republicans had not been on the ballot in 1932 and they remained fairly docile in the 1933 session.

At the time, almost no notice was taken of the near balance between the two parties which now existed in the Legislature. Total focus was directed to the fact for the first time since statehood the Legislature was meeting in a time of war. On many days any legislative reports were relegated to inside

pages of the newspapers as war stories dominated the headlines and the front pages.

In Olympia, housing had become a serious problem. With expansion of Fort Lewis many service families had come to Thurston County. The arrival of those involved with the legislative session in January of 1943, created a near crisis. Charges of rent gouging were widespread replete with anecdotal horror stories. A community campaign was mounted to find housing in private homes for legislators and staff as well as lobbyists had commandeered most of the good hotel rooms of which a very limited number were available.

The war situation brought many pleas for an abbreviated session. This however was not to be. Al Rosellini was quickly elected President Pro-tem of the Senate but harmony was short lived in the Democrat caucus as serious controversy arose over committee assignments. When Lt. Governor Meyers submitted his proposal, nine Democrats joined all 18 Republicans to reject the assignment and a de facto conservative coalition was formed and it remained in effect on and off for several sessions. Regular Democrats were furious and the party organization and other supporters promised swift and merciless retaliation against the rebels. However, the coalition was in control. Republicans were given the chairmanships of 23 of the 51 committees and the Republicans got 6 seats on the Rules Committee, a substantial increase from the one seat they had enjoyed in 1941. There were nine Democrats on the Rules Committee but the conservatives enjoyed de facto control. The coalition did not function on most substantive issues but it held the balance of power on most procedural questions.

The House organization developed along similar lines but with less volatility. There were three active candidates for Speaker among the Democrats. They were, the incumbent Ed Reilly from Spokane, Julia Butler Hansen of Wahkiakum County, and Ralph Armstrong from Olympia. Early in the weekend before the session, Hansen withdrew. In an action which was totally unprecedented, Clarence Coleman, the Everett businessman who was State Democrat chairman demanded a caucus of the Democrats. It took place on Sunday. A vote between Armstrong representing the more liberal members and Reilly resulted in a 28-28 vote. However, Reilly had previously enlisted the support of the Republicans. To avoid an expanded controversy, Armstrong withdrew and Reilly was unanimously elected Speaker on the first ballot.

During the first week the report of the committee which had investigated conditions at the state institutions was received. The investigation had been a source of great controversy in 1941 and had been approved by the Senate by only one vote. As in the case with so many studies it must have been relegated to a shelf to gather dust. During the session it was seldom referred to again.

The 1943 Legislature which became known as the "war session" confronted a number of critical issues, among which were executive war powers and financial relief for cities. Several communities in the State, notably in the Puget Sound region had realized a large influx of population employed in defense industry. This had severely impacted municipal services. For the first time in years the State was operating in the black. While the cities didn't get all they sought they were given substantial financial assistance.

The matter of war powers was far more volatile and proved to be perhaps the most controversial issue of the session. There was general agreement that the world situation required substantial executive involvement particularly with regard to civil defense and related subjects. The problem arose in the reluctance of the Democrat Legislature to grant broad additional authority to the Republican Governor.

Resolution was not attained until the last days of the session when a compromise was reached which delegated the war powers to a committee of three, the Governor, the Lieutenant Governor, and Insurance Commissioner. During the session Governor Langlie suffered one major defeat. Almost since statehood the management of state forest lands had been the cause of great controversy. Only rarely had a session concluded without attempts to alter, amend, or reorganize the administration of lands. 1943 was no exception and the Governor's proposal did impact the authority of the Commissioner of Public Lands. Jack Taylor, the commissioner, and a prominent liberal Democrat took great offense at the Governor's plan. His opposition coupled with other partisan political factors resulted in the failure of the executive's request legislation though not until the last days of the session.

Two events which occurred during the session aroused the Legislature. One was the granting of parole to 67 long-term convicts by Governor Langlie. Many legislators were outraged and demands were made for a thorough investigation of the parole board. In a very close vote the Senate defeated the proposal which would have authorized an investigation. The other was a tragic fire at a nursing home in North King County. Thirty deaths resulted. The site was outside the city limits. The probe which followed the fire disclosed many unsafe practices which were in violation of city fire codes. No such codes existed in unincorporated areas at the time and as a result the Legislature immediately addressed the need for a fire code applicable in unincorporated areas.

World War II brought many women into the work force in jobs previously held by men. In many instances they were paid less. A major labor success in 1943 was the passage of a bill requiring equal pay for men and women in the same job.

Efforts to place the 40 mill limit in the Constitution had taken place for more than a decade. A two-thirds majority could never be mustered in both houses. The limit had been renewed each two years by the voters. Opposition to placing the limit in the Constitution came from school forces who feared such a constitutional provision might impair school funding in the future. Many "left wing" legislators, who envisioned massive spending for social programs and who favored higher taxes also were vocal and adamant in opposition to the proposed amendment.

In 1943 a joint resolution finally got the required two-thirds vote in each house but not without a long and difficult battle which ultimately became entangled with Initiative 12, an initiative to the Legislature which would permit Public Utility Districts to jointly acquire the property of investor owned utilities. The initiative, sponsored by the Grange and backed by labor and public power advocates had strong support especially among rural legislators of both parties. It also contained an emergency clause to prevent a referendum. Many members favored both the proposed 40 mill limit amendment and the initiative. As the session moved toward its

conclusion the 40 mill resolution which apparently had the necessary two-thirds support in each house became a hostage to the public power initiative. As the pressure mounted on the last weekend in early March a call of the Senate was imposed and Senator Flanagan from Yakima County was missing. He was a strong supporter of the 40 mill amendment. Inquiries as to his whereabouts disclosed that Flanagan, a rancher in the lower Yakima Valley had started home for the weekend to assist in the Spring lambing. The patrol was dispatched to retrieve the missing Senator. They finally caught up with him in Ellensburg but he was permitted to call the Senate before starting back to Olympia. He must have been persuasive because the call was lifted, they Senate adjourned until Monday and Senator Flanagan went home to help in the birth of lambs. He was back in Olympia with cigars and candy for the members and apologies for the delay which he had caused. When the impasse finally broke both measures passed. The emergency clause on the power initiative was immediately challenged in court and the Supreme Court in an unusually rapid opinion held nine-zero that the substance of the initiative did not meet the requirements to sustain an emergency clause and a successful referendum campaign quickly followed.

Despite pressures to shorten the session because of the war it consumed the entire 60 days and was adjourned at 5:00 a.m. on the morning of the 61st day. For the first time in many years the state was comfortably in the black.

A bill had been passed which provided a maintenance allowance to the statewide elected officials in lieu of a salary increase which the voters had repeatedly turned down. The Governor vetoed the bill and submitted the veto on the last day. At 4:00 a.m. about an hour before adjournment, a motion was made in the House to override the veto. This caused a momentary burst of excitement, however, the Speaker ruled the motion out of order and the session ended a few minutes later.

Among press commentaries, the Seattle Star observed that the Governor had gotten almost everything he wanted. The notable exception was a reorganized forestry board. They also concluded that though the two parties were more even in numbers than in many years there was less turbulence than had been experienced in more than a decade. On the other hand the P.I. found the session reasonably progressive in spite of all the turmoil which occurred. This apparently was a comment directed at the Senate where the unprecedented coalition between conservative Democrats and Republicans had been the prevailing element.

For the first time since 1933, the Governor found it necessary to convene a special session. It was called to convene on February 28, 1944, to make provision for service men to vote in the 1944 elections. Governor Langlie asked that only the single matter of the servicemen's vote be considered. Many Democrats wanted to open the session up to considerations of other issues including further liberalizing pensions. In the House, former Governor Martin, had been appointed to fill a vacancy and he immediately occupied a position of influence. He made a strong plea to his caucus to open up the session and the House voted 51-42 to so do. In the Senate after strenuous debate, the coalition which had prevailed in 1943 was again victorious and the vote there was to limit consideration to the service vote and thus adjournment came in six days. In the aftermath irate regular Democrats promised an all out campaign to oust the Senate renegades in 1944, an effort which was to prove notably unproductive.

1945

In the November 1944 election the people, finally given the chance, voted the 40 mill limit into the constitution by an overwhelming margin. They also handily defeated the referendum on Initiative 12 which would have allowed P.U.D.'s to join together and acquire the property of investor-owned utilities. Governor Arthur B. Langlie was unseated by U.S. Senator Mon. Wallgren of Everett and the Democrats kept all of the statewide elected offices.

The Democrats also made gains in the Legislature where they picked up five seats in each house. In the House this resulted in a 63-36 margin. In the Senate there were 32 Democrats and 14 Republicans a majority that appeared to be veto proof. This, however, was to be merely an illusion! The Democrats had not been successful in purging those who had participated in the 1943 coalition and eight of the nine returned. These eight could not join the Republicans to create a majority. Among the newly elected Senators there were two Democrats, Jack Rogers from Kitsap County and Howard Roup from Asotin County who, from time to time, joined the conservatives to tip the balance of power.

The 1945 Legislature greeted a situation never experienced in over half a century of statehood. The state was rolling in money. The booming wartime economy had produced revenue in excess of all expectations.

George Yantis of Olympia had returned to the House after an absence of several years. He had been Speaker in the tumultuous 1933 session. One of his forbearers had represented Thurston County in 1854 in the first Territorial Council. He was again chosen Speaker. This time he outpolled H.C. Armstrong by a 36-28 vote in the Democrat caucus. Armstrong had been a longtime leader of the "left wing." Armstrong was immediately chosen as caucus chairman and William Pennock of Seattle one of the most prominent extreme liberals in the state at the time was chosen caucus secretary. This seemed an indication that the House Democrats had taken a decided tilt to the left. It is also noteworthy that the Speaker was a well-known "dry." This was a bit ironic as, among other things, the new administration was to advocate some liberalization of the liquor laws and in particular the legalization of liquor by the drink in restaurants and hotels.

Senator Carl Mohler, also from Olympia, was elected President Pro-tem. It was clear that the actions of the 1943 session had not been forgotten by the majority. The eight returning wayward Democrats were seated at the rear of the chamber. While the 14 Republicans were relegated to two rows at the side. Early on it was made clear to the Republicans in each house that they were to have very little part in the legislative process.

As the session started, the Democrats were primarily concerned with whom the new Governor would choose as his successor in the U.S. Senate. The party organization and many legislators strongly favored Congressman John Coffee from Tacoma. The Governor, however, opted to select his administrative assistant, Hugh B. Mitchell, a decision which was greeted by a great deal of grumbling among the political pros.

Organization was quickly achieved in the House. The Republicans were very unhappy, claiming they were being entirely shut out of the process but there was little that they could do. Both houses quickly approved an increase in their per diem and the new Governor approved it. The Senate was much less prompt in getting organized. There was an overt desire on the part of some to punish those who had wandered from the Democrat fold in 1943. For several days there was a virtual impasse but the conservatives

finally gave in and the committee assignments were approved in the middle of the second week. The press reported an anecdotal incident which occurred during this period. Dr. David Cowen, one of the prominent members of the conservative group in the Senate, was a Spokane dentist of considerable wealth. He often provided candy, cigars, and flowers to members and staff regardless of political affiliation or the feelings of the moment. It was reported that one morning Lady Willie Forbus, a regular Democrat from Seattle found flowers from Senator Cowen on her desk. Apparently she was not happy with the Senator. She picked up the pot of flowers and marched over to his desk where she set them down with such force that the pot broke. She later denied that this had actually happened.

The early days of the 1945 session were not an amicable period. There was no personal contact between the outgoing and incoming governors. Several Democrat legislators had threatened to boycott Governor Langlie's farewell address. Most relented and did attend but the atmosphere was decidedly chilly. Governor Wallgren departed from tradition and delivered his inaugural address from the front stairs of the capitol building. Most noteworthy, therein, was a proposal for a constitutional convention to rewrite and modernize the constitution which he deemed to be outmoded. The new Governor, contrary to the action of his two immediate predecessors, quickly replaced almost all department heads and other key employees. This perceptibly slowed the presentation of a legislative program.

Substantial modification of the liquor laws were high on the Wallgren agenda. He countered the opponents of liquor by the drink by pointing out that it was only fair. He argued that anyone who could afford to belong to a private club could buy a drink any time while the average citizen or the tourist or business traveler was denied that privilege. The "dry" influence within the Legislature was still substantial. It crossed party lines and even with the strong support of the new administration no liberalization was accomplished. As the session progressed, and it became apparent that the liquor by the drink proposal could not succeed, the Governor modified his request to authorize local option but this too did not succeed.

The most notable accomplishment of the 1945 Legislature was the creation of the University of Washington Medical School. Efforts to reduce the voting age to 18 and to increase the length of the biennial session to 90 days died in committee. The Senate, once again passed, a bill which would have permitted the Lt. Governor to become a lawyer. The House was less sympathetic and the bill died there.

The Governor was under intense pressure from various Democrat constituencies to change the authorities of the Public Service Commission. The Grange and other public power advocates were absolutely determined that the Commission have no authority in regulation of PUD's or municipal utilities. The Teamsters, on the other hand, tended to be sympathetic to private power but they were concerned that transportation regulation was not receiving adequate attention. As a result the Governor requested a joint session in which he delivered remarks recommending the creation of separate departments of utilities and of transportation each to be directed by an individual administrator. The Republicans strongly opposed this division but the majority went along with the Governor.

Since the meeting of the first Territorial Legislature in 1854 there had rarely been a session in which policies regarding the management of public

lands had not been an issue. In the early years Congress was regularly memorialized with respect to the homestead and preemption laws, the railroad grants, and the lands to be reserved for educational and institutional purposes. The Constitutional Convention was unable to resolve the status of tidelands and this became a contentious major issue in the first sessions of the State Legislature. In ensuing years, almost every new administration made recommendations for forest management policy. Governor Hartley engaged in a bitter feud with Land Commissioner Clark Savidge throughout the entire eight years of his administration. It centered on the method of sales of public timber. Governor Langlie tried to revise the makeup of the forest board but was thwarted by the Democrat legislature abetted by Land Commissioner Jack Taylor. Governor Wallgren tried anew. Taylor had been defeated by Otto Case, a long-time activist in progressive politics in the Democrat primary. Case won in the general election and was soon in conflict with the new Administration as he apparently saw their proposals as limiting his authority. A greater obstacle was the intense opposition of education forces which were offended by the potential removal of the Superintendent of Public Instruction from the Forestry Board. These obstacles proved substantial, however, the bill creating state timber resources board passed each House by slim margins.

The failure to include the non-partisan Superintendent of Public Instruction on the exofficio timber board was seen as a direct slap at the incumbent, Pearl Wanamaker who earlier had been a prominent Democrat legislator. During the session there had also been an unsuccessful try to once again make the Superintendent a partisan office. Supporters of Mrs. Wanamaker promised a referendum campaign if she was excluded from the Board. In an effort to sidetrack this threat, an emergency clause was added to the proposed bill. It was immediately challenged after the Governor signed and the Supreme Court in a very prompt unanimous decision threw out the emergency clause. This opened the door for a referendum effort.

In 1943, the states of Washington and Oregon had jointly purchased a Kentucky distillery, Waterfill, and Frazier. The motive had been to offset the wartime shortage of whiskey. Considering the fact that Governor Langlie was a confirmed "dry" and opposed to drinking the purchase appeared to be purely a business decision. The venture was profitable. However, many citizens were aghast at the state purchasing a distillery. It had become a politically volatile issue in each state and the Legislature reacted by authorizing an investigation of the Waterfill & Frazier transaction.

Perhaps the most interesting development of the 1945 session was the near adoption of a state-run health care system which would have been financed through payroll deduction including matching contributions from employers and employees. Surprisingly a bill was introduced in the more conservative Senate and it passed there. Little publicity had emerged as the bill moved through the Senate. When it passed there and was transmitted to the very liberal House where passage seemed a foregone conclusion there was a sudden ground swell of opposition. Cries of socialized medicine arose from all directions and House members were apparently overwhelmed with the public outcry. In any event, the bill disappeared into a House committee from which it never emerged.

With the state in excellent financial condition both pensions and unemployment compensation allowances were increased. Efforts to increase

industrial insurance awards resulted in one of the most vicious political confrontations in many years. It pitted the state Labor Council and C.I.O. against the more conservative trade unions represented by the A.F.L. Business interests sided with the AFL. Everyone agreed that worker awards should be increased. The issue was the so-called merit system whereby employer premiums were experience rated. The Labor Council sought repeal of the merit system. They prevailed in the House but a pitched battle ensued in the Senate where numerous amendments were offered. Nine Democrats joined all 14 Republicans time and again to produce a 23-23 vote. In each instance Lt. Governor Meyers voted with the position of the Labor Council. Charges and counter-charges were widespread with each side blaming the other for preventing increased awards which all agreed were appropriate. The standoff continued for several days contributing to the session dragging on for five days beyond the 60-day limit. In the end no one would budge and the bill died on a 23-23 vote. The Labor Council and the C.I.O. loudly promised swift retaliation against those who had opposed them.

In the last week of the session an interesting controversy arose in the Senate over banking legislation. A bill had been introduced to liberalize the law for chartering state banks and there was some concern that it would permit the formation of a new bank by people who were well-placed politically and would receive favorable treatment in obtaining state deposits. Senator Kevin Henehan of Seattle, a banker, and chairman of the Banking Committee was accused of losing the bill. In fact the Sgt-at-Arms had followed the same course which Senator Henehan had taken in leaving the Senate chambers. He found the bill lying in the hallway and returned it to the Senate. Senator Henehan was threatened with re-priming and even ouster from the Senate but the furor died down, Henehan kept his seat and the bill was processed and passed.

Substantial inflation had occurred during the war years for the first time in generations. The budget which was adopted far outpaced inflation. It was \$562,000,000, a tenfold increase in a decade and almost twice the total general fund expenditures by state government in the entire period from 1889 through 1921.



(Photo courtesy of the Washington State Historical Society)

*Pearl Wanamaker*  
Island County House member  
1929-31; 1933-37. Senate  
member 1935-40. She became  
a longtime Superintendent of  
Public Instruction.

In spite of a large majority of his own party in both houses, Governor Wallgren wielded the most active veto pen in many years. He vetoed 48 times, the most since the Hartley administration. This was a rather curious result as Wallgren's relationship with the Legislature was considerably more amicable than that enjoyed by Governor Martin and Governor Langlie, his two immediate predecessors.

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## 1947

With the end of World War II, the political climate changed greatly both nationally and in the state of Washington. In the 1946 election the Republicans gained nine seats in the Senate to create a 23-23 tie. However, the Conservative Democrats, who had formed the coalition in the two previous sessions, continued to join with the Republicans to exercise de-facto control. The 23 regular Democrats were all relegated to seats at the rear of the chamber. The coalition, which had been a factor since 1943, continued to be the predominant influence in the Senate through the 1951 session. In the House, the Republicans gained 36 seats to provide their first majority in fifteen years. Their margin was 71-28, more than enough to override vetoes. In the Senate, the Conservatives had 32 of 46 votes when they stuck together, which they did on several occasions. As a result, several Wallgren vetoes from the 1945 session were overridden.

The coalition dominated all major committees in the Senate and the regular Democrats were denied even a single seat in the 15-member Rules Committee.

The war had produced a substantial surplus, about \$125,000,000, for the first time in the state's history. As is usual in such a situation there was a great urge to spend it. From the outset it was dubbed the education session. As is common, education and social services vied for available resources. During the 1930's, with the crises of the depression, social services had been the top priority. In the early 40's, all emphasis was on the war effort. In 1947, the education forces clearly prevailed. Teacher pensions were increased and salaries were raised substantially. The Washington Pension Union which had succeeded the Washington Commonwealth Federation as the voice of "left wing" politics in the state pushed hard for increased pensions and related welfare expenditures. Specifically, they sought an increase from \$50 per month to \$60 as the floor for old age pensions. Not only did they fail in that effort but the existing \$50 floor was repealed and several additional restrictions were enacted. This laid the groundwork for Initiative 172 which reached the ballot in 1948.

Historically, the Legislature had packed up and gone home at the conclusion of the biennial 60-day session. There simply was no interim activity except an occasional study or investigation. Pressure for some type interim function had built up particularly during the war years. Each house had employed a part time clerk to perform necessary duties between sessions. Efforts to create a Legislative Council had not been successful. In the previous session Governor Wallgren had vetoed the council proposal which the Legislature had approved. This time the Legislative Council was again created and the Governor allowed it to become law without his signature. There was some concern as to whether the Council was constitutional, however, it survived and really marked the first step toward the full time legislative operation which exists today.

Having regained control after 15 lean years, the Republicans couldn't wait to get after the Democrat governor. An interim study on the state institutions was required to be presented at the start of the session. The Republican minority report was delivered on schedule but the majority report was not presented and there were immediate charges of a coverup. Like most studies, not much action resulted.

During the 1930's the "left wing" had continuously attacked the Social Security Department. At every session there were demands for investigations and for the resignation of the director. Their vitriolic attacks on Governor Martin almost always centered on the administration of social services. Apparently, the issue had come full circle because now the Republicans were demanding an investigation of the Wallgren administration's handling of welfare and pensions.

The matter which received the most attention in the press was the so-called Capitol Club. It was alleged that top level state employees had been pressured to join the Capitol Club and pay monthly dues. The funds were used to defray political and personal expenses incurred by the Governor. There was much indignation at the disclosure of the existence of the club and a legislative investigation ensued. The organizers claimed that it was strictly a voluntary activity. Chief Algeo of the State Patrol was the treasurer of the Capitol Club and was called upon to testify in its defense. When asked to produce the financial records of the club he alleged that they had simply disappeared. While the story made good press from time to time throughout the session, it doesn't appear that any substantial action resulted.

Labor's primary goal in the 1945 session had been to accomplish a long overdue increase in industrial insurance awards. The effort had failed though the Legislature was heavily Democratic. A bitter fight within the ranks of labor over creation of an Industrial Insurance Appeals Board doomed the effort. This time, though, with Republicans and conservative Democrats in control, the awards were increased substantially. In separate legislation an Industrial Insurance Appeals Board was created but it was vetoed by the Governor.

While controversies surrounding the management of public lands and the public private power fight had seemingly been around forever, this time there was a new issue in the mix. It involved the operation of state parks which was managed by a board of five state elected officials, the Lt. Governor, the Secretary of State, the Auditor, the Treasurer, and the Land Commissioner. All Democrats, they were badly split over a proposal to do away with the board and put administration of the parks under the control of the Governor. While the three-two split among the board members was much publicized no legislative action was forthcoming. The same was the case with land management where several of the elected officials were publicly squabbling over what their respective rolls should be.

In the power battle, the influence of the Grange seemed less than in prior years. The major issue was a proposal to allow P.U.D.'s to jointly purchase the property of an investor owned utility. A previously approved measure to this effect had been nullified by the Supreme Court. While support for public power generally crossed party lines, this time the public power forces were not successful and the effort to enact legislation to allow joint purchase by the P.U.D.'s didn't make it.

In the aftermath of World War II, to many communism was a great threat. The conservative Republican house originated and both houses passed an interim study on the subject. The study evolved into what became known as the Canwell Committee, named for its chairman, freshman representative Albert T. Canwell of Spokane. Much of the controversy surrounding the communist threat centered on the University of Washington where it was alleged that several faculty members were involved in subversive activities.

The matter became the central issue surrounding the confirmation proceedings of three Wallgren appointees to the University Board of Regents. They were Dave Beck and John Fox, union officials, and John King of the state Grange. Before the Senate Committee, Fox and King indicated they were not aware of a problem at the University. This antagonized the more conservative committee members. After a lengthy period of inaction the regular Democrats moved to relieve the committee of the appointments. On this matter the nine coalition members rejoined their own party and the move would have been successful had the regulars remained together as the Lieutenant Governor would have broken a tie. One Democrat left the fold; R.R. "Bob" Grieve, a freshman from Seattle voted with the Republicans and the appointments remained in committee. Subsequently an agreement was reached for the proposed Regents to be considered by the full Senate. Beck was handily confirmed as was King with a much closer vote. Fox however was voted down. This was one of the only occasions when a gubernatorial appointment was voted down by the full upper House.

A unique circumstance in 1947 was the presence in the House of two brothers of different political persuasion. Bob Ford was a Democrat from Kitsap County and Edward Ford, a Republican from King County.

The session was not without a flare up of fistic action. In the most noted incident, Al Rosellini, the leader of the regular Democrats, punched Bob Cummings, a reporter, apparently in response to an unflattering article written by Cummings. The pugilism did not recognize partisan bounds. In the House Education Committee, the chairman, Asa Clark of Whitman County was accosted by fellow Republican Harry Kittleman of Seattle. Meanwhile, in the Senate, Democrats Reardon of Snohomish County and Grieve of Seattle got into it in the Senate Social Security Committee over possession of a bill. While these flare ups caused a stir on the inside there were also occasions of unusual activity on the outside. Governor Wallgren, anticipating a large surplus, proposed a veteran's bonus. This proposal bogged down in the process precipitating two separate marches on Olympia by large groups of veterans. These weren't the only mass demonstrations. The Washington Pension Union was outraged by the failure of pension increases and the imposition of welfare restrictions. This led to a demonstration orchestrated by the W.P.U. and led by Thomas Rabbitt, a former Senator from Seattle. Rabbitt actually led his people into the Legislative Building where they banged on the doors of the chambers. The demonstrations did not achieve results favorable to the demonstrators.

There remained a hard core of "drys" in each House and they made a final effort at further restriction of the liquor laws. This time they proposed the banning of sale of beer and wine by the drink in taverns, a move which would have put taverns out of business. The necessary support was not to be found and the measure failed, but not without contentious debate.

The fiscal situation in 1947 was unprecedented. At least on paper there was a huge surplus. The Democrats claimed it exceeded \$100 million. The Republicans were far less sanguine. They acknowledged a modest surplus but predicted a gigantic deficit in the upcoming biennium unless stringent cut backs in spending were enforced. To challenge the Wallgren fiscal data, the House Republicans hired Ernest Broback, a budget expert, to analyze the situation. Both sides remained far apart in the interpretation of the realities of the state's finances. In the Senate the conservative coalition nearly broke down as the Democrat members scolded their Republican colleagues and told them to stop introducing and passing costly liberal proposals which they knew would die in the Republican House.

Early in the session, the press gave wide coverage to a national survey which showed that this state had the highest state and local tax burden in the nation. Admittedly, Washington had enacted more liberal welfare measures than many states during the prior 15 years. In 1933, several million dollars had been borrowed from the highway funds to help support jobs programs. With the surplus, an effort was made to repay the highway fund but it failed.

The budget that was finally adopted was suspect and it did in fact produce a sizeable deficit. The pressure on elected officials' salaries which had increased for years finally produced a joint resolution for the 1948 ballot which would allow the Legislature to set salaries.

In addition to the Legislative Council and the unAmerican activities committee, eight other interim investigations were authorized. The 1947 session truly marked the birth of between session legislative activity. *Sine Die* arrived on a salutary note; for the first time since 1925, the Legislature ceased before midnight on the 60th day, beating the deadline by several hours.

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The 1948 election was unique and interesting in several respects. President Truman carried the state handily. His Democrat colleague, Governor Mon C. Wallgren, was readily defeated. The Democrats gained an astounding 39 seats in the House of Representatives but the Republicans gained four seats in the Senate.

1949

The Constitution was amended to permit the Legislature to set elected officials' salaries. The voters also approved three significant initiatives, a veterans bonus, liquor by the drink, and the infamous Initiative 172 which liberalized pensions and welfare and further impacted the precarious financial status of state government.

The 67-32 margin in the House provided the Democrats, who were generally quite liberal, a two-thirds majority. In the Senate, the opposite was true. There were 27 Republicans who were generally moderates and conservatives. In addition, of the 19 Democrats, nearly half were conservatives, some even more so than the Republicans. This created a legislative atmosphere which was ripe for controversy between the two Houses.

One of the first areas of dispute was the matter of salaries. In an unprecedented action, the voters in 1948 approved a constitutional amendment to authorize the Legislature to fix the compensation of elected officials which had previously been fixed in the Constitution of 1889. Agreement was reached fairly easily on judicial salaries and on those of all but one of the statewide elected officials. However, legislative compensation and that of

the Lt. Governor proved very contentious. After lengthy debate and much controversy between the two Houses as to whether legislators should receive a salary or merely a per diem it was agreed that there should be a salary of \$100 per month. At this point there remained only one issue to resolve and that was the Lt. Governor's salary. Many would argue that the debate was more concerned with the incumbent than with the office. Vic Meyers had just started his fifth term. From day one, 16 years earlier, he had been the subject of controversy. From the early 1890's it had been the established practice for the Lt. Governor to appoint Senate committees and chairmen. By the late 1930's the Senate Democrat majority had twice modified this practice. First, they had subject the appointments to ratification by the body. In the next session the naming of committees was taken away and from that point forward the majority designated the committee membership subject to confirmation by the entire Senate. In 1947, the conservative majority deprived the Lt. Governor of his vote on the rules committee though he remained as chairman. This practice was continued in 1949; he was still chairman but had no vote. This was only a bit of the background which influenced the debate surrounding his salary. With all else settled, the hang up was whether the Lt. Governor should be paid \$6,000 or \$6,500 per year. The entire salary matter hung-fire for several days over the \$500 difference. It was finally resolved. The salary was set at \$6,000 plus \$50 per day when the Governor was out of the state. With this settled, elected officials and legislative compensation was adjusted for the first time since statehood, sixty years earlier.

Senator Rutter, a Republican, from the 13th district, Grant and Kittitas Counties, was absent from the session because of illness. Early in the session, Senator Miller, a Democrat, from Spokane County was arrested for causing a disturbance in Olympia. It was determined that he was suffering from mental problems and he returned to Spokane and was absent for the remainder of the session. Neither Senator resigned, at least in part because in each case a majority of the County Commissioners in the affected districts were of the opposite party and would likely have appointed a successor of their own party. This circumstance gave rise to the move which resulted in our current law which requires an appointee be of the same party as the person vacating an office during the term.

For the fifth consecutive session, an effort to reorganize the management of state forest lands failed. The inability to achieve a change was in large part caused by continuing turf wars among the affected departments of state government.

For decades, no session had been complete without its own version of the public-private power debate. This time it centered upon a three-part proposal pushed by the public power community. It included the creation of a state power commission, for P.U.D. tax equalization, and most significantly to allow P.U.D's to jointly acquire the properties of private utilities, an action which had recently been found improper by the Supreme Court of the state. The proposal was not without substantial controversy, however, it did pass and was signed by Governor Langlie.

The veteran's bonus which had been approved in 1948 by initiative was promptly ruled unconstitutional by the Supreme Court. New legislation was quickly introduced and a bonus financed by an additional cigarette tax was enacted and signed by the Governor.

While fiscal matters consumed most attention, a number of significant laws were enacted.

The long-standing punitive tax on oleo-margarine was repealed but it still had to be sold colorless. This was a tribute to the strength of the dairy lobby. Regulation of the utilities and transportation industries had been divided into separate departments during the Wallgren Administration primarily because of pressure from the labor unions. This action was reversed and the Public Service Commission was created. Authority was provided for the state to buy the Puget Sound ferry system. In conjunction therewith, an act provided for the state to manage marine employees collective bargaining. Also of note was passage of the state's first fair employment practice law. A bill to extend the industrial insurance act to cover non-job related injuries was passed with a referendum clause attached. Also passed was a bill to protect Washington wines by limiting the availability of wines from out of state, especially those from California. The Governor vetoed this bill.

Among the failures were: a new forest resources board, state promotion bonds, increased signature requirements for initiatives, and an effort to approve school levies by a simple majority.

Early in the session, the report of the Canwell Committee was received. The committee which had been active during the interim prior to the session was involved in the investigation of so-called un-American activities. Its work centered around the University of Washington and captured front page space in the press for months. The entire activity of the Canwell group was extremely controversial. Emotions ran high on both sides throughout the investigation. When the report was presented in 1949, it was something of a "hot potato" and it was ultimately agreed between the two houses that the report would be locked in a safe repository which would be accessible only by the simultaneous insertion of two keys, one in the possession of the Speaker and the other held by the President Pro-tem.

State finances in 1949 were in a precarious state. The situation was further complicated by the passage of Initiative 172 in 1948. The initiative increased old age pensions and had been sold to the electorate on that basis. It also liberalized many welfare laws. It was obvious that revenues would not match expenditures in the upcoming biennium without substantial new taxes or precipitous cuts in spending. Neither was accomplished.

Speaker Charles Hodde proposed a large bond issue to finance needed construction for common schools, public institutions, and higher education. The House Democrats advocated a special election in September, 1949 to vote on the bonds. The special election was not approved but the bonds were submitted for the 1950 general election ballot.

In an effort to produce a balanced budget, Governor Langlie proposed a 2% income tax and personally pushed for its passage in both Houses. The issue remained alive throughout the session as numerous variations on an income tax proposal were debated. Efforts to alter Initiative 172 were unsuccessful. In the end no significant new taxes were enacted. Finally, on the 70th day of a 60-day session, a budget was approved. By law the Session ended on Thursday, March 10. Sine Die was actually declared at 2:00 p.m. on Sunday, March 20. Best estimates were that a \$60 million deficit would exist by the end of the new biennium.

The members per diem ceased on March 10. Senator Clyde Tisdale of Pacific County publicly campaigned for a soup kitchen. The most notable

contributions thereto were clam chowder from Tisdale's constituents and a large donation of rhubarb from farmers of Pierce County arranged by Representative Reuben Knoblauch.

The conservative *Seattle Argus* blasted the Legislature for its ineptitude. The mainstream press was less critical but no one was very complimentary. However, the failure to adequately address the fiscal situation resulted in an extraordinary session in the summer of 1950.

It turned out that enough money had not been appropriated to fulfill the requirements of Initiative 172. The special session was called to appropriate \$16 million dollars to fund welfare through the end of the biennium. This was accomplished along with 9 other relatively minor items which had been agreed to in advance. No effort was made to provide new revenue to pay for the new appropriation. House Democrats tried to expand the agenda but they were not successful and the session ended in five days. In the long term, the most significant action of that extraordinary session was adoption of the Revised Code of Washington. It represented a recodification of all state statutes and was 4,000 pages in length weighing 20 pounds.

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## 1951

In the election of 1950 the voters roundly defeated the proposal which would have extended industrial insurance coverage to off duty injuries. Two of the three construction bond issues advocated by Speaker Hodde were passed. The institutions and education measures were approved but the bonds for higher education were narrowly defeated. During the interim an initiative campaign had been mounted in an effort to limit the perceived excesses in Initiative 172 the very liberal pension welfare measure which had been enacted in 1948. Initiative 178 was placed on the ballot and was passed in 1950.

The legislative election was a reversal of 1948. This time the Democrats gained seats in the Senate and lost seats in the House but ended up with a majority in each House. In the Senate they gained four seats for a total of 25. The conservative minority was still present and they joined with the Republicans to elect Ted Schroeder of Puyallup, a conservative Democrat as President Pro-tem. The Republicans gained 13 seats in the House, however, the Democrats maintained a majority 54-45. At a meeting of the state Democratic Central Committee early in the session a resolution was handily passed demanding that the wayward Senators leave the party and become Republicans. None did so. Organization in the Senate was not an easy matter. In the aftermath of the action of the Democrat Central Committee a lengthy and bitter debate took place on the floor of the Senate. Insults, threats, and promises of recrimination flew in all directions. In the end committee chairmanships were shared among all three factions but the Conservative Democrats and Republicans were firmly in control.

While the existing and prospective deficits and the adoption of a budget were the overriding issues, even more so than usual, there were a number of other significant matters which filled the legislative agenda.

The never ending battle between public and private power reared its head again. This time it was a regional problem in Spokane. The three point bill passed in 1949 which had included allowance for joint P.U.D. acquisition of private utility properties and also permitted creation of a State Power Commission had been upheld in the courts. This time it was proposed in the Spokane

area that a vote of the people be required before a public power entity could issue bonds to acquire the property of a private utility. The subject was highly controversial and a bill requiring a vote passed the Senate after intense debate but it died in the House. The culmination of the matter occurred when two House members from Pierce County alleged that they had been offered a modest cash bribe to vote for the Spokane power bill. The offeror, a part time lobbyist, from Tacoma was arrested and charged with bribery. The scandal was front page news for several days but no concerted plan or conspiracy was ever shown to exist. The whole thing appeared to be the scheme of one inept individual and with his arrest, the matter quickly faded away. However, the enmity surrounding the power matter, which crossed party lines continued to be a major element pervading all of the legislative politics.

The regulation of pinball machines in businesses and of slot machines in private clubs had been a subject of dispute for many years. At least in part because of the financial crises it was decided to license and tax pinball machines. At least one daily newspaper described the debate on the pinball tax as the most spectacular of the session. The taxing bill finally passed and was promptly vetoed by Governor Langlie.

Since the imposition of the sales tax in the 1930's, the state had issued tax tokens, first at five for a penny and later at three for a penny. They had become enough of a nuisance and inflation had reached the point where the fractional cent tax was no longer practical so the 1951 Legislature abolished the tax token.

A number of interesting proposals surfaced in 1951, but did not become law. Among these were proposals to extend the P.U.D. law to include telephone companies, to provide annual sessions, and to require annual budgets. There was also an effort to re-institute an un-American activities investigation. While the cold war anti-communist feeling still ran high, the Canwell investigation of 1947-1949 had offended the sense of fairness of so many people that a new investigation was not approved. However, a tough anti-subversive act was enacted. Among other things, it made advocating the overthrow of the government a felony.

After trying unsuccessfully for several sessions to create a State Highway Commission, the Legislature finally succeeded in doing so.

The census of 1950 resulted in Washington being awarded an additional seat in Congress. With a Democrat majority in each House (the Senate conservatives stuck with their party on this issue) a reapportionment measure was passed. It was immediately vetoed by Governor Langlie. As a result the new seventh Congressman was elected at large in 1952.

Two major issues involving the University of Washington were the focus of debate throughout the session. First there was major disagreement as to the degree of authority which the Board of Regents should have in managing the metropolitan tract in Seattle. It was determined that they be allowed to extend leases for 25 years.

Since creation of the medical school in 1945, the demands had grown steadily for the building of a hospital. The argument was that a first-rate medical school had to be operated in conjunction with a hospital. The critical financial situation in the state made this a most difficult dilemma. The need for the hospital was generally recognized but the conservative Senate turned thumbs down on the proposal the first time around. Finally, in the last days of the session a modest appropriation to commence the hospital project was approved.

The dark cloud of a large deficit from the 1949-51 biennium hung over the session from the start. Activity resulting from the Korean War was bringing in revenue above expectations. Even this did not alleviate prospects for another huge deficit in the new biennium. To achieve anything close to balance would require new taxes, greatly reduce spending or a combination of both. Early on, Governor Langlie proposed a 4% corporate franchise tax. Several other tax ideas surfaced including an increased sales tax, a real estate excise tax, an extension of the sales tax to services and the now perennial but, as usual unsuccessful, graduated net income tax. The maneuvering and negotiating was intense but there was no agreement. The 60th day passed and still no solution; per diem stopped and the tension mounted. At one point, several moderate Republican members of the Senate Appropriations Committee went to see the chairman of the House Committee to see if there was room for compromise. This so incensed Senator Rod Lindsay, the Conservative Democrat chairman of the Senate Appropriations Committee that he quit. Finally, after the clock had been stopped for nearly two weeks, a budget was passed with no new taxes. The existing and prospective deficit was gigantic. Governor Langlie vetoed the budget and called an immediate special session to convene on March 27. At that time the new biennium began on April 1st, thus the financial status of the state was indeed precarious. The legislators of both parties were tired and disgruntled and had been operating for several days with no per diem. Most wanted a breathing spell and they were extremely angry with Governor Langlie for reconvening them so quickly. An additional dilemma, was the prospect that the banks in the state might not honor state warrants if there were no budget in effect. In an ugly mood the Legislature reconvened on March 27. Governor Langlie demanded a balanced budget. After a few days of wrangling the Senate adopted a bill which included a budget and the corporate franchise tax. The vote was 24-21. Senator Lindsey immediately challenged it on constitutional grounds. His challenge was upheld by Lt. Governor Meyers, whose ruling was in turn challenged. The President's ruling was overruled by the Senate, a rare occurrence in the entire history of the state and territory. The controversial bill was sent to the House where it passed and was subsequently signed by the Governor. A court challenge was immediate and state government limped along on an uncertain basis. Not unexpectedly, the Supreme Court ruled out the budget and tax bill and the Legislature was reconvened in late August under the immediate threat that no more state warrants were to be honored. The Governor called the session on 72 hours notice to convene on August 24. Meanwhile, state agencies had been advised that no state warrants would be honored after August 23.

The session lasted nine days. A budget was adopted. Eighteen million dollars in new taxes were approved including the 1% real estate excise tax. This fell far short of meeting the ballooning deficit. The deepening crisis was left to be addressed by the next Legislature.

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## Chapter IX: A True Two-Party Legislature and a Formal Coalition

In the election of 1952, Dwight D. Eisenhower was elected President of the United States. Arthur B. Langlie was reelected governor of Washington and for the first time since 1931, the Republicans had actual control of the State Legislature. Their majority was 25-21 in the Senate and 58-41 in the House.

The most significant ballot measures in the 1952 election were Initiatives 180 and 184. 184 legalized the sale of colored oleo margarine. It had been championed by A.L. "Slim" Rasmussen an extremely colorful member who served many years in both the House and the Senate. The measure passed handily. Initiative 184 was sort of a last gasp effort by the forces of the Washington Old Age Pension group. It would have substantially liberalized welfare and pension laws but it was defeated by a three-one margin.

There were also several constitutional amendments on the November 1952 ballot, all of which passed. The most notable were an amendment to the initiative and referendum provisions which increased the signature requirements and the approval of liberalized school bonding requirements.

In the House, R. Mort Frayn of Seattle was elected Speaker. S.R. Holcomb who had been chief clerk since 1933 made a strong effort to peel off some Republican votes and maintain his job, but he was unsuccessful and the majority stuck together to elect William S. "Bull" Howard, a Seattle lawyer as Chief Clerk. In the Senate, Victor A. Zednick of Seattle was chosen as President Pro-tem. While the Republicans were firmly in control for organizational purposes, there was a challenging split among the members of the Senate. Within the Democrat caucus there were generally considered to be 15 liberals and six conservatives. On the Republican side there appeared to be three groups made up of five liberals, 10 moderates, and 10 conservatives. The new majority stumbled immediately when they sought to amend the rules and alter the makeup of committees. Such a move required a two-thirds vote for immediate action. The Democrats refused to go along and the proposed rule change was delayed. Another early controversy highlighted the long-standing public-private power controversy. Senator Henry Copeland of Walla Walla, a private power proponent was chairman of the Utilities Committee. When he learned that the proposed committee included seven public power proponents in its 11 member makeup, he announced the committee would not hold any meetings. Subsequently the membership was changed, apparently to make it more satisfactory to the chairman.

With control in both houses and a Republican Governor the majority party announced an ambitious ten point legislative program. Among the

issues included were: government reorganization, public power, social security, welfare, highways, taxes, reapportionment, assessment levels, the regulations of off-street parking, and the abolition of bottle clubs.

The Legislature convened to face a budget which was badly out of balance. An early issue was whether or not to extend the temporary taxes which had been enacted in 1951. While not popular with many legislators the critical financial situation left little choice and the extensions were approved with little fanfare.

Governor Langlie insisted that a balanced budget be adopted. He also proposed measures which would have substantially expanded the taxing authority of local governments. As had been the case in every session for 20 years, an income tax proposal surfaced but did not come close in either House to gaining the two-thirds majority necessary to again put a measure on the ballot.

On the transportation agenda another ambitious project was approved but never came to fruition. In the 1930's the construction of a ship canal from lower Puget Sound to Grays Harbor had been approved. Likewise, in the late 1940's a Cascade Highway tunnel was supported in the Legislature. This time the ambitious project was a bridge across Puget Sound. Both Houses approved and the Governor signed legislation approving the project. Obviously none of these major developments, though authorized by the Legislature, were ever accomplished. It is interesting to speculate on what effect any one or more of these proposals might have had on the economic development of the state. One project, which was approved in 1953 and was subsequently accomplished was a second Lake Washington bridge. A long controversy over the location of a second bridge was not settled until several years later.

In 1951, after the introduction of liquor by the drink in restaurants, bottle clubs, which had become common after the repeal of prohibition, were banned. A court challenge to this ban was successful and the bottle clubs continued to operate. This time the ban was again enacted and the bottle clubs rather quickly disappeared. Another factor in this demise was the outlawing of slot machines. Now the Supreme Court had held them illegal. For many years they had operated in private clubs and were the source of revenue which kept most of them going. The slot machine lobby had wielded sufficient power over the years to prevent their prohibition. The Senate approved a joint resolution to legalize slot machines on a 33-12 vote. Their action would have presented a constitutional amendment proposal to the people. The House voted 49-40 against slot machines and they soon disappeared throughout the state.

A couple of years earlier the Senate had opened a members cafeteria in their locker room located immediately beneath the chambers on the second floor. Following the lead of the Senate the House opened their members cafeteria in their locker room during the 1953 session.

The public-private power fight had become an institutional biennial occurrence and 1953 was no exception. A number of bills were introduced. They caused a ripple effect which impacted the progress of almost all other legislative proposals. The controversy quieted substantially when public power forces prevailed on a 53-45 vote in the strongly Republican House.

The level of state support for kindergartens had been an issue for several years and the controversy continued throughout the 1953 session. Limited

support was finally approved but the debate was by no means resolved and it remained a source of contention for several years.

Don Eastvold, a young Republican lawyer, had been elected Attorney General in 1952. During the same time frame he had applied for a World War II veteran's bonus. His application was challenged on the basis that he did not meet the necessary residency requirements. In a court challenge in his home county (Pierce), his right to a bonus was upheld. Apparently during the course of the legislative session there was a falling out between Eastvold and his fellow Republican, Governor Langlie. In any event, Langlie sought a legislative appropriation to appeal the decision allowing the bonus. Of course, the Democrats loved this high profile intra-party squabble in the majority party. They talked the proposed appropriation for an appeal to death on the last night for consideration of bills, loudly proclaiming that it was simply a squabble between Langlie and Eastvold.

Ever since his first term in office in 1941, Governor Langlie had been a strong proponent of state government reorganization. There had been few changes in the structure of the executive branch since immediately after World War I when Governor Hart had successfully pushed a new administrative reorganization. The major exception had been the developments in the social service, pension, welfare area which had been virtually non-existent prior to the 1930's.

The need for reorganization was widely recognized. Political considerations made action very difficult. While the Governor was Republican almost all of the statewide elected officials were Democrats. Everyone was jealous of his or her own turf and several of the Democrat officials were at odds among themselves and each seemed to have a personal constituency within the Legislature. The Governor was dissatisfied with the failure of the Republican legislature to act in a number of areas which he deemed critical during the regular session. He immediately convened an extraordinary session. Most of the legislators in both parties were furious at being called back and many failed to attend the first few days. The session convened on Friday morning, March 13, and promptly adjourned for the weekend. Governor Langlie addressed a joint session on Monday, March 16 at 1:00 p.m. He called for action on four principal matters: old age assistance, correction of a glitch in the unemployment compensation laws which jeopardized federal matching funds, adoption of a merit system for state employees and reorganization with special emphasis on forest management.

Senator William Goodloe, a Seattle Republican who was chairman of the committee handling reorganization matters promptly announced that no general reorganization legislation could be accomplished without several weeks of hearings. This effectively killed reorganization, the Senate did, however, promptly pass a forestry management bill. It failed in the House on a motion for reconsideration.

As to the old age assistance problem Democrat legislators were not about to do anything to empower a Republican Governor. Another focal point was, and had been for several years, the need to alter the administration of the public lands. There was almost unanimous agreement that change was needed. However, the agreement stopped there and the turf wars began. In 1953 with a Republican majority in both houses the Governor hoped that some action would be forthcoming. Unanimity was not achieved within the Republican ranks and the Governor was sorely disappointed when nothing

substantial was accomplished during the regular session.

In the last of the regular session days both houses passed and the Governor accepted a budget which was apparently balanced and required no new taxes. Upon review it was determined that a gaping hole existed in the funds appropriated for old age assistance. On this basis, Governor Langlie called an immediate extraordinary session. He still badly wanted some action on reorganization, but none was achieved. An unemployment compensation glitch was resolved. In addition, an agreement was reached to temporarily continue state support of kindergartens. Almost all else fell by the wayside and the session terminated on the ninth day, Saturday March 21.

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## 1955

The election of 1954 produced the narrowest majorities in the history of the state. In contrast to several prior elections, there were no ballot issues of great public interest and each of the initiatives which did appear failed.

The Republicans maintained their majority in the Senate, though by a reduced margin of 24-22. This figure did not tell the full story. The Republican Caucus was split almost evenly between moderates and conservatives and this division caused problems throughout the session. On the Democrat side all but four to six of the members were of the moderate to liberal persuasion while the few others were decidedly more conservative. These diversities provided the background for a very interesting legislative session.

In the House the division was even closer. The Republicans had lost their majority, but by only one vote. With 50 Democrats and 49 Republicans there was widespread speculation as to whether the Democrats could hold together to organize. They did so, but only by virtue of wheeling one member in on a stretcher. Representative Margaret Hurley of Spokane had been injured in an automobile accident en route to Olympia. She was able to be present to cast the deciding vote which elected John L. O'Brien Speaker and permitted the Democrats to organize.

The Senate again chose Victor Zednick as President Pro-tem. The Republicans chose co-floor leaders. They were Neil Hoff of Tacoma and Tom Hall of Wahkiakum County. Ironically, the two leaders represented the opposing factions within the Republican Caucus. This arrangement proved not to be a happy one.

Over in the House an early flap occurred when Representative Floyd Miller of Seattle accused Olympia landlords and merchants of price gouging. This was not a new charge. It had arisen many times dating back to early territorial days. Charges and counter charges were exchanged for a few days and then, as in the past, the tempest faded away.

Another brief controversy in the House arose when Speaker O'Brien appointed Elmer Huhta, a chiropractor, as chairman of the committee on medicine and dentistry. The traditional medical community was appalled but the Speaker had little choice. Huhta had threatened to walk out on the committee on Committees if he didn't get the assignment. With only a 50-49 majority, there simply was no wiggle room.

The need for increased revenue had been ignored for several years. The large surplus acquired during World War II had long ago been squandered. Large bonded indebtedness had been incurred and the accumulated deficit exceeded \$40 million dollars depending upon whose estimate one believed.

Governor Langlie proposed that an income tax measure be placed on the ballot again. This was an issue supported by many Democrats, some of whom conditioned their support for any increase in taxes upon submission of the income tax to the voters. Some enthusiasm for this waned when the Attorney General ruled that it could not appear on a ballot until the November 1956 election. This was only early 1955 and the need for funds was current and fairly desperate. The debate over taxes continued throughout the session and into the special session. The Governor warned early in the session that he would convene an extraordinary session if adequate revenues were not provided.

The close divisions in each house coupled with the several factions in the Senate prevented the accomplishment of very much significant legislation. The saga of public and private power which had been a principal concern for more than a generation was once again the focus of attention. The major controversy this time concerned under whose ownership the dams on the mid-Columbia at Wanapum and Priest Rapids would be built.

The contestants were the State Power Commission and the PUDs. The issue was settled when the court ruled in favor of the PUDs. However, the Power Commission remained a bone of contention. It had been created several years earlier but had remained largely dormant. Governor Langlie favored a clearer definition of its powers and supported a more active roll for the Commission in state power policy. After the court decision, an effort was mounted, primarily by public power supporters, to abolish the Commission but it was not successful.

In the aftermath of the infamous Canwell investigation in the 1947-1949 interim the resulting files and records were placed under lock and key in the Capitol. The storage area was accessible only the insertion of two keys. One was in possession of the Speaker and the other was with the Lieutenant Governor. During the 1955 session Speaker O'Brien and Lt. Governor Anderson went together to open the storage area. In the room they found almost nothing of any significance and a great hue and cry, largely along partisan lines ensued. The Senate declined to take any action but the House demanded an investigation and appointed Speaker O'Brien and minority leader Frayn to conduct the probe. Their findings were not satisfactory. They called upon Albert Canwell to explain the whereabouts of the files and records. He proved a very uncooperative and unsatisfactory respondent. Apparently neither O'Brien nor Frayn were satisfied with the responses of Mr. Canwell. The Speaker demanded that the Attorney General take action against Canwell but Attorney General Eastvold refused, alleging the whole thing was strictly political. Correspondence was exchanged a couple of times but the session ended and so did the controversy.

Since its inception, a decade earlier, the Legislative Council had consisted of 21 members, 11 from the House and 10 from the Senate. With the close division the Senate requested that the membership of the council be increased but the House balked and a lengthy standoff occurred. Unfortunately, the bill which provided for the Legislative Council also contained the appropriation for staff salaries. For a period of about ten days at the end of February and into early March the legislative staff went unpaid and they were not a happy crew. The hassle was finally solved, staff was paid, and the council membership remained at 21.

On February 28, 1955, almost one hundred one years to the day after the first Territorial Legislature had convened a monumental event took place in the House of Representatives. For the first time, the electronic vote recorder was activated. As is true with almost any innovation there was a lot of grumbling at first among the traditionalists but it was soon accepted.

As the session entered March, budget, taxes, and government reorganization remained the major matters to be resolved. During the prior interim an independent group under the leadership of Harold Shefelman, a prominent Seattle lawyer, had studied the makeup of state government and made numerous suggestions for reorganization. The most visible pertained to land and forest management. Pearl Wanamaker, the Superintendent of Public Instruction agreed with Shefelman's proposal as to land management but three elected officials, Land Commissioner Otto Case, Secretary of State Earl Coe, and Auditor Cliff Yelle were vocally opposed. The Senate approved the land's management proposal 38-5 but it died in the House on a purely partisan basis.

During the regular session the House voted 70-28 to put an income tax on the ballot but the Senate didn't go along. In the special session the vote was only 61-34 and it sagged to 57-38 on reconsideration thus, once again the income tax did not get to the ballot.

The Legislature itself was not alone with its intramural controversies. A bitter fight within the ranks of organized labor prevented the passage of any significant legislation in the industrial insurance and unemployment compensation areas.

When the Senate got the House budget in the special session they indulged in one of the lengthiest and most contentious debates in the history of the body. It was complicated by the sharp philosophical diversion within the majority Republican Caucus. Agreement was finally reached and \$31 million was cut from the House-approved budget including deletion of state support for kindergartens. The final vote was 24-22 and it crossed party lines. Obviously, a conference committee ensued. The special session lasted 14 days. Accommodation was finally achieved after a bipartisan delegation from both houses met with the Governor. The B&O tax and the sales tax were modestly increased to balance the budget. A two million dollar appropriation was included for kindergartens but Governor Langlie vetoed that from the appropriations bill claiming it did not provide adequate assistance to be meaningful.

After the session had ended observations by the press concluded that the session had been made difficult by the close division between the parties in each house. This situation was complicated further by serious controversies within the caucuses particularly in the Senate. It was surely not then foreseen that 1957 would present an entirely new and unique scenario.

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## 1957

In 1956 President Eisenhower was reelected handily and he carried Washington State. That was about the only good news for Republicans. Albert D. Rosellini was elected Governor. Democrats swept the statewide offices and won decisive control of the Legislature. In the Senate the majority was 31-15 and in the House it was 56-43. In an almost unprecedented development in the political history of the state, the Governor and a majority of the legislators shared similar political philosophies.

Most observers attributed the success of the Democrats to a highly controversial ballot measure, Initiative 198. It was known as the "Right to Work" initiative and it would have severely restricted the position and strength of labor unions. The initiative was defeated by more than a 2-1 margin.

Several other ballot measures passed. They were: redistricting (sponsored primarily by the League of Women Voters); increased signature requirements for initiatives; allowing the state treasurer to serve successive terms; and a requirement that vacancies in partisan elected offices be filled by someone of the same party as the person vacating the office.

When the Legislature convened they promptly raised per diem to \$25.00 per day. John L. O'Brien was elected Speaker and Ed Riley of Seattle was chosen President Pro-tem of the Senate. Representative Ole Olson from Franklin County, one of the senior Democrats in the House, died just before the start of the session. His district included Franklin, Benton, Klickitat, and Skamania Counties. It was a long narrow district stretching for 200 miles along the Columbia and Snake Rivers from 20 miles East of Vancouver in the West to directly North of Walla Walla in the East. The divergency of interests was monumental and the county commissioners could not agree upon Olson's successor. It then fell upon the Governor to make the appointment. He chose Mildred Henry of Klickitat County, the wife of Senator Al Henry thus creating the first husband and wife team to serve in the Legislature at the same time.

A large majority of the legislators were extremely unhappy with the reapportionment initiative which the voters had approved. Outgoing Secretary of State Earl Coe indicated that he felt it was technically defective. This added fuel to the fire of opposition. The new Attorney General, John J. O'Connell promptly opined that the initiative was presumptively constitutional. An effort to override the initiative developed and it became a major issue as the session progressed. At the same time the long-standing controversy surrounding Tacoma's efforts to build dams on the Cowlitz River arose again when the Supreme Court held against the city in its plan to acquire a state fish hatchery. Legislation to assist Tacoma passed the Senate. Speaker O'Brien assigned the bill to the House Utilities Committee which was seen to be favorable to Tacoma. Fellow Democrat, August Mardesich, a commercial fisherman from Everett, challenged the Speaker's assignment and he prevailed. On a 49-43 vote the bill was taken from Utilities and reassigned to the Fisheries Committee, a majority of which was clearly not disposed to assist Tacoma. At this point, the plot thickened. The Pierce County delegation was unanimous in their support of the proposed dams. They also represented enough votes to prevent a two-thirds majority in the move to override the reapportionment initiative. In the maneuvering which ensued the Fisheries Committee released the controversial bill and it progressed on its way to the floor where it ultimately was defeated on the evening of the 59<sup>th</sup> day by a 50-49 vote. On the same evening more than 2/3 of the House voted to repeal the reapportionment initiative. The repealer had already passed the Senate by an overwhelming 35-11 vote.

Another matter which consumed the attention of the Legislature throughout the session was a proposed second Lake Washington Bridge. Support for the project was virtually unanimous. Its location was not. There were two proposed sights. One was parallel to the original bridge and the

other was at Evergreen Point. Influential legislators favored each sight. The new Governor supported the Evergreen Point sight and that sight ultimately prevailed.

There had rarely been a session in the State's history in which the management of public lands had not been an issue. Efforts at reorganization throughout the forties and early fifties had always bogged down in partisan politics and in bickering among the state elected officials who had vested interests in the various aspects of public resource management. This time newly elected Land Commissioner Bert Cole, a Democrat from Clallam County, proposed creation of a Department of Natural Resources. The majority legislators and the Governor agreed and the department was created.

Governor Rosellini strongly supported the creation of a Department of Commerce and Economic Development. The Legislature agreed and the department was created. A number of matters which had arisen session after session were present again. All failed. They were: Saturday night closing hours, daylight savings time, income tax, and annual sessions. The State Power Commission act was repealed and replaced by the authority to create joint operating agencies, an act which led to the creation of W.P.P.S.S.

A minor flap arose during the first week of the session with respect to the Governor's automobile. Earlier, both Governor Wallgren and Lt. Governor Myers had driven or been driven in Cadillacs. Governor Langlie, at the end of his term, was using a 1953 Buick. Some Senators did not feel that this did dignity to the office and opined that the new Governor should be provided a Cadillac.

Two measures of particular importance to Seattle and King County were passed in 1957. One authorized the creation of Metro, the initial project of which was the remarkable cleanup of Lake Washington. The other measure approved the go ahead with plans for the 1962 World's Fair.

As is always the case, budget and taxes were the overriding issues which the Legislature faced. Governor Rosellini was committed to not raising taxes and to not calling a special session. He achieved each of these goals but not without controversy. The budget which was adopted on the last night of the session appeared to be \$40 million dollars out of balance. A tax measure failed in the Senate on a 21-26 vote which crossed party lines. Speaker O'Brien requested the Governor to call an immediate extraordinary session to address the deficit. Governor Rosellini refused. He indicated that with items he would veto along with other austerity measures the deficit was actually less than \$20 million a figure which was clearly manageable. Thus the 35th session adjourned within its 60 days and without a special session which by this time had become a rare occurrence.

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## 1959

The 1958 election was, once again, not good for Republicans. For the second time, a right to work initiative appeared on the ballot. The Democrat majority in the House increased to 66-33. In the Senate, reapportionment increased the number of Senators to the constitutional maximum of 49. The Democrat majority increased from 31-15 to 35-14. Thus, the session began with a Democrat in the Governor's office and 2/3 majorities in each house. It should have been a cakewalk but it wasn't.

John L. O'Brien was reelected as Speaker of the House. It was the first time a Speaker was elected to three successive terms. Julia Butler Hansen

was the first woman to be elected Speaker Pro-tem. In the Senate Gerald Dixon of Spokane was chosen as President Pro-tem.

It was obvious to almost everyone that new taxes would be required. Governor Rosellini proposed increasing the sales tax from 3.33% to 4%. This was not greeted with enthusiasm by many Democrats who were concerned by the regressive aspects of the sales tax. They preferred an income tax and there were efforts throughout the session to fashion an income tax resolution which could gather the two-thirds vote necessary to again place the issue on the ballot. These efforts were not successful.

The Republicans with their numbers reduced to one-third or less in each House, pretty much sat by and watched the Democrats squabble on the questions of new taxes. Early in the session Governor Rosellini and Bob Grieve the Senate Majority Leader had a falling out over the Governor's tax proposal. Grieve offered to step down as majority leader but never followed through and remained in the position. Rosellini had publicly stated that he didn't care whether Grieve quit or stayed.

One of the Governor's major proposals in 1959 was a budget and accounting act, one of the features of which was the requirement for a balanced budget. At the time the state had been in a deficit position for eight years. Republicans wanted to put the balanced budget requirement in the constitution but they could not muster support for that. The State Auditor and State Treasurer were outspoken in the opposition claiming that the consolidation of many of the budget functions was merely a power grab by the Governor. The proposal was finally enacted and future legislatures were required to enact a balanced budget.

The press took very little notice of one very significant action during the session. It was adoption of the Administrative Procedures Act, which for the first time consolidated rule-making practices.

After debate which had lasted for more than a decade enabling legislation was passed which permitted municipalities to develop off-street parking facilities. For the first time free right turns were permitted. Money was appropriated for study of a proposed Naches Tunnel but efforts to move forward on plans for a cross-sound bridge collapsed when proponents of different projects couldn't agree on a single proposal.

After six years of squabbling, during which time one member of Congress ran at large, Congressional reapportionment was finally approved.

Washington State College, which had opened in 1891, as the Washington Agricultural College, by act of the Legislature became Washington State University.

The public vs private power controversy was never far from the forefront during these years. It reared its head in the form of a bill to prohibit pirating of one utilities customers by another. It was sponsored by the investor-owned utilities. The bill was defeated in another victory for public power.

Revision of unemployment compensation laws and adjustments of payment schedules was the major labor management issue throughout the session. In the Senate the measure backed by business was finally passed with minimal amendments. It was accomplished by a combination of Republicans and conservative Democrats and was roundly criticized by labor forces. When it reached the House, one Democrat union member took the floor to complain that he had been threatened with dire consequences if he

did n't support labor's bill. Labor lobbyists were quick to deny any involvement. The House ended up adopting the Senate bill with nominal amendments. The Governor criticized the act but he did sign it.

An effort to authorize acquisition of property for the East Capitol site had rough sledding. The first time out it failed to pass the House by one vote. On reconsideration that vote was reversed by a small margin.

A few years earlier, during the Langlie administration, the Supreme Court had held that all state agencies must be headquartered in Olympia. Several which had been operating from Seattle were required to move to Olympia. This, among other things, had given rise to the plan for an expanded campus. During this same session an effort to allow expanded operation of state agencies outside of Olympia was unsuccessful. It may, however, have contributed to the difficulties which the East Capitol Campus Plan encountered. In any event nothing happened as the Senate did not act.

Many issues which recurred session after session were again debated and, as usual, met failure. They included: abolition of capital punishment, daylight savings time, annual sessions, extended Saturday night closing hours for bars and taverns, allowing dog racing and legalization of trading stamps. As part of the campaign for dog racing Senator Al Henry of White Salmon introduced legislation to abolish horse racing if dog racing was not permitted. It never saw the light of day.

Late in the session a salary increase was granted to all statewide elected officials. The Governor promptly signed the bill, vetoing only one section. That section was his own salary increase. This brought a quick and loud reaction from Republicans who charged the Governor with gross political grandstanding.

As mentioned above, the need for additional revenue was by far the major problem faced by the 1959 Legislature. After a decade of deficits the crisis point had been reached. Even the most ardent tax opponents had come to realize there had to be some new taxes. The large Democrat majorities in each house split badly about how the revenue requirements were going to be met. Many were adamantly opposed to increased sales tax as being too regressive.

Most wanted an income tax, but even with the huge majorities they enjoyed the necessary two-thirds vote to put the income tax on the ballot could never be achieved. During the regular session no income tax bill emerged from committee. In the special session a bill reached the floor of the House where it failed. On reconsideration there was less support than on the original vote and the HJR went down 59-37.

A volatile taxpayer revolt was stirred up across the state as the session progressed and it brought substantial pressure on the members of the Legislature. As sources of revenue were sought one was to reduce the threshold for the B&O Tax to \$600 annually. This was promptly dubbed the "newsboy tax" and was roundly attacked. The primary argument being that it would even apply to kids delivering newspapers. It was soon abandoned.

As the regular session concluded, the House Republicans did a bit of grandstanding by proposing a balanced budget within existing revenues. When the special session finally ended with a substantial tax increase some Republicans admitted they would have had to do the same thing had they been in control.

The regular session wound down with no perceptible progress on budget or taxes. Some Democrats clung to hope for the income tax and recommended a special election some time later in 1959 even though that was of questionable constitutionality at the time. A measure ordinarily would not have been on the ballot until November of 1960, and this presented two potential problems. First, no one was anxious to run on the same ballot with an income tax measure. Second, and perhaps more important, if it passed it would not produce any revenue for nearly two years. Meanwhile, the financial crisis was immediate. For all practical purposes the state was broke.

It was within this atmosphere that the Governor called a special session to convene the morning after the regular session ended. The legislators were not happy, but neither were they as defiant as on a couple of occasions when Governor Langlie had convened extraordinary sessions. Most realized that they had a serious fiscal problem which had to be resolved before they could go home.

In convening the session, the Governor requested action on several bills in which he was interested. Even with the heavy Democratic majorities none were enacted. The budget and taxes bounced back and forth between the two houses for several days with not much progress. A free conference was finally put in place and a solution reached early on the 16<sup>th</sup> day of the special session. Taxes were increased \$118,000,000 largely by a hike in the sales tax from 3.33% to 4%. A number of new and added nuisance taxes helped attain the revenue goal.

As the session closed the Tacoma News Tribune called the session unforgettable. The Seattle P.I. commented that it was made difficult by serious divisions within the majority party. In spite of the taxpayer revolt and the large tax increases the voter memory apparently was very short as the Democrats suffered only minor losses in the 1960 election.

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In the November, 1960 Election the Democrats lost seven seats in the House, but still enjoyed a 59-40 majority. In the Senate they actually gained one seat and enjoyed the prospect of a top-heavy 36-13 majority.

Two successful initiatives were daylight savings time and civil service. An initiative to allow hard liquor in taverns lost.

The Senate convened in January and organized quickly. Al Henry of Klickitat County was elected President Pro-tem. A minor glitch developed when the majority reduced the Republican membership on the Rules Committee from four to three. The Republicans immediately threatened to boycott the Committee and did so for several days. The situation remained an uneasy one until early February when the Democrats finally relented and allowed the Republicans to have their fourth member on Rules.

Organization in the House was an entirely different matter. Several pre-session meetings had failed to resolve who was going to be Speaker. John L. O'Brien sought a fourth term as Speaker and he was opposed by Leonard Sawyer from Pierce County. With one member absent because of illness, the caucus was split 29-29 between the two candidates. August Mardesich, from Snohomish County, who had been majority floor leader in 1959, was allied with Sawyer. When the deadlock remained, Mardesich replaced Sawyer and he lost to O'Brien by a small margin. In order to present a united front in the election of the Speaker, the O'Brien group which

included Mark Litchman of Seattle as floor leader made a number of concessions to the Sawyer-Mardesich group, particularly with regard to committee assignments.

The Democrats then proceeded to vote unanimously for O'Brien and elect him Speaker. The intraparty agreement quickly came unglued with each faction accusing the other of bad faith and failure to meet their commitments. As in the Senate, the main controversy centered on make up of the Rules Committee, but in this case the squabble involved only the Democrats. The Republican minority indicated that they were satisfied with their Rules representation. The Democrats hassled for several days and finally achieved an uneasy truce. It was indeed uneasy and the two factions sparred on and off during the entire session.

One of the first actions of both Houses was a veto override. They promptly overrode the Governor's veto of his own salary increase, an action he had taken at the end of the 1959 Session.

The Governor indicated the need for \$50 million in new revenues and also proposed tax reform to more adequately fund education. He also suggested the need for a constitutional convention. Many saw this as a thinly veiled move for the introduction of an income tax and it was not warmly received by the Legislature.

Early in the session, freshman Representative Harry Lewis from Thurston County introduced the bill which was to be the focal point of the entire session. He was joined in sponsoring the bill by two Democrats, Margaret Hurley of Spokane and Avery Garrett from Renton. The bill was H.B. 197 and it would have required a vote of the people before a public utility could acquire the operating properties of an investor-owned utility. It precipitated the last great battle in the public-private power controversy which had been a major element in the politics of the state for over 40 years. The latest skirmish arose in Thurston County where a pro-public power majority had emerged on the local Public Utility District, three-member board. They promptly proposed the acquisition of the Puget Power properties by the P.U.D. A local movement in opposition quickly developed and gathered more than 14,000 signatures against acquisition by the P.U.D. It was in response to this local action that Representative Lewis introduced his bill which dominated the session and was perhaps the most noteworthy legislative skirmish in the history of Washington's Legislature. Because the matter focused on an issue in Thurston County there was great local interest. When the House Committee held a hearing on the bill more than 300 people attended and the meeting was hotly contested and highly emotional. Many observers had contended that the O'Brien-Sawyer controversy at the beginning of the session was really a public-private power fight. One of the concessions to the Sawyer forces was the chairmanship of the Utilities Committee which was given to Representative Dick Kink of Bellingham who was seen at the time as a neutral in the power wars. H.B. 197 finally emerged from Kink's committee on a 13-11 vote. It then languished for several days in the Rules Committee where tie votes kept it from getting to second reading. Ultimately the tie was broken and the bill moved to the second reading calendar where it emerged on Tuesday morning, February 21. The longest filibuster in the history of the Washington Legislature ensued. It ground on for more than three days. To start with, all Republicans and a handful of private power Democrats constituted a majority favoring

the bill. A minority, all Democrats, led by the Speaker, were in opposition. They placed several hundred amendments on the table and utilized every delaying tactic available to them including demanding time consuming oral roll calls on every amendment. The debate was bitter throughout. On the first evening, after a lengthy period at ease, Speaker O'Brien took the rostrum, gavelled adjournment and quickly left the chambers. This was done against the apparent desire of the majority and brought charges from them of arrogance and abuse by the Speaker. The debate continued through two more days while efforts to find a compromise proved futile. Finally, on the morning of the fourth day, Friday, February 24, the majority faltered. It was triggered by Representative Merrill Folsom, a Republican from Lewis County who arose to state that he represented a public power county and that in the absence of some compromise, he could no longer support the majority position. Then HB 197 was returned to the Rules Committee where it languished permanently. However, repercussions were long lasting. It is generally accepted that the first seeds of the 1963 coalition grew from the great debate on HB 197. The standoff which lasted for more than three days was the longest period either House had been completely tied up on a single bill in the history of the Legislature. During the course of the debate there were more than thirty oral roll calls. One consumed more than 35 minutes as the House was operating under the call of the House and some members went and hid during the roll call. At one point a motion to recess for lunch prevailed only by a 50-48 vote. During the course of the controversy both United States' Senators and the state Democrat party chairman were vocal supporters of the opponents of the bill. Needless to say, once the bill returned to the Rules Committee a very uneasy atmosphere prevailed for the remainder of the session.

Meanwhile, the end of February had been reached and almost nothing had been accomplished. Another controversy which pervaded the session involved the Port of Seattle. Two commissioners demanded that two of their colleagues resign alleging a conflict of interest. It was seen by many observers as an effort by the minority to take over the commission. The matter was brought to the Legislature. A few members of the House may have been involved with the minority commissioners. A bill that would have clearly placed two of the commissioners in a conflict situation was overwhelmingly defeated on a 77-14 vote.

Dozens, if not hundreds of bills died because of the power debate. Many issues which had been around for a long time languished again. Trading stamps, Sunday liquor, and revision of the liquor laws all failed.

At the opening of the session the Governor had indicated the need for new revenues. On February 27, he proposed that an income tax be considered. As the 60th day approached, there had been almost no progress on either budget or taxes. Some Democrats indicated they would do nothing until an income tax had been considered. When the issued did reach the floor it mustered only 53 votes far short of the two-thirds required to place a constitutional amendment on the ballot. Likewise, an effort to bypass a vote of the people fizzled.

One very significant piece of legislation which passed and was signed by the Governor was the 1961 billboard law which severely restricted billboards in proximity to major highways. The Senate had lengthy discussions on reviving studies of the proposal, popular in the 1930's which would have

provided for a canal between Grays Harbor and Puget Sound but no action was taken and that proposal has not surfaced again. Studies of a Naches Tunnel were approved and signed by the Governor. During the regular session a punitive damages bill was passed and sent to the Governor. By this time many groups covering the political spectrum discovered the bill to be extremely onerous and urged a veto. The Governor didn't veto but the Legislature reversed itself and repealed the bill in the special session.

The regular session ended with the budget and taxes totally unresolved. Early in the special session the Senate passed a conservative budget which the Governor promptly threatened to veto. Conservative Democrats and Republicans in the Senate reacted by passing a floor resolution censuring the Governor. At the end of the session the censure was reversed but the earlier action remained upon the record. The budget battle was waged back and forth between the two houses for 22 days. For the most part the Republicans were mere observers. In the House they claimed they were totally left out of the process. Final accord was reached on March 31, with a budget which included several million dollars in new taxes. The final bills were passed with no Republican support and the session ended at 12:15 a.m. on April 1. Highlighted by the power fight in the House, and the early controversy over the speakership, the 1961 Legislature was not noteworthy for its accomplishments. In fact, it was probably one of the least productive in Washington's history. Its most lasting legacy was passage of the highway billboard law.

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## 1963

Nothing occurred during the post 1961 session interim to alleviate the disaffection of the several conservative House Democrats who had opposed the majority of their party in the public-private power fight over HB 197. Controversy arose again at the state Democrat Convention in June, 1962. As a result of that confrontation, on a subject other than the power issue, several conservative Democrats walked out of the convention and their unhappiness with the majority of their party increased.

In the November, 1962 election the Democrats lost four seats in the Senate. Their majority remained a healthy 32-17. In the House the Republicans gained 8 seats, leaving the Democrats with a slim 51-48 majority.

As the session began, the Senate organization was a routine matter. Ed Riley of Seattle, who was known as "saltwater" Riley was chosen President Pro-tem. The nomenclature was to distinguish him from former Speaker Ed Reilly of Spokane who had, for years, been known as "freshwater" Reilly.

In the House, organization was an entirely different matter. The contest for Speaker was arguably the single most dramatic series of events in the history of the State and the Territory. John L. O'Brien who had been Speaker for an unprecedented 4 terms sought a fifth term as candidate of the majority Democrats. Daniel J. Evans of Seattle had been chosen as minority leader by the Republicans and was their pro-forma candidate for Speaker. There had been much speculation between the November election and the first day of the session as to whether the slim Democrat majority could hold together and reelect O'Brien Speaker. Unbeknownst to the O'Brien forces a Democrat splinter group led by William Day of Spokane and Robert Perry of Seattle had held a series of meetings with the Republican minority to discuss possibilities for organization of the House. This culminated with

highly secret meetings during the weekend before the session commenced. A tentative agreement was reached subject to acceptance by the Republican Caucus. Most of the Republicans were completely unaware of the negotiations which had been taking place. At 10:00 a.m. on Monday the Republicans caucused and the leaders outlined their plan for a coalition. A lengthy and sometimes heated discussion ensued. In the recent November election the Republicans had received 52% of the statewide vote but had won only 48 of 99 seats in the House. Much of the caucus debate centered on how Republican chances in reapportionment would be improved by having a coalition prevail in the House. In the end, 47 of the 48 Republicans agreed to follow their leaders into the coalition. During the caucus which lasted until noon, no member was allowed to leave the room. Amazingly there were no leaks and while it was generally known that something was going on the ultimate result was a shock and surprise to all but the coalition participants. The House convened at noon and proceeded to vote on the speakership. On the first ballot Evans received 48 votes, O'Brien received 45 votes and Day had six votes. Tension on the floor and in the galleries was high. A second ballot ensued. Evans still had 48, Brien got 44, and Days total increased from six to seven. By this time word of the impending confrontation in the House had swept through the capitol like wild fire and when roll call on the third ballot began, the galleries were packed and many Senators were watching from the wings. Alphabetically, the first name to be called was Dr. Alfred O. Adams, a Republican, like Day from Spokane. Ironically, Adams was an orthopedic surgeon and Day a chiropractor. This occurred at a time when professional relationships between orthopedic surgeons and chiropractors may best be described as icy. In any event, Adams answered the roll call by voting for Day. Shock and pandemonium swept the chamber. As the roll call proceeded activity on the floor was feverish as O'Brien supporters tried to find a way to stem the tide. O'Brien and others crossed the aisle to make a last attempt at negotiation with Evans and the Republican leaders but they were told the roll call was underway and it was too late. In the end, Robert Schaefer of Vancouver, one of the Democrat leaders, switched his vote to Day and moved for reconsideration after the vote was announced. Si Holcomb, the long time chief clerk, who was presiding, declared that with the announcement of the vote Day was the Speaker and that he had no authority to rule on the motion for reconsideration. The final vote was Day 57, O'Brien 41, Evans one. Only Dwight Hawley of Seattle did not join his fellow Republicans in supporting formation of the coalition. Day, who was known as "big daddy" came forward to the podium and took the gavel. Thus commenced days of intense and unfriendly parliamentary squabbling.

As Speaker Day took the gavel the Democrats hastily called a caucus. At that point there was some indication that there might be further defections to the coalition from the Democrat members, but no further significant switches occurred.

The regular Democrats immediately took steps to expel the coalition Democrats from their caucus. This effort was initially unsuccessful but a week later the position was reversed and they were expelled. A day later two of the coalition Democrats attended the caucus meeting. They weren't thrown out. They were merely ignored.

Meanwhile, a lengthy parliamentary squabble ensued as the new majority sought to reduce the number of House committees from 31 to 21. Many of the tactics which had been used during the power fight the previous year were repeated. Oral roll calls were repeatedly demanded and members hid to delay the roll calls. The impasse came to a sudden and quick halt on Saturday evening. After a recess, three quick motions were disposed of in a period of 53 seconds, each on an oral vote. First, a Democrat motion was defeated, then a motion by Representative Margaret Hurley of Spokane to reduce the numbers of committees to 21 was declared passed. Finally a motion to adjourn was made and orally passed. The hectic first week thus ended, but the fight was not over. John O'Brien immediately threatened legal action over the conduct of the Speaker in fast gavelling the three motions which concluded the Saturday session. This threat was quickly abandoned. The next skirmish involved committee chairmanships. Meanwhile, for the first and only time in the history of the Legislature there were three floor leaders, O'Brien for the Democrats, Evans for the Republicans, and Perry for coalition Democrats.

The coalition offered half of the committee chairmanships to the regular Democrats. The Democrats adopted a caucus position prohibiting any member from accepting the chairmanship of a committee. While this caused some grumbling only one, Representative Marian Gleason of Tacoma defied the caucus position and accepted a committee. She did not join the coalition but she became something of a pariah within the Democrat caucus.

Upon assuming the Speaker's chair, Representative Day declared there would be no new taxes during the 1963 session and he was good to his word. He also firmly stood by his appointment of Democrat committee chairmen. He only retreated when the Democrats refused to serve and it became necessary to proceed with the business of the House. Because of the unusual organization in the House and the debates which surrounded it, it was well into February before the House actually got down to business. One indication was the fact that in the first fifteen days of the session more bills were introduced in the Senate than in the House, an unprecedented occurrence.

While the House received all of the attention in January, the focus switched to the Senate in early February. There an intra-party dispute broke out in a hassle between the majority leader, Bob Grieve, and the perennial gadfly, Senator Slim Rasmussen of Tacoma. Rasmussen arose on the floor to question Grieve's fund raising activities on behalf of himself and certain other senators who were friendly to him. He was particularly critical of Grieve's alleged involvement with contributions of the optometry trade association. Rasmussen was very vocal in his criticism and his comments garnered headlines on the political columns for several days. There were demands for investigations but the focus of attention on the Grieve fund soon diminished.

Though not lawful, a tolerance policy toward some types of gambling had long been a practice in several communities in the state. In these areas, local law enforcement agencies had generally closed their eyes to the operation of pinballs, pull tabs, and punch boards. This inevitably resulted in charges of abuse and corruption. In response to this situation the 1963 Legislature considered and finally passed a local option limited gambling bill. It was a highly controversial issue but after a lot of debate both Houses passed

the bill handily. The issue was immediately raised as to whether local option was actually included in the legislation. Governor Rosellini allowed the act to become law without his signature after receiving a large number of protests but he did veto the part which purportedly put local option in doubt. A court challenge was immediately mounted against the new gambling law.

As had become customary in every session, there once again was a strong push to allow the Sunday sale of liquor. Again it failed as did an effort to repeal the 1909 Sunday blue laws which required most businesses to close on Sunday and by 1963, were widely ignored. Since repeal, there had been in effect a prohibition on the sale of alcohol within one mile of the University of Washington campus. This presented a serious business problem for the Edmund Meany Hotel which was located just two blocks from the University campus. All other hotel restaurants could serve liquor in their restaurants and the Meany which had become a landmark institution in the University District claimed they would be forced out of business if they could not obtain a liquor license. The Legislature responded favorably to their plight but the Governor exercised his veto power alleging it was special interest legislation.

In another significant action pertaining to liquor regulation, legislation was enacted subjecting rulings of the Liquor Control Board to the Administrative Procedures Act. Those opposed to alcohol, the traditional "dry" advocates, strongly opposed this action and were extremely vocal in their opposition. Their primary argument was that subjecting liquor board enforcement proceedings to the administrative appeals procedure would unduly delay and protract enforcement actions.

The actions of Speaker Day as leader of the coalition placed the future of the Legislative Council in grave doubt. He announced that his appointments of House members to the Council would not include any regular Democrats. The Senate Democrats reacted to this by refusing to make provision for the Council.

The Governor's mansion which was built in 1909 had never been a satisfactory residence. The Lister family had moved out at the beginning of his second term because of maintenance problems. The Langlie family experienced similar difficulties and Governor Langlie feuded with the Legislature over funds for upkeep of the mansion. After World War II there was a proposal to tear the building down and replace it with apartments for legislators with a penthouse to be used as the Governor's residence. This time the idea was to raze the building and replace it with state offices. As in the past nothing happened.

For many years a small room had been maintained on the 4th floor of the Legislative building where thirsty legislators could adjourn for an occasional libation. The room had become known as "committee room X." Don Miles, a first term member from Olympia, introduced a bill to outlaw the use of the room. The bill went nowhere but the attendant publicity was so great that the doors of "committee room X" were closed forever.

The studies which had been conducted as to the feasibility of a Naches Tunnel indicated it was not economically feasible. Significant welfare reform was not accomplished. Though another effort to legalize trading stamps was mounted, it did not succeed. Attempts to pull the teeth of the 1961 highway billboard law were not successful. At least one political writer

indicated that neither business nor labor got much from the Legislature and that was not all bad.

The positive accomplishments included the approval of four new junior colleges, improvement of teacher pensions, and the liberalization of school bonding provisions.

The regular session ended with no progress on reapportionment and a still unadopted budget.

Governor Rosellini immediately called a special session to adopt a budget and to reapportion the State. He said he was dealing with the worst do nothing Legislature in his experience which covered 25 years. He also asked for action in the special session on 11 separate issues. None were acted upon. The special session dragged on for 23 days mainly because of the fight over redistricting. By the first of April attendance had become a real problem as absenteeism increased almost daily. When it finally became obvious that the apportionment debate was at dead center with no immediate prospect of progress, a budget with no new taxes was adopted and the session ended.

The Tacoma News Tribune called the session the best since World War II. On the other hand the Seattle Times said the Legislature accomplished little. It did, however, acknowledge that it was a positive sign in that no new taxes had been imposed.

The adjournment of the 1963 session marked the conclusion of the first 110 years of legislative activity in the territory and the state. The Territorial Legislature met 25 times. In the state, 1963 marked the 38th biennial session. The total of regular sessions was 63 with numerous special sessions primarily in the post World War II period as the state population grew and government became more complex. Though much maligned and often criticized there had developed a basically sound and reasonably operational state government system. In 110 years, there was only one total failure by the Legislature to meet its responsibilities. That was in 1893 during the period when the Legislature chose United States Senators. Through 60 days and over 100 ballots the heavily Republican Legislature was unable to select a Senator. As a result for the next two years Washington had only one Senator in the U.S. Congress. Perhaps only one total failure in 110 years is not too bad a record.

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## About the Author

Don Brazier is a fourth generation Washingtonian. Born and raised in Seattle, he is a graduate of the Seattle public schools. He attended Whitman College and then the University of Washington where he received his undergraduate and law degrees. He has had a lifelong fascination with the history of the American West and particularly the state of Washington.

After service in the U.S. Army, he entered the practice of law in Yakima where he resided for twelve years. In addition to private practice during that period he served as a Deputy Prosecuting Attorney, as an Assistant United States Attorney and worked in labor relations for Boise Cascade Corporation. He also spent five years as a member of the Yakima City Council and Mayor Pro-Tem. He served one term in the House of Representatives.

In 1969 he moved to Olympia as Chief Deputy Attorney General. From 1971-1977 he was chairman of the Utilities and Transportation Commission. From then until 1982 he was senior vice president and corporate legal officer at Washington Mutual Bank. In 1982 he returned to private law practice in Seattle and Olympia where his primary work was lobbying and utility law. From 1994 to 1997 he was a member of the Public Disclosure Commission (chairman in 1996).

He retired in 1992, primarily to pursue this writing project and other interests relating to Western history.