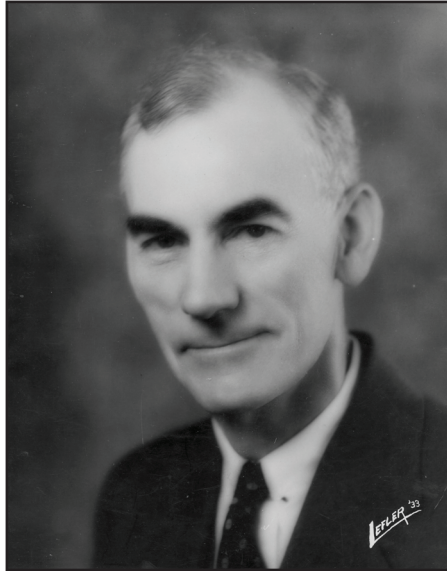


“One Who Was Trusted”: E. L. Mitchell of Western Oklahoma, Part Two



*By Paul F. Lambert**

Mitchell believed that improvements in city services were imperative to fostering the continued growth and prosperity of Clinton. Before he could begin his efforts in earnest, however, he had to survive another election less than half a year after becoming mayor. A sufficient number of citizens signed a petition calling for an election to change Clinton's form of government from a mayor and two commissioners system to the city council system, "thereby creating a few more political jobs." If the election proved to be successful for the petitioners, Mitchell and the two commissioners would be out of office. The election was held in late September 1923 and the existing form of city government was sustained. Mitchell could now proceed with his efforts to improve his city.⁵⁸

To that end, with the support of the Clinton Chamber of Commerce, Mitchell promoted an aggressive effort to pave the business and resi-

dential streets of the city. By April 1924 he had a number of paving projects underway. He also led the effort to sell the municipal electrical system to raise funds for other projects and because he believed a private utility would provide equal or better service at a lower cost to the residents. The electrical system sold for \$100,000. He also led the successful effort to get the voters to approve an \$80,000 bond issue to build a new water system for Clinton, which was approved by the citizens in August 1924.⁵⁹

Before Mitchell could complete his term as mayor of Clinton, he was presented with another career-altering opportunity. T. A. Edwards, district judge of Oklahoma's Seventeenth Judicial District, vacated the office to accept appointment to the Oklahoma Court of Criminal Appeals. Governor M. E. Trapp was tasked with the responsibility of appointing someone to complete Edwards's unexpired term. Trapp must have been impressed by Mitchell's solid Democratic Party credentials, his reputation as a lawyer, and his experience on the State Industrial Commission. At any rate, Mitchell resigned his office as mayor of Clinton, accepted the judicial appointment and, at age forty-nine, became the district judge presiding over Kiowa, Washita, Custer, and Blaine Counties. He first took the bench on January 13, 1925, for a two-week session of court at Watonga. He would prove to be a popular jurist and was elected twice to full terms without opposition.⁶⁰

Approximately one month into his new position, Mitchell had the opportunity to serve as a defense lawyer in his own court. Prior to his appointment to the bench, Mitchell had been retained by Pearl Forrester, a man charged for playing a role in a murder. County Judge E. J. Lindley occupied the bench while Mitchell defended Forrester, who ultimately was convicted and received a ten-year prison sentence. With the exception of this particular case, Mitchell's transition from private practice to jurist was uninterrupted.⁶¹

As a district judge, Mitchell presided over both criminal and civil trials. The number and variety of cases he adjudicated in a typical two-week session of court was impressive. During one session at Arapaho he dealt with thirty-one criminal proceedings and numerous civil suits. Among the criminal cases were trials dealing with the crimes of murder, burglary, keeping a place for gambling, larceny, assault with a deadly weapon, selling liquor to a minor, obtaining money under false pretenses, larceny of an automobile, seduction, forgery, driving a car while intoxicated, bogus check, child desertion, and larceny of fowls. Civil actions involved a suit on note, suit for wages, a money judgment, suit on contract, and damages. He also oversaw divorce proceedings.⁶²

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Clinton, Oklahoma, street scene, photo by Blunck Studio (19589.26.3. Alvin Rucker Collection, OHS Research Division).

Mitchell handled one of his divorce cases in a particularly interesting manner. After presiding over an especially strenuous ten-day session at Cordell, he returned to Clinton looking forward to a pleasant afternoon of golf at the Clinton Country Club. Before he could depart for his session on the links, he was approached by attorney Alvin H. “Son” Meacham who wanted Mitchell to hear his client’s petition for a divorce. Mitchell informed Meacham that he would be playing golf starting at 2 p.m. that afternoon and if Meacham wanted he could bring his client “out there. I’ll hear the case between holes.” Meacham arrived at the appointed hour with his client, Blanche Rhoades, seized the judge’s golf clubs, and proceeded to serve both as caddie for Mitchell and attorney for Rhoades. During the course of the round, Mitchell asked questions between shots with Meacham and Rhoades following him from hole to hole. Finally, after much of the course had been played, Mitchell satisfied himself that the petitioner was entitled to a divorce decree and signed the document while on the golf course.⁶³

Mitchell had no sympathy for individuals convicted of serious crimes or for repeat offenders. He strongly supported capital punishment for murderers because he believed that mankind had not advanced to the point where the practice could be abandoned. Instead, Mitchell observed, “When we get away from the idea of ‘reforming’ such fellows, we shall have advanced some.” However, he strongly believed in

the concept of redemption for young, first-time offenders. After more than eight years on the bench, Mitchell had suspended the sentences of 293 boys and only approximately 20 of them had subsequently “gone wrong.” Mitchell noted, “Sending these boys to prison would have made convicts and later ex-convicts of them. They would have learned crime in prison . . . and would have come out hardened in many instances.”⁶⁴

Brothers Rubin and B. C. Finley were two of the young men to whom Mitchell gave a second chance. Convicted of stealing chickens, Mitchell gave the first offenders two-year sentences and then suspended the sentences. They were required to “report to him twice each year, stay out of bad company, be obedient and attend church and Sunday school.”⁶⁵

Mitchell’s status in the community continued to grow, not only because of his work as a judge but also because he continued to be an active civic leader. Mitchell founded and was the first president of the Clinton Kiwanis Club, and he played a role in organizing other Kiwanis Clubs in the Clinton area. His outstanding work on behalf of Kiwanis, his renowned public speaking skills, his gregarious personality, and his political acumen led to his election as governor-elect of the Texas-Oklahoma District of Kiwanis International. He assumed the governorship of the district on January 1, 1930, represented his district at the Kiwanis International annual meeting in Atlantic City, New Jersey, in April of that year, and visited and spoke at most of the Kiwanis Clubs in the district during the course of his presidency.⁶⁶

Mitchell’s popularity was enhanced when he began writing a column, “Sayings of the Old Grouch,” in the *Clinton Times* in 1930. Written in a readable, folksy style, the columns covered a wide range of topics. Mitchell offered opinions on serious topics and observations on less weighty matters. In one column he reported on a lynching that had taken place in another state during which it appeared that the local law enforcement officers did nothing to stop the tragic event. “It is beyond me,” Mitchell observed, “to get the attitude of an officer who fails to stop a mob when he can.” He also noted that the “Ku Klux Klan and anti-foreign influence, combined with religious intolerance of recent years, almost wrecked the churches and lodges.” On another occasion he wrote that he considered discourtesy the “rankest kind of rudeness.” He believed that everyone should be treated with “decent courtesy” and there was a “lack of nobility” in those who failed to do so.⁶⁷

Mitchell did not let prevailing opinions shape his point of view on various matters. The sport of rodeo was popular in Oklahoma but Mitchell did not like the sport “because of its cruelty.” He did not “get any fun out of seeing some fellow bulldog a steer or bust an exhausted

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bronco." He was willing to let those who enjoyed such spectacles do so, but he preferred a "seat in the shade 'far removed from the vulgar crowd' while the services are being carried on." Many of his readers probably did agree with Mitchell when he declared that "classical music is entirely over my head." He preferred the music of marching bands, and he also enjoyed "the fiddle when the music is such that I am compelled to mark time with my foot."⁶⁸

Mitchell used his column on occasion to discuss his religious beliefs. He stated that "every man has the right to carry on as he pleases as long as he does not infringe the rights of other people." One person had as "good right to a creed as another," but "neither has the right to require me to subscribe to his creed." Obviously influenced by the Christian Union Church of his youth, Mitchell believed that the church was "made up of conscientious believers everywhere and that there is no need of divisions to separate those who are in the church." "Men formulate creeds," he observed, and with their creeds "have done much to cause unnecessary strife." He "always had a desire to keep away from association with that class of people who are unusually religious," and he came to believe that "one of the outstanding evils of the times is the professional evangelist who thinks it necessary to slander fairly good people in order to attract attention. There should be a special place in the hot section for such fellows."⁶⁹

Mitchell's long-standing concern about social cliques in churches was intensified by the increased poverty that came with the Great Depression that started in 1929. He was certain that many did not go to church because they could not afford the quality of clothing to be comfortable in the presence of those who might view them with disdain. As a result, with the help of others, he established a men's Bible class that met each Sunday morning in the Rialto Theater in Clinton. The class grew in attendance until it routinely filled the theater. He also taught Sunday school classes in the Methodist, the Presbyterian, and the First Christian churches. For a period of time he filled the pulpit at the Presbyterian Church each fifth Sunday.⁷⁰

Mitchell's status in the community combined with his oratorical skills caused him to be in demand as a public speaker, and he enjoyed speaking on a variety of topics. Of particular note was his interest in the life of Abraham Lincoln. Tall, slender, and described as "all arms and legs," Mitchell donned a fake but fairly realistic beard and appropriate clothes and, as noted in a local newspaper, he looked "enough like the Great Emancipator to be called him." On Lincoln's birthday in 1927 he appeared before the Clinton Rotary Club impersonating Lincoln and delivered "some interesting remarks about the life of the

former president.” He later evoked Lincoln in commenting on the onset of the Great Depression. “Lincoln was of the opinion,” Mitchell wrote, “that the country could not survive half slave and half free, and he was right.” Likewise, Mitchell observed that “a country can not endure long when the rich are getting richer and the poor poorer. When the great middle class . . . become impoverished . . . then Capital will have ‘killed the goose that laid the golden egg.’”⁷¹

Regarding the Great Depression, Mitchell lamented the fact that millions were unemployed and granaries were full but there was “no market for farm products. Money is frightened and remains in hiding,” and banks would not accept the “security that could be offered and business is stagnant.” World trade had been restricted because “America has built a tariff-wall against the remainder of the world.” Mitchell also cited the excesses of the Roaring Twenties as a cause of the Great Depression. “With a ten-years’ orgy of profligate spending and outlandish negligence in the control of the material affairs of the country and business enterprises, it is no surprise to the experienced that we were ‘riding to a fall.’”⁷²

Mitchell considered the possibility that hard times might spark a revolution. In 1931 he noted that the “tendency toward communism is not formidable yet,” but “if the Democrats and Republicans do not find a way to prevent continued depression, there will be in time a strong tendency to change the form of government.” He held hope, however, that “if we can get a reevaluation of ourselves and get our nerves steadied through the hard times, I believe we shall be helped considerably.”⁷³

As the Great Depression continued, many farmers could not pay their debts and were losing their farms in mortgage foreclosure sales. In many cases the farms were sold for less than the debt the farmer owed, leaving them without the property and still in debt. In January 1933 a number of them appealed to Mitchell for relief. Mitchell explained that he could not fly in the face of the law that clearly gave mortgage holders the right to foreclose, but he would help in another way. “I will not approve a sale,” Mitchell said, “in which the amount bid is less than the amount of the mortgage and interest. There will be no more deficiency judgments in my court.”⁷⁴

The Great Depression directly impacted Mitchell in May 1933 when his annual salary was reduced from \$5,000 to \$4,000, and his judicial district was expanded from four to six counties. His new district included the counties of Blaine, Custer, Washita, Dewey, Roger Mills, and Beckham. Thus his case load and travel was increased significantly while his salary was reduced by 20 percent. At this time he had not announced whether or not he would seek reelection and was being

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strongly urged by friends to seek the Democratic Party nomination for governor of Oklahoma.⁷⁵

The possibility of seeking the office of governor of Oklahoma was not a new idea for Mitchell. In 1917 State Senator Robert L. Knie of Cordell commented that the “west side of the state should nominate the next democratic candidate for governor” and that “Mitchell is the man that can win.” An effort to promote Mitchell for governor began anew in January 1929 with the formation of a Mitchell for Governor Club. F. H. Crow, president of the First National Bank of Clinton, served as president of the club, and Dick Mitchell was an active member of the group. Mitchell also was considered by many as a possible candidate for election to the Oklahoma State Supreme Court. He undoubtedly gave serious consideration to these possibilities but decided instead to seek reelection as a judge.⁷⁶

By the end of May 1933, while serving his second full term as a judge, Mitchell’s renewed interest in the gubernatorial race was generally known. He attended the semiannual meeting of the Oklahoma Press Association during which he surprised the assembled journalists and publishers by winning the “Huey P. Long hand type-setting contest,” besting Walter M. Harrison, the well-known editor of the *Daily Oklahoman* newspaper. The contest was open to present and former newspapermen who had not set type for at least ten years. It had been twenty-five years since Mitchell had set type by hand. In commenting on the competition, one reporter found it “hard to see why Judge Mitchell should leave the placid prairies he loves for the turmoil of the governor’s office, but, if he persists in being ambitious, there isn’t any doubt about how his home folk feel on that subject.” The warm reception by publishers from various parts of the state certainly fortified Mitchell’s interest in making the race.⁷⁷

Throughout 1933 Mitchell tested the political waters, making numerous speeches in a variety of communities. Among the issues he discussed was the “unwholesome wrangling” among public officials who should make handling the public’s business their highest priority, leaving “the matter of internal warfare to idle hours.” He also considered it disgraceful “to permit the schools of higher education to be dominated by a partisan political arrangement which destroys their independence.” This was an obvious slap at his former political ally Governor William H. Murray, who was notorious for firing college presidents who did not support him politically.⁷⁸

Mitchell also strongly advocated support of President Franklin Roosevelt and policies aimed at ending the Great Depression. Praising Roosevelt’s “masterful leadership,” Mitchell asserted, “We must not falter

in our allegiance to the President. I consider him a man of great heart and sound judgment. He is entitled to the support of all Americans." Governor Murray had been a strong opponent of Roosevelt's New Deal policies, a circumstance that disturbed Mitchell. He also noted that "we shall have a new deal, but we must first have a new deck." The governor and legislators "cannot make business out of patronage. Nepotism must be avoided," he vowed, and "a member of the legislature should not be permitted to draw money from the state except for his services in the legislature while it is actually in session."⁷⁹

Mitchell's speeches were warmly received and he continued to receive encouragement from a wide range of prominent citizens in western Oklahoma. Moreover, his brother Dick played a leading role in rallying support. Mitchell soon became convinced that he had sufficient support to make a credible race. Thus, he was among ten Democrats who filed to run for the governorship when the filing period began on May 26, 1934. Ultimately fifteen Democrats entered the race. Among the others who filed for the gubernatorial race were Speaker of the Oklahoma House of Representatives Tom Anglin, who was strongly supported by Governor Murray, and E. W. Marland, a pioneer oilman and former member of the US House of Representatives. That same day Mitchell announced his candidacy at the Clinton City Hall. Mitchell was introduced to the audience by attorney Bert Meacham, who asserted that Mitchell was the "best man in the race, honest, a clear thinker, thoroughly qualified, and in sympathy with the masses as a commoner—is one of us."⁸⁰

Mitchell enjoyed an enthusiastic response from his supporters and then launched into a speech outlining his positions on various issues. He reiterated his strong support for the Roosevelt administration and the president's efforts to combat the depression. He condemned the political "patronage racket" of building political machines in the state and insisted that the state's nepotism law be enforced vigorously. Homes should be free of *ad valorem* tax, and he supported the state sales tax, state income tax, and the gross production tax on oil and other minerals. He also favored a simpler form of state tax collection, noting that the current system of having county treasurers collect taxes and forward the revenues on to the state, which then had to send a refund back to the county, was unnecessary."⁸¹

Mitchell had been a champion of road construction during his days in the Oklahoma Senate. He returned to that issue in this speech, advocating an equitable distribution of highway funds and the creation of a farm-to-market system of roads for the state. In the realm of education, he advocated the removal of politics from the state's higher

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education system by creating a board of regents to govern colleges and universities without interference from the governor. He also advocated free textbooks for public school students.”⁸²

Mitchell also called for more efficiency in state government, going so far as to advocate convening a constitutional convention to modify the composition of the Oklahoma House of Representatives and the Oklahoma State Senate. He believed that there should be only twenty senators and forty representatives because the present bodies were “unwieldy,” and it was generally known that “about a dozen in each of the branches of the legislature did all the work.” The convention would eliminate obsolete provisions of the constitution and reduce the number of elective offices. Mitchell stated, “We stand in need of a short ballot—and Women should be accorded the same political rights as men enjoy.” In addition, he asserted that the state was overloaded with bureaus and commissions, a situation that had caused duplications and provided havens “for persons who have no special training and have been given employment in recognition of some partisan service.” Mitchell also advocated organizing law enforcement officers “to embrace state, county, and city peace officers, co-ordinating them as units of a state police force.” He felt that a commission should be established to aid the governor in the matter of dealing with the “pardon and parole situation . . . thereby ridding the state of the racket in procuring pardons and paroles which has embarrassed all the Governors.”⁸³

Mitchell also discussed his judicial philosophy of leniency toward young, first-time offenders, and noted that, as of the current date, of the 311 individuals whose sentences he had suspended “only 23 had failed him.” He also condemned Governor Murray’s endorsement of Tom Anglin as the next governor, observing that the constitution provided that no governor could succeed himself and that “a governor should not attempt to name his successor.”⁸⁴

In addition to making numerous speeches and working to get newspaper coverage, Mitchell also used some newspaper advertising in his campaign. An ad in the *Oklahoma State Journal* paid for by supporters from Cordell and Thomas played on Mitchell’s impersonation of Abraham Lincoln. A photo of Mitchell portraying Lincoln was featured along with text commenting on Mitchell’s “homely wisdom and philosophy, and rugged honesty. He is the Abe Lincoln of Oklahoma and is referred to as such by many of his friends.” If all of the voters knew Mitchell, the ad proclaimed, he would be elected by “an overwhelming margin.”⁸⁵

Mitchell and his supporters organized a “board of strategy,” headed by V. F. Carlton of Clinton, that sent speakers throughout western

Oklahoma. This was done to free time for Mitchell to campaign in central and eastern Oklahoma. By July 1, 1934, Mitchell's supporters hoped to have Mitchell's strength to the point that he would have a "clear path to the governor's chair."⁸⁶

Mitchell's campaign also was supported in a variety of ways. In Arapaho, supporters offered a prize of \$2.50 in a competition to create the best slogan for his campaign. The contest was won by Mrs. Evalina Thiessen who submitted the slogan "Mitchell for the people; the people for Mitchell." The judges indicated that they thought that "Mitchell for Me" was the best slogan that was submitted, but it was submitted before the contest opened and thus was disqualified. Among the slogans receiving honorable mention recognition were "Mitchell for the Multitudes," "Mitchell the Emancipator," "The Abe Lincoln of Oklahoma," and "The Moses of Oklahoma."⁸⁷

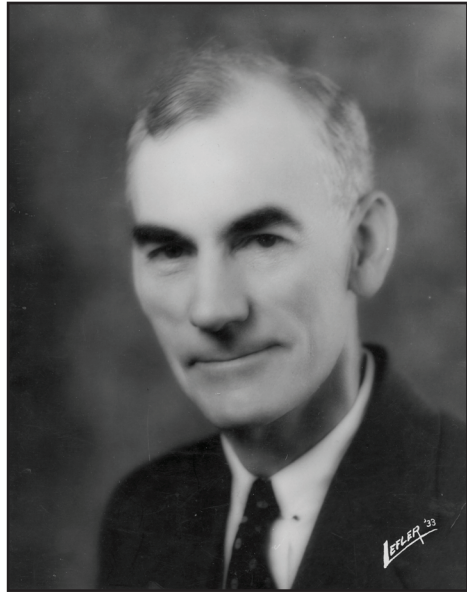
The ladies of the Clinton Chalitso Club found a different way to support Mitchell's campaign, designing and creating a "Mitchell for Governor" quilt. Featuring embroidered hand work, a Blue Eagle was depicted in each corner, and each of the blocks was embroidered with a state flower and the name of the woman who created the block. A life-sized photograph of Mitchell was in the center of the quilt along with wording crediting the club with its creation. All eighteen club members, including the wives of E. L. and Dick Mitchell, participated in making the quilt. The quilt was exhibited in various communities in support of the campaign.⁸⁸

Many of Mitchell's supporters were reported in the press to believe that the large number of candidates from eastern Oklahoma would split the vote in such a way as to allow Mitchell to survive the primary election and be involved in a runoff election for the Democratic nomination. Mitchell did not have a political machine behind him, and he did not have unlimited financial resources, but supporters believed that his efforts, which they referred to as a "gasoline and sandwich" campaign, had great prospects for success.⁸⁹

On May 17, 1934, one week after the "gas and sandwich" campaign story appeared, Mitchell dropped out of the gubernatorial race, one day prior to the deadline for candidates to withdraw from the election. Citing inadequate finances, Mitchell expressed his appreciation to all who had supported him, but indicated that "if the governorship is for sale, I can not even make a bid for it." He had hoped that his campaign would develop sufficient momentum for his fundraising to enable him to make a meaningful challenge, but that did not happen. Many citizens of Clinton were said to have been "dumbfounded" when they read or heard the news of Mitchell's withdrawal. The odds clearly were

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E. L. Mitchell, 1933 (photograph courtesy of the Mitchell Family Papers).



stacked against a candidate from sparsely populated western Oklahoma, and this situation undoubtedly hampered Mitchell's efforts to raise funds.⁹⁰

Mitchell did not throw his support to another candidate when he announced his withdrawal from the race, although several candidates had been soliciting his support. However, two days later he announced that he would support Lieutenant Governor Robert Burns in his race for the governorship. Acknowledging that he had high regard for many of the remaining candidates, he believed that Burns was the "best qualified in ability, disposition toward harmony, equipment for efficient service, whose platform seems most practical and whose promises are most reasonable and whose sense of responsibility is greatest." E. W. Marland's supporters were said to be disappointed, as they hoped their candidate would receive Mitchell's endorsement. Marland eventually became the Democratic Party's nominee and was elected governor.⁹¹

Throughout his campaign for governor and in previous years, Mitchell would not drive an automobile if he could avoid it. He preferred to ride in the front passenger seat with someone he trusted doing the driving. When he tried to learn how to drive a manual shift car, he could not master using the clutch properly and told Ethel that she would be the driver in the family. In 1931 he commented on his fear of automobiles, or "autophobia" as he called it, observing that "no person should be permitted to drive an automobile faster than forty-five miles per hour" and that "there are too many fools on the roads anyway."⁹²

His fear of cars and fools on the roads seemed justified when he was involved in a serious automobile accident in September 1934. Mitchell was a passenger in an automobile driven by Floyd Stone, secretary of the Clinton Chamber of Commerce. Stone and Mitchell were returning to Clinton from Oklahoma City where Mitchell had served as chair of the Custer County delegation to the state Democratic Party Convention. At approximately 11 p.m. their car topped a hill approximately seven miles west of El Reno where a truck and trailer without any lights was stopped, at least partially on the road. Blinded momentarily by the lights of an approaching car, Stone swerved too late and his car slammed into the trailer. The passenger side of the car where Mitchell was seated took the brunt of the impact. His seat was "jammed down through the floor board as the dash board and door were smashed in upon him."⁹³

Fortunately, three friends were following closely, and they immediately transported Mitchell to Weatherford where they were met by an ambulance that took him directly to the hospital in Clinton. There it was quickly determined that the judge had suffered several broken ribs, a fractured collar bone, possibly a punctured lung, and other possible injuries. Later it was learned that he has sustained seventeen fractures. His condition was deemed to be "extremely critical" that evening and "grave" the following day. On his second full day in the hospital, friends described his condition as "extremely alarming." Thereafter, he began showing signs of improvement and by September 16, five days after the accident, had "passed the crisis." He continued to recover steadily and was pleased to be fully dressed and at home for Thanksgiving dinner. As Christmas neared he was able to ride to downtown Clinton to view the city's display of Christmas lights.⁹⁴

On December 31, 1934, Mitchell convened his final term as a district judge. He had not filed for reelection and this two-week session held at Arapaho had been his first since his car accident the previous September. One defendant appeared before the judge and stated that he wanted the Lord to defend him. Mitchell responded that he doubted the Lord would appear in his court to practice law just at that time. The defendant ultimately selected a defense attorney. Upon completion of this term of court Mitchell returned to Clinton to continue his physical recovery and to rebuild his private law practice.⁹⁵

Mitchell began using a cane to assist him in walking as he recovered from his injuries, and he used a cane for the remainder of his life. After several years he had acquired a collection of perhaps a dozen canes and carried them as something of a fashion statement, although he

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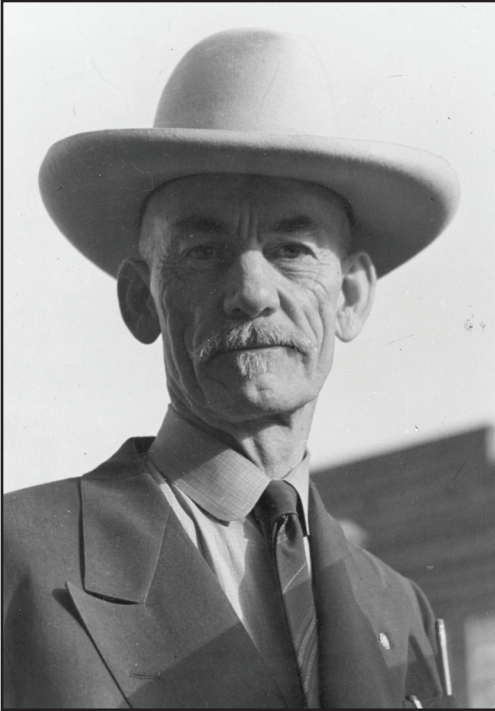
found a cane helpful in climbing stairs. Despite facing some physical challenges, he had some advantages when it came to rebuilding his private practice of law. His years of experience and outstanding performance as an attorney and as a judge, his stature as a civic leader, and his outgoing personality allowed him to make a smooth transition into private practice. He also had the pleasure of practicing with his son Norris as they formed the firm of Mitchell and Mitchell. Although some of their clients had to pay by barter as the Great Depression continued unabated until the outbreak of World War II, he was able to earn a decent income.⁹⁶

As he had in the past, Mitchell engaged in the general practice of law, handling a wide range of legal matters, including defending clients in criminal proceedings. Despite the capabilities of Mitchell and his son, they occasionally defended clients who had little chance of being acquitted. One such client was Warren Abby, a farmer from Louisiana who, while traveling through the area near Clinton, beat his wife to death with a tire iron. At first he claimed that she was struck by a hit-and-run driver but soon confessed, claiming that he acted in self-defense. Notwithstanding the Mitchells' best efforts, Abby was convicted and sentenced to death. The verdict was upheld by the state court of criminal appeals. Their effort to obtain a stay of the execution was denied, and Abby was electrocuted in August 1941. While his presence was not recorded, it is likely that Mitchell was present to witness the execution.⁹⁷

Mitchell also remained interested and involved in politics. His stature in the Clinton region was reflected in the fact that he was chosen to serve a key role in a "governor's day" celebration honoring Governor Leon C. "Red" Phillips. Held on September 2, 1941, representatives from forty-seven western Oklahoma cities traveled to Elk City for a day of activities that was concluded by a banquet honoring Phillips. Mitchell served as toastmaster for the banquet.⁹⁸

Mitchell continued to be sought after as a public speaker and as a master of ceremonies for various public events in the region. He was honored when the residents of his former hometown, Cheyenne, asked him to be the master of ceremonies at the speakers' platform where patriotic speeches and band concerts were to be held during a celebration recognizing the fiftieth anniversary of the opening of the Cheyenne-Arapaho Reservation to non-Indian settlement. More than twenty thousand people were expected to take part in the celebration. Robert S. Kerr, a prominent oilman and soon-to-be candidate for governor of Oklahoma, delivered a "pioneer-patriotic address" during the afternoon.⁹⁹

E. L. MITCHELL



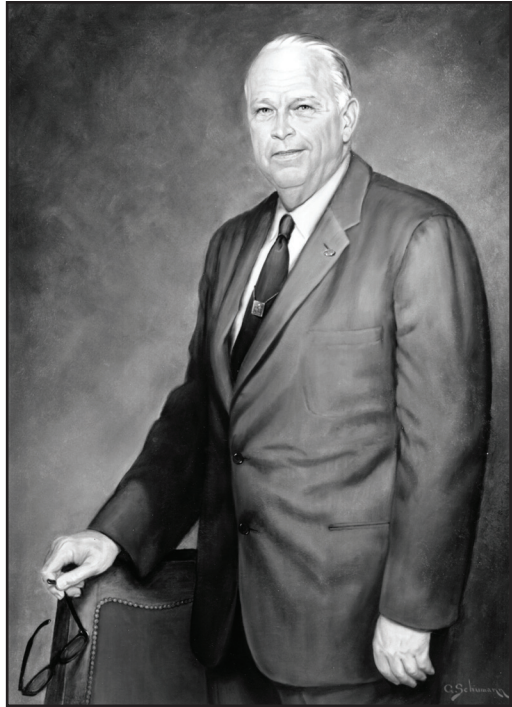
World War II era photograph of E. L. Mitchell (photograph courtesy of the Mitchell Family Papers).

Mitchell served as Kerr's campaign manager for Custer County and worked diligently and effectively to support Kerr's successful candidacy. Mitchell's friendship and political support were recognized by Kerr when he appointed Mitchell to the position of chief legal counsel for the Oklahoma Tax Commission. Thus, at the age of sixty-six Mitchell again moved to Oklahoma City to serve the people of Oklahoma.¹⁰⁰

Mitchell and Ethel purchased a home at 222 Northeast Fifteenth Street, which was just west of Lincoln Boulevard and six blocks south of his office in the Jim Thorpe Building. The home featured six large rooms plus a breakfast room, a tiled bath, a large, glass-enclosed porch, central heat, hardwood floors, and a two-car garage. Mitchell rose sufficiently early to have time to read two or three newspapers following breakfast before walking to work. Most days he would walk home for lunch, walk back to work, and then walk home in the evening. His grandson, H. W. "Dub" Peace, enjoyed visiting his grandparents in this home. The youngster would meet Mitchell at Lincoln Boulevard each time Mitchell returned home from work and enjoyed his grandfather's interest in his activities and stories about incidents in Oklahoma's history.¹⁰¹

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Senator Robert S. Kerr, painting by G. Schumann (23138. GO.US.SR.1.15, Kerr-McGee Corporation Collection, OHS Research Division).



Ethel quickly settled in, finding room to plant a small garden and joining the Women's Jeffersonian Club. The club met monthly at the Huckins Hotel to have lunch, socialize, and hear presentations, all with the objective of promoting and upholding "just government for all, and to work for honesty and harmony in the Democratic Party." Among presentation topics in 1943 were "Finding Woman's Place in a War Stricken World," and "The Democratic Party and Its 1944 Obligations."¹⁰²

As chief legal counsel for the tax commission, Mitchell represented the commission in a variety of legal actions, including a case before the US Supreme Court. Federal law provided that lands allotted to members of the Cherokee, Choctaw, Chickasaw, Creek, and Seminole Nations were exempted from direct taxation by a state unless specifically released from such restriction by the secretary of the interior. The estates of three members of these tribes were passed on to heirs, all of whom were Indians. The state of Oklahoma imposed estate taxes on the three estates. The secretary of Indian affairs paid the taxes under protest and then filed a lawsuit in federal court to recover the payments. The case wound its way through the courts, ultimately reaching

the US Supreme Court, with arguments held on April 9, 1943. Mitchell led the legal team to Washington, DC, to argue the case for the commission. On June 14, 1943, the court ruled that Indian land that has been exempted from direct taxation by a state also is exempt from state estate taxes.¹⁰³

Mitchell and his contingent took advantage of their time in Washington to view the White House, the Washington Monument, and the famed cherry trees in full bloom. Residing in the elegant Hotel Raleigh, he wrote Ethel to tell her that the streets to the White House were closed with sentries posted, "so we did not go in to see Frank and Eleanor. May have to put that off." He also complained about the high cost of a roast beef dinner on the train to Washington. It was \$1.35, so his next meal consisted of a bowl of soup and a salad at a cost of \$0.98.¹⁰⁴

Mitchell was more successful in December 1943. Judge S. J. Clendinning, district judge of Tulsa County, Oklahoma's Fourteenth Judicial District, ordered the Oklahoma Tax Commission to submit the tax returns of fifty individuals to the Tulsa County Attorney as part of an investigation into possible corruption in the administration of Governor E. W. Marland. Led by Mitchell, the commission refused to provide the returns. Mitchell also went to the Oklahoma Supreme Court to have the judge's subpoena revoked. The court agreed with Mitchell and the tax commission, ruling that the prohibition on releasing the tax returns as applied by the commission was correct and proper "when an order of the district court is unauthorized by law, and beyond its jurisdiction and amounts to an unauthorized application of judicial power."¹⁰⁵

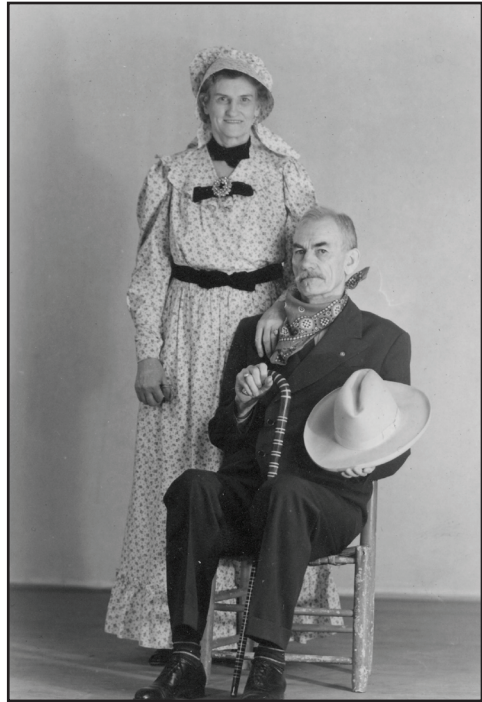
During his time on the tax commission Mitchell continued to be in demand as a speaker. He was a featured speaker during a two-day celebration in Cordell in 1946 honoring the pioneers of western Oklahoma. He also was tapped by Democratic Party leaders to be part of a group of more than twenty speakers who were to cover the state in late October 1946, just before the November election. They planned to whip up a "deluge of political oratory" throughout the state. Mitchell's task was in one day to speak in Hammon, Cheyenne, and Reydon.¹⁰⁶

By the end of Robert S. Kerr's term as governor, Mitchell was approaching seventy-two years of age, and he was ready to retire. He was having problems with his vision, and Ethel likely was ready to return to life in a small community. Instead of returning to Clinton, however, they moved to Arapaho, the small, county-seat community located five miles north of Clinton.¹⁰⁷

Lon and Ethel chose Arapaho for a variety of reasons. Lon wanted to continue to practice law, albeit at a slower pace. In Arapaho he was able to find a house located four blocks from the office he established in

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*E. L. and Ethel in retirement
(photograph courtesy of the
Mitchell Family Papers).*



the Custer County Bank Building. The Custer County Courthouse was located nearby, so he could walk to work. Their property included approximately three acres of land, with plenty of room for Ethel to have a large garden and to raise chickens. This situation provided the benefits of being close to work with the benefits of country living.¹⁰⁸

Family matters also played a role in selecting Arapaho. Because of a difficult divorce situation, Ethel and Lon brought their grandson, Jon Michael Mitchell (called Michael), to Arapaho to live with them. Despite their advanced ages, Lon and Ethel willingly accepted responsibility for the five-year-old child. Ethel's preference for raising children in a small town and sending them to a smaller school thus was a factor in the decision to settle in Arapaho. Their new home was located only two blocks from their grandson's school. In addition, Mitchell's brother Dick was the owner and editor of the *Arapaho Bee* newspaper, and the brothers and their families enjoyed getting together socially, discussing politics, and occasionally working together at the newspaper.¹⁰⁹

Soon after occupying their new home, Ethel purchased twenty hens and began gathering an average of a dozen eggs daily. She also planted a huge garden, growing corn, green beans, carrots, radishes, green

onions, cantaloupe, watermelon, rhubarb, and peas. Lon and Michael joined Ethel working in the garden, planting and hoeing. In addition to providing fresh seasonal foods for their table, Ethel canned large amounts of the produce in Kerr jars and stored the jars in a storm cellar near the house. After meals, Ethel washed dishes and Lon and Michael dried them. They also began renovating their home, and, typical of such projects, Mitchell complained the work was proceeding at the pace of "a frog a-walking."¹¹⁰

Mitchell was well known in Arapaho from his days as a district judge. He and Ethel quickly became active and respected figures in the community. Michael remembered his grandfather donning his three-piece suit and tie, picking up his cane, and walking to work each day. People in the community called him "Judge" and men doffed their hats whenever they encountered Mitchell on the street. Lon was a Thirty-Third Degree Mason and Ethel was active in the Eastern Star organization, the Chalitso Club, and the So and Sew Club. Lon and Ethel both liked to play cards. Friends came to play card games such as pitch, rummy, and gin "just about every week." Ethel also played bridge with ladies from the Eastern Star.¹¹¹

The Mitchells attended the Christian Church where Lon taught a men's Sunday school class and at times "filled the pulpit" as a lay minister. Mitchell read the Bible extensively and was often called upon to pray. His grandson Michael "thought his prayers were so long that I could hardly stand it, but later I appreciated his eloquence more." The family also bowed their heads and prayed before every meal at home.¹¹²

The Mitchells had several experiences with tornados in the area. In one instance a tornado touched down close by and they, along with two other families from the neighborhood, huddled in the Mitchell's storm cellar. Lon said a prayer but by the time he finished the roar of the storm was so loud that he barely could be heard. The sound became "deafening" and then was punctuated by a large crash "right over us and everything shook." When the storm seemed to have passed, Lon told the group to "stay here and stay calm, I'll be right back." When he returned he announced that they had "made it through, thank the Lord." A massive tree had landed on the cellar and twelve homes in the area had been destroyed, but the Mitchell's house had survived with minimal damage.¹¹³

Mitchell "kept his hand" in local politics. During the Custer County Democratic Party convention in 1948 he called on the delegates to support President Harry Truman and declared "Henry Wallace will not cause a split in the Democratic party as far as Custer County is concerned." He also was a guest speaker at the Clinton Kiwanis Club that

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he had founded in 1927. However, the physical challenges of old age soon started taking their toll. Mitchell's health had been an ongoing concern for several years and in 1948 he mentioned his "faulty eyesight and a general run-down condition." He also noted that Ethel had been ill for a month with a blood clot in her leg but that her condition was improving rapidly.¹¹⁴

Mitchell's vision was improved for a time after he underwent cataract surgery. Lon and Ethel were thrilled with the result, but their elation was short lived. Lon realized that his peripheral vision had slowly deteriorated. It was determined that he had glaucoma. He was treated with eye drops but the disease was too far advanced. One day Michael returned home from school to find his grandfather counting the steps it took to move from one part of the living room to another. He was preparing for the blindness that soon would overtake him. Approximately one year later he was diagnosed with prostate cancer. Treatment was ineffective and he ultimately was bedfast for a year, enduring prolonged pain, developing yellow jaundice, and gradually wasting away. He died November 13, 1952, at the age of seventy-six. His funeral service was held at the First Baptist Church in Clinton, and he was buried in the Clinton Cemetery.¹¹⁵

Mitchell's journey had come to an end. He had a remarkable career in public service as a state senator, a district judge, and as chief counsel for the Oklahoma Tax Commission. He was a respected journalist and attorney. He was a civic leader and he was a devoted family man. He was a staunch Democrat throughout his life, but his views on women changed from opposition to advocacy. Moreover, his early bias against African Americans seems to have temporized somewhat in the years following his becoming a judge in 1925 to the point where he admired and reenacted Abraham Lincoln and spoke negatively about the Ku Klux Klan. There was nothing in his judicial record to indicate that African Americans were treated unfairly or held to a different standard in his court.

Mitchell the Democrat certainly had been noticed by one of the state's staunchest Republicans, E. K. Gaylord, editor and publisher of the *Daily Oklahoman* newspaper. In an editorial, Gaylord wrote that Mitchell had been "one of the men in whom everybody had confidence." He was trusted as a publisher, lawyer, state senator, and he was "universally trusted" as a district judge. "Now he rests in peace on the wide prairies," Gaylord observed, "where everyone who knew him had faith in him. Let that be his monument. There could be no nobler one."¹¹⁶

Endnotes

* Paul F. Lambert is coordinator of the annual Oklahoma History Conference, which is sponsored by the Oklahoma Historical Society. He also serves as an assistant curator of exhibits at the Oklahoma History Center. Part one of this article appeared in *The Chronicles of Oklahoma* 92, no. 3 (Fall 2014).

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