

## CHAPTER VII



## CLEVELAND'S CHIEF EXECUTIVE

IN JANUARY, 1930, Cleveland, the largest urban community in the country to adopt the city manager form of government, was in the midst of what many reformers viewed as a classical battle between good and evil. By the time it was over Daniel Morgan had resigned his position in the Ohio senate to become Cleveland's chief executive. The controversy over who should hold the position of city manager involved the very future of the new form of government, which had been in operation for just six years. All the ingredients of political struggle were present: the screaming headlines, the denunciatory editorials, the mass meetings of the reformers, and the not-so-secret caucuses of the politicians.<sup>1</sup>

Two men stood in the eye of the storm that swirled about the city in those first few weeks of the new year. The incumbent city manager was sixty-one-year-old William R. Hopkins, whose life was a Horatio Alger story of a poor boy's rise to fame and power. A Pennsylvania coal miner's son who had left school at the age of thirteen to work in the steel mills of Cleveland, Hopkins held a position on the city council and had earned a law degree by the time he was thirty. While still a law student and freshman councilman, he became known as an aggressive supporter of low-cost

public transportation. His interest in transportation led to his organization of the highly successful Belt Line Railroad enterprise; his repeated attempts to develop a downtown subway system, however, never bore fruit. He was a vigorous, articulate speaker who, as Cleveland's first city manager, addressed so many audiences that Peter Witt, his equally tireless peer on the public platform, dubbed him "Chautauqua Bill."<sup>2</sup>

The second figure in the center of this political storm was Maurice Maschke, whose power as a leader of the Republican party was being threatened, not by the city manager plan, but by Hopkins. After entering politics as a precinct worker, the Harvard-educated Maschke had become a close political associate of Congressman Theodore E. Burton. In 1909 he had engineered the defeat of Tom L. Johnson, and his political acumen made him the leading Republican politician in Cleveland for the next twenty years. Maschke was a "boss" who made skillful use of nationality and minority groups to win Republican victories at the polls, and his effective support of ethnic-group candidates in order to win votes from their ghettos, distressed civic reformers who believed that ability and public interest should be the only criteria for selecting public officials.<sup>3</sup>

In 1921 these reformers, capitalizing on the corruption and ineptitude that had characterized city government since Newton D. Baker retired as mayor, persuaded the voters that the city manager form of government would remove the chief executive from partisan politics and consequently provide a more honest and efficient city administration. The new form of government also included a rearrangement of the traditional method of electing city councilmen. In place of wards, the city was divided into four districts from which five to seven councilmen (depending upon population count) were elected at large under a system of proportional representation. When the first council elected under this system met in January, 1924, it was their task to select a city manager to administer the city's business. The appointment of William R. Hopkins by a vote of twenty-four to one received an enthusiastic response from civic reformers, who would have been less satisfied had they known that Hopkins had been secretly chosen by a caucus of Republican and Democratic party leaders.<sup>4</sup>

<sup>2</sup> *CP*, February 10, 1961; *CP*, August 17, 1897; *PD*, February 15, 1961.

<sup>3</sup> *PD*, August 1, September 14, 1934. In 1934 Maschke wrote his "Memoirs," which were published in chapter increments in the *Plain Dealer* during August and September, 1934.

<sup>4</sup> Chester C. Maxey, "Cleveland Revolts," *National Civic Review*, XI (January, 1922), 13-16; "The Cleveland Election and the New Charter," *American Political*

<sup>1</sup> *CN*, January 12, 13, 14, 1930; *PD*, January 12, 13, 14, 1930; *CP*, January 11, 13, 14, 1930; The Citizens League of Cleveland, *Greater Cleveland*, V, 16 (January 16, 1930); information provided in an interview with Saul S. Danaceau, March 30, 1965.

Seven years earlier a satirical skit on the "Folibilities of the [proposed] City Manager Plan" had depicted Cleveland's political bosses, Republican Maurice Maschke and Democrat W. Burr Gongwer, explaining to the "good citizens" that if they were chosen to hold the position of city manager jointly they would continue running the city as they had in the past. The skit perceptively foreshadowed the response of the professional party politicians. Their alarm at the adoption of the city manager plan was heightened when a number of the leading reformers became candidates for the new council. Worried that they might lose control of City Council as a result of the new system of proportional representation from districts, Maschke and Gongwer agreed that their party organizations would cooperate on the selection of the city manager. In return for this cooperation the dominant Republican party, which had controlled both the city and the county since 1916, agreed to give the Democratic organization 40 per cent of City Hall patronage. Republican Fred W. Thomas was chosen for the position of city clerk. In addition to his official duties, he was to see that jobs were assigned in the agreed ratio and to act as the liaison officer between the party leaders and the new city manager.<sup>5</sup>

Once the party bosses had agreed upon these issues, the major remaining problem was the selection of the new manager. The reformers wanted a man of stature, such as George W. Goethals, the builder of the Panama Canal, who had been approached about the position as early as 1917, when the plan first came under discussion. Municipal theorists, urging the selection of an experienced and skilled administrator, believed that the city council should scan the qualifications of men from all over the nation to determine the best candidate. However, the actual process by which the manager was chosen was far less thorough. The party bosses, who still held political power, needed a man who would cooperate with them on patronage. Their selection of a candidate was casual, but not haphazard: William G. Murphy, former postmaster of Cleveland during Woodrow Wilson's presidency, was talking to his close associate, Gongwer, when William R. Hopkins

*Science Review*, XVI (January, 1922), 83-86; and "An Analysis of Cleveland's New Charter," *National Civic Review*, XII (January, 1923), 29-35; *PD*, December 16, 1923, August 23, 1934; *City of Cleveland, City Record*, January 9, 1924.

<sup>5</sup> *PD*, February 22, 1917, August 23, 1934; Richard L. Maher, "Cleveland: Study in Political Paradoxes," in *Our Fair City*, ed. Robert S. Allen (New York: The Vanguard Press, 1947), 132-33. Maher is the veteran political writer for the *Cleveland Press*.

happened to walk past; Murphy suggested to Gongwer that Hopkins would make a good manager. After the Democratic leader consulted with his Republican counterpart, the two bosses offered Hopkins the position. Maschke said later that Hopkins was a willing collaborator in the sixty-forty mutual security agreement that he and Gongwer had worked out—a charge that Hopkins repeatedly denied. In any case, Hopkins was appointed with the support of both Republican and Democratic councilmen, with whom he actively cooperated during his first four years in the city manager's office.<sup>6</sup>

Hopkins, backed by a cooperative council, proved to be an able, energetic, and imaginative chief executive; under him the city began a number of important projects, including the municipal airport. The Citizens League concluded an analysis of the first year of his managership with the comment that he had "exhibited a grasp of the city's needs and a vision of the city's future . . . which promises much in the direction of a well-rounded development of the entire metropolitan area." In 1929 the League conducted a more lengthy study of the operation of the city manager plan and, despite some criticism of the manager and of the City Council, concluded that the plan was a success. This opinion was echoed by the city's newspapers. The organizational Republicans and Democrats voiced little discontent with the new form of government for the first four years of its existence. In fact, during the 1925 councilmanic elections campaigning candidates vied with each other in claiming that they were the kind of men that City Manager Hopkins wanted on the council.<sup>7</sup>

Nevertheless there were criticisms of the new form of city government, although many advocates of the plan hesitated to voice their concerns for fear that rocking the boat would capsize it. Much of the criticism centered around the relationship of the manager and the council. According to theory the council (the legislative branch) formulated policy which the manager (the chief administrator) carried out. According to the charter provisions the president of the council was the mayor as well as chief

<sup>6</sup> *GL*, March 18, 1917; The Citizens League of Cleveland, *Greater Cleveland*, I (February, 1924); Maher, "Cleveland: Study in Political Paradoxes," 132-33; *City Record*, January 9, 1924.

<sup>7</sup> W. M. Tugman, "The Cleveland Experiment," *National Civic Review*, XIII (May, 1924), 255-61; Norman Shaw, "Cleveland's City Manager," *National Civic Review*, XIV (December, 1925), 715-21; The Citizens League of Cleveland, *Greater Cleveland*, II (May 18, 1925); *PD*, October 18, 1925; *CP*, October 24, 1925; "Five Years of City Manager Plan in Cleveland: Report by the Executive Board of the Citizens League of Cleveland," *National Civic Review*, XVIII (March, 1929), Supplement.

spokesman for the council. The first mayor under the new system was not a strong leader. Hopkins refused to recognize him as the ceremonial head of the city and blocked suggestions that he receive office space and a salary commensurate with his position.<sup>8</sup>

By nature and as a result of past experience, Hopkins was not the diffident senior civil servant who unobtrusively carries out the policies of the legislators; he quickly assumed a role of leadership. Mayor Fesler confessed later that he became "the recognized spokesman of the city both in matters of policy and administration—so much so that on numerous occasions he enunciated new policies before they had been discussed with council members" and even sought legislation in the state capital without asking the opinion of the City Council. Even after a more capable man became president and mayor of the Council, Hopkins continued to be the *de facto* mayor of the city, welcoming official guests and national conventions and speaking frequently before civic groups about city policies.<sup>9</sup>

In January, 1924, the Citizens League had noted that "when the manager assumes political leadership and becomes the advocate of issues, he must rise or fall with those issues." In the long run Hopkins' usurpation of political power not only exposed him to attack but also became the primary issue in his downfall. Since Hopkins courted public attention, it was natural that those who disliked the city manager plan should focus on his conduct of the office. The first attempt to repeal the city manager plan came in 1927, when Harry L. Davis, who had three times been mayor and later became governor of Ohio, forced the issue onto the ballot. Davis' opposition was motivated by his twofold ambition to become mayor again and to seize control of the Republican party from Maurice Maschke. The actual issue before the voters was the retention or rejection of the city manager plan, but the dominant question became the retention of Hopkins. The city witnessed an unusual union of reformers, political machines, and city news-

<sup>8</sup> The Citizens League of Cleveland, *Greater Cleveland*, V (January 30, 1930); Shaw, "Cleveland's City Manager," 715-21. Hopkins' proprietary attitude toward city government during his managership was revealed when he was present for a City Club skit in which city councilmen were satirized as "wooden-headed" men. Hopkins took exception to such comedy, saying that "government was not a matter to be laughed at." Morgan, who was acting as master of ceremonies, rejoined: "I have seen some things in government that I just couldn't help laughing at. . . . To retain our perspective, perhaps a little bit of ridicule may sometimes be in place." (*PD*, May 16, 1926).

<sup>9</sup> The Citizens League of Cleveland, *Greater Cleveland*, V (January 30, 1930); Maher, "Cleveland: Study in Political Paradoxes," 133; Earl L. Shoup, *The Government of the American People* (Boston: Ginn and Co., 1946), 697.

papers that succeeded in defending Hopkins and the city manager plan. Davis tried again in 1928 but met defeat before the same combination of forces.<sup>10</sup>

The following year Davis was joined by a number of younger men who were concerned about the lack of popular control over the man who was the city's chief executive. Two of their leaders, Saul S. Danaceau, a lawyer, and Edward T. Downer, a college official, joined with Davis to produce a proposal to replace the existing system with the old federal plan for governing the city. This threat to the city manager plan, popularly known as the "Three-D amendment," after its three sponsors, was more serious than previous ones because Hopkins and Maschke were no longer working in close alliance. Hopkins, strengthened by the conspicuous successes of his managership, was becoming increasingly independent of Maschke as he attempted to develop a cadre of councilmen directly responsive to his wishes. In response Maschke tried to weaken Hopkins' influence by refusing to give active support to the manager plan. The danger to the new form of government was further increased by the fact that many who joined the attack had been strong advocates of the city manager plan; these could not be dismissed as political spoilsmen anxious to restore the discredited Davis to power. The magnitude of the threat alarmed those who wanted to retain the existing system. The League of Women Voters, the Citizens League, and other civic reformers formed a Progressive Government Committee which collected over \$70,000 to defeat the "Three-D amendment" and fought an intensive campaign at the ward and precinct level. Hoping to benefit from the split between Hopkins and Maschke, the Democratic party organization aided the Progressive Government Committee in

<sup>10</sup> The Citizens League of Cleveland, *Greater Cleveland*, V (January 30, 1930); Carlton K. Matson, "Progress Under the City Manager Plan: Address Delivered at the Annual Conference on Government of the National Municipal League," *National Civic Review*, XXVI (January, 1937), 113-16; "Cleveland Dallies with Charter Revision," *National Civic Review*, XVI (June, 1927), 355-56; Earl L. Shoup, "The Manager Plan in Cleveland," *American Political Science Review*, XXII (May, 1928), 372-77; Mayo Fesler, "Cleveland Votes to Retain City Manager Government," *National Civic Review*, XVI (December, 1927), 806; *PD*, October 16, 1927; Virginia Clark Abbott, *The History of Woman Suffrage*, 112; R. O. Huus and A. H. Gross, "Cleveland Women's Votes Save Proportional Representation—Council-Manager Plan," *National Civic Review*, XVII (June, 1928), 357-58. Matson, the chief editorial writer of the *Cleveland Press* during the 1920's, gave the address cited above when he was the editor of the *Toledo News-Bee*. In defense of his newspaper's criticism of the city manager plan in Toledo, he cited his experience during the Hopkins' regime in Cleveland, "when all the newspapers, hopeful that all good wishes might come, upheld Bill Hopkins to an almost scandalous extent." He said: "I swore that I would never be caught in exactly that way again, and today I am doing my bit to protect myself and the public to which I have some responsibility."

return for a sizeable slice of the reformers' campaign funds. At a special election in August, 1929, this combined effort, which received massive support from the city's newspapers, saved the city manager plan by a very small electoral margin.<sup>11</sup>

The Progressive Government Committee decided to carry the battle further by entering a slate of candidates "distinctly favorable to the Hopkins regime" in the November, 1929, councilmanic election. The fealty of the Democrats to the manager plan earned many of their candidates the Progressive Government Committee's endorsement and campaign funds. Despite a bitter campaign, during which many reform-minded Republicans denounced Maschke, the seasoned party leader won a controlling majority in the new council, and Hopkins' future as city manager was endangered by the outcome of the election.<sup>12</sup>

After the election a Republican caucus sent a three-man delegation to ask Hopkins to resign, but the latter rejected the suggestion in unprintable language and vowed to fight any ouster move. Nevertheless rumors about possible replacements for the office began to circulate. Maschke, once again the master of the political scene, wanted a man with enough stature in the community to offset the criticism that the removal of Hopkins was bound to inspire. He also needed someone who could unite the Republicans in the City Council, some of whom bore no hostility to Hopkins. Furthermore, the three Negro Republican councilmen had been frustrated by Hopkins' refusal to order an end to discrimination at the municipally-owned city hospital and were determined to secure a commitment to such action from any prospective appointee.<sup>13</sup>

By January, 1930, state senators George H. Bender and Daniel E. Morgan, and former County Prosecutor John A. Cline, a close associate of Maschke, were the men most frequently mentioned for

<sup>11</sup> Information provided in an interview with Saul S. Danaceau, March 30, 1965; Doris Darmstadter, "The Cleveland Charter Threatened Again," *American Political Science Review*, XXII (August, 1929), 732-35; "Cleveland Considers Abandoning Manager Plan," *National Civic Review*, XVIII (July, 1929), 423-33; Mayo Fesler, "Cleveland Again Defeats Attack on City Manager Charter," *National Civic Review*, XVIII (October, 1929), 601-3; Abbott, *The History of Woman Suffrage*, 112-14; Maher, "Cleveland: Study in Political Paradoxes," 133-35.

<sup>12</sup> Maher, "Cleveland: Study in Political Paradoxes," 133-35; R. O. Huus, "Cleveland Elects Promising Council," *National Civic Review*, XVIII (December, 1929), 786-87; The Citizens League of Cleveland, *Greater Cleveland*, IX (April 5, 1934); *CN*, November 2, 1929.

<sup>13</sup> *CN*, November 13, 1929; information provided in an interview with Claybourne George, September 22, 1964; Maher, "Cleveland: Study in Political Paradoxes," 135-36; *PD*, September 1, 2, 3, 4, 1934.

the office of city manager. While Maschke would have preferred Cline, he had privately decided that Morgan was the only man who could satisfy the various political factions and, at the same time, command the respect of the community at large. There were highly colored newspaper accounts during the first weeks of January, 1930, of a fight and a deadlock between the supporters of Bender and Cline. The debate in the party caucus actually centered, however, around two Republican councilmen who had doubts about removing Hopkins, and the three Negroes who wanted assurance that a new manager would help to end the discrimination at City Hospital. After securing support for the ouster of Hopkins from two Democratic councilmen, the Republican leadership called a secret meeting with Morgan and the three Negro councilmen. At ten o'clock at night Morgan, who had been at a dinner party, appeared in evening clothes before the caucus in Bender's office. Claybourne George, acting as spokesman for the three, presented the situation to Morgan and said that they would not support any man who would not act to end this insult to the Negro citizens of Cleveland. While Morgan expressed surprise that such discrimination should be present in a tax-supported institution, he pointed out his need to investigate the situation before promising anything, and he would only assure them that he would do the right thing. The three Negro councilmen were convinced of his sincerity and returned to the Republican caucus to announce their support for Morgan.<sup>14</sup>

Meanwhile the reformers, who had become increasingly angered by reports of the maneuvers in City Council, had arranged a mass protest meeting for Sunday, January 12, to denounce Maschke and bolster support for Hopkins. That morning newspaper headlines, declaring "Caucus Names Morgan," announced the result of the previous evening's Republican caucus. In the afternoon thirty-five hundred outraged citizens heard Rabbi Barnett R. Brickner express their righteous indignation as he opened the meeting with a condemnation of the clique who proposed to remove Hopkins. Cries of "Amen!" greeted his declaration of the good fight against evil, scheming politicians. He and other speakers questioned the ethics of Morgan's willingness to accept a position that was not vacated. Although they did not challenge Morgan's personal honesty, they asserted that he was a "stalking horse" put up by the bosses to maintain a respectable front for their disreputable

<sup>14</sup> *PD*, September 1, 2, 3, 4, 1934; *CN*, November 13, 1929; information provided in interviews with Claybourne George, September 22, 1964, and with Ernest J. Bohn, October 6, 1964.

behavior. A loudly acclaimed resolution condemned the proposed ouster as a move that would discredit the good name of Cleveland, discourage the growth of business, and "encourage all the evil elements that regard the community as a field for corrupt advantage and political plunder." Doctor F. W. Walz, a crusty and experienced Democratic councilman who had been a caustic opponent of Hopkins for several years, summed up the weakness of the "Keep Hopkins" movement when he told the meeting that he was deeply touched "to see the charitable interest manifested in Cleveland by our suburban friends."<sup>15</sup>

Aroused "good citizens" turned out in mass for the council meeting the following evening. William F. McDermott, the drama critic for the Cleveland *Plain Dealer*, wrote that the crowd of over four thousand were "out for blood. . . . The public excitement was such as would greet a combination of Ziegfeld's Follies and a championship prize fight." The council listened to the protests of the reformers and their allies among the Democratic councilmen in the chambers, but in the end the determined Republicans had the votes. The majority of the reformers were suburbanites whose moral indignation could not be translated into political power. By a vote of fourteen to eleven Hopkins was suspended from his position; two weeks later Morgan was elected city manager by a margin of nineteen to six.<sup>16</sup>

The reformers and the city newspapers pointed their attack at Maschke because of his usurpation of political power. They overlooked, however, the basic fact that for the previous two years a majority of the city councilmen had been so antagonistic to City Manager Hopkins that even routine municipal business was impeded. Crucial issues, such as the building of badly needed bridges and a settlement of the gas price dispute, were desperately in need of solution. Furthermore, the backwash of the stock market collapse was already evident in the first months of 1930. President Hoover was calling upon local authorities to speed public work projects, in order to take up the slack in employment caused by the curtailment of private business, but given the political situation in Cleveland there was little chance that Manager Hopkins could have worked cooperatively to this end with the city's legislative body. In such a legislative-executive deadlock, a new pilot was needed.<sup>17</sup>

<sup>15</sup> PD, January 13, 1930; Abbott, *The History of Woman Suffrage*, 115.

<sup>16</sup> PD, January 14, 1930; CP, January 14, 1930; CN, January 14, 1930.

<sup>17</sup> PD, January 28, 1930; The Citizens League of Cleveland, *Greater Cleveland*, V (January 30, 1930); letter from DEM to Carl D. Friebolin, January 17, 1930 (Morgan

Daniel Morgan had not been one of those who believed that the city manager plan was the *ne plus ultra* in city government. In 1917 he had spoken in opposition to the plan before the Committee of Fifteen who were investigating the possibility of adopting that method of government. After the voters endorsed it in 1921, he reaffirmed his doubts but said that "it was the duty of every citizen to give it a fair trial" and to do everything possible to help it succeed. He did not seek the position, but when Maschke talked to him about the possibility of succeeding Hopkins, he was willing to perform his duty as a responsible member of the community. A few days after the council suspended Hopkins, Morgan wrote to his friend Judge Carl D. Friebolin about the reformers' charges that he was a stalking horse put up by Maschke. He told Friebolin that the city manager plan might not be saved and that he might give the city "a rotten administration," but that he was convinced that if the manager and the council had continued in open hostility to each other the city manager plan would certainly have fallen in the next six months.<sup>18</sup>

When he was appointed City Manager, Morgan was well aware of the charges against him. The former manager and the *Cleveland Press* claimed that one of the chief beneficiaries of the change in City Hall would be the East Ohio Gas Company, and others hinted that George Bender would be the gray eminence in the Morgan administration. In his acceptance speech Morgan asserted that the answers to these accusations and insinuations would be given "by deeds and not words." He recognized that in "an atmosphere supercharged with emotionalism personalities are often indulged in and reckless charges and counter-charges are made which are not conducive to the orderly transaction of the public business." In his plea to put an end to destructive municipal battles he said, "I believe that it is the desire of the public that we get down to business, forgetting personalities, recriminations

Papers); Maher, "Cleveland: Study in Political Paradoxes," 133-35. Maher gives an account of how Hopkins and the Van Sweringen brothers quarreled over the location of a new railroad bridge over the Cuyahoga River and the latter got Maschke to intervene with the City Council to override the city manager's decision. Maher claims that this incident was the reason for the break between Maschke and Hopkins and that after 1928 "Hopkins became independent of Maschke and snubbed him." See Maschke's memoirs in the *Plain Dealer* (August 23, 25, 1934) for additional information on this matter.

<sup>18</sup> "Report of the Committee of Fifteen to Inquire into the Feasibility of a City Manager Plan for Cleveland" (unpublished, undated paper); CP, August 15, 1922; letter from DEM to R. S. Doyle, January 16, 1930 (Morgan Papers); PD, September 4, 1934; letter from DEM to Carl D. Friebolin, January 17, 1930 (Morgan Papers).

and all bitterness, in our desire whole-heartedly to serve our city."<sup>19</sup>

Taking note of statements that the dismissal of the former manager and the installation of a new one meant the end of the city manager plan, Morgan said that while it was yet to be demonstrated whether that form of government would commend itself permanently to a large and diverse city, his purpose would be "to cooperate with the Council" in giving the "council-manager form of government" a fair trial. He intended to give the city "a businesslike and progressive administration" along the lines laid down by the charter. Since the managerial duties, which were chiefly administrative in character, were so important and arduous that they would fully occupy his time and energy, he did not intend to accept any invitations to make speeches or attend formal banquets; such duties would be turned over to the mayor, whom the charter had designated the ceremonial head of the city. In keeping with the spirit of the charter he would adopt a policy of cooperation with the council and avoid interfering with its rights and prerogatives. But Morgan told the councilmen that if the council-manager plan was to succeed, it was essential that the council "develop and demonstrate real power of leadership."<sup>20</sup>

The new city manager's words connoted a careful analysis of the past. Under Hopkins the policy-making role of the council had atrophied, while the authority of the manager had expanded far beyond the provisions of the city charter. In the early years of Hopkins' tenure this trend had been concealed by the mutual security agreement between the two political parties, which were ready to cooperate with the manager in return for patronage guarantees. The leading advocates of the city manager plan were aware of the changing roles of the manager and the council, but they joined a conspiracy of silence because they believed that Hopkins was giving the city an administration far superior to that possible under the mayor-council plan of government. The newspapers upheld the manager "to an almost scandalous extent" in the hope that the good he was doing would outweigh the "peculiar political evils" that had developed. But when the special relationship between the parties and the manager began to break up, the resulting struggle for power and influence brought an executive-legislative deadlock.<sup>21</sup>

<sup>19</sup> R. O. Huus, "Cleveland Council Removes City Manager Hopkins," *National Civic Review*, XIX (March 1930), 155-57; *CP*, January 14, 1930; *City Record*, January 29, 1930.

<sup>20</sup> *The City Record*, January 29, 1930.

<sup>21</sup> Matson, "Progress Under the City Manager Plan."

On the other hand Morgan was aware that strict adherence to the city charter's provisions limiting the manager to the task of administration was impossible. Not only were the councilmen part-time legislators but they also lacked the legislative staff necessary to analyze the city's needs in order to formulate policy. That favorite analogous model of city manager enthusiasts, the business corporation, did not expect its directors to formulate policy. Rather, corporation directors relied upon their executive officers and administrators to present policy proposals for their consideration. Morgan's approach to policy-making, therefore, was to assemble the facts and give his considered opinion but to refrain from pressuring councilmen to accept his suggestions. While Morgan's failure to assert himself led to the evasion of some knotty problems, the restoration of the council to an important role in the affairs of the city broke the impasse that had marked the last few years of Manager Hopkins' regime.<sup>22</sup>

The mayor, the elected head of the City Council, was restored to his position as ceremonial master of the city. Morgan's intention to work closely with Mayor John T. Marshall was symbolized by his care in providing an office for the mayor alongside his own in City Hall. The new city manager enhanced the mayor's position by having him make all announcements regarding new or changed public policy. Morgan's willingness to remain on the sidelines was also reflected in his approach to the council. He worked closely with the council's committee chairmen and, in sharp contrast to Hopkins, gave them the credit for solving problems. Thus the gas rate controversy, which for several years had been snarled by the conflict between the former manager and the council, was resolved by effective cooperation between Morgan and Ernest J. Bohn, chairman of the Utilities Committee.<sup>23</sup>

Within his own sphere of activity as the city's chief executive, Morgan insisted that he have a cabinet of his choosing. When he took office Morgan received the resignations of all seven members of Hopkins' cabinet. He immediately announced the reappointment of four of them. One of the remaining three, R. C. Harding, Director of Public Service, stepped out by "mutual agreement"; another, the Director of the Department of Public Utilities, Howell Wright, found his resignation accepted with alacrity. Both of these departments dealt with jobs that were important sources

<sup>22</sup> "Speech by Daniel E. Morgan before the Chillicothe (Ohio) Reform Movement" (Manuscript, November 9, 1935) (Morgan Papers); *The Citizens League of Cleveland, Greater Cleveland*, VI (June 4, 1931).

<sup>23</sup> *PD*, January 28, 1930; *City Record*, January 29, 1930; *CP*, November 12, 1931; information provided in an interview with Ernest J. Bohn, October 6, 1964.

of patronage, and Morgan's appointees were frankly political. Harding's removal was initially protested by the Citizens League on the grounds that he was a "well-trained and experienced engineer and thoroughly efficient administrator" whose replacement by Rees H. Davis, a lawyer without administrative experience or engineering skills, was "a serious loss to the public service." Later the League reconsidered its initial objection because of Davis' proved administrative ability. There were no protests over Howell Wright's replacement by E. H. Krueger, for many of Wright's fellow Democrats were angered by his opposition to the municipally owned electric light plant. The third director to resign was Dudley S. Blossom, the head of the Department of Public Welfare. Morgan himself had no objection to the retention of Blossom, but the latter had incurred the anger both of organization Republicans and of many councilmen for his zealous support of the Progressive Government Committee. In addition, the three Negro councilmen opposed him for his refusal to take action in the City Hospital situation. Morgan sought to appease Blossom's enemies by asking Laurence H. Norton to take the position, but when Norton refused to displace his friend the new city manager reappointed Blossom.<sup>24</sup>

All of Morgan's directors were Republicans, and throughout his tenure as city manager he preferred to appoint Republicans to top positions. While there was no wholesale firing of rank-and-file city employees, many of those who were active Democrats were removed during the first months of his managership. The administration's preference for Republicans is revealed by the high percentage of labor turnover in municipal services during the first year of Morgan's term of office, more than double the unusually high percentage in 1929, the first year of the depression. Morgan did not engage in the job-brokerage business himself. He later confessed that he had sought but one minor position for a personal friend and even then had only succeeded in finding him a part-time job. Nevertheless the Citizens League lamented that a "modified semi-respectable spoils system" was established under Morgan.<sup>25</sup>

Severe criticism arose when Morgan made former state sena-

<sup>24</sup> *CN*, January 28, 29, 1930; *CP*, January 29, 30, 1930; The Citizens League of Cleveland, *Greater Cleveland*, V (February 6, 1930), VI (June 4, 1931); *PD*, January 30, 1930, March 22, 1931; information provided in an interview with Claybourne George, September 22, 1964.

<sup>25</sup> *PD*, January 30, 1934; The Citizens League of Cleveland, *Greater Cleveland*, VI (June 4, 1931); *CP*, undated clipping (E. E. Morgan Papers).

tor George H. Bender the manager of the new Municipal Stadium. The *Cleveland Press* and the *Plain Dealer* emphatically denounced the Bender appointment. The Citizens League said that the choice of Bender had done "serious damage to the manager's administration." The Democrats charged that Morgan was paying off his political debt to Bender for the latter's help in securing the managership for him. Protests increased when the matter of Bender's salary came before the council for legislative action. During a heated debate that lasted two hours, Democratic Councilman W. J. Kennedy declared that the "stadium was built to play football in, not with." Morgan responded with a vigorous defense. He told the council that he had "made no promise to Bender either directly or indirectly," but he stressed the need for a stadium manager who would be able to book important events for the following year and told his critics that he had named Bender because he "was a successful and popular legislator" with a "unique personality and rare ability to sell his ideas to the public." Morgan declared that Bender enjoyed the "confidence of many people . . . and the undivided support of the press." But the explanation did not satisfy his critics, who echoed Kennedy's conclusion: "I hope that this will not be your funeral, Mr. Manager, but I fear it will be!"<sup>26</sup>

Not all of the criticism was politically motivated. The Citizens League did not think that Bender was qualified for the position and asserted that the appointment violated the city charter on two counts: the lack of an open competitive examination, and the failure of the manager to allow the appropriate city director to make the appointment. The opposition of the *Cleveland Press* was based on the belief that Bender had mishandled funds collected for his successful campaign to defeat by referendum the Ohio Anti-Saloon League's Marshall bill. The measure was an attempt by the prohibitionists to restore the authority of the justice of the peace courts which had been impaired by a United States Supreme Court decision in 1926. When the *Press* learned of the decision to appoint Bender, Morgan was invited to the paper's editorial office to hear the "facts" of Bender's affairs. He was made to feel the editorial anger of the newspaper when he persisted in making Bender the manager of the stadium.<sup>27</sup>

In subsequent elections the Bender issue was repeatedly used

<sup>26</sup> *CP*, undated clipping (E. E. Morgan Papers); The Citizens League of Cleveland, *Greater Cleveland*, VI (December 4, 1930).

<sup>27</sup> The Citizens League of Cleveland, *Greater Cleveland*, VI (June 4, 1931); *CP*, February 7, 1931.

by the Democrats to indicate Morgan's subservience to political bosses. One wonders why Morgan made such a controversial appointment. Mayo Fesler said that he was influenced by political expediency "to satisfy certain council members who were political associates of Bender's." Harold H. Burton, who was Morgan's law director at the time, later asserted that Bender really wanted to become manager of the city's Public Hall "where the opportunities for spoils were greater" but that Morgan offered the stadium position because he was convinced of Bender's ability to publicize the new municipal attraction. Certainly Morgan admired others with the flare for publicity and personal aggressiveness which he himself lacked. His assessment of Bender's qualifications is supported by financial statistics covering the period of his appointment. While other cities' municipal stadiums were losing money when the stadium was opened in 1931, Cleveland's stadium made a profit of over \$13,000 during the first six months of its operation. Nevertheless, although Bender was able, political considerations played a more important part in his appointment than Morgan ever admitted publicly.<sup>28</sup>

Morgan inherited a number of problems from the previous administration. The two chief ones, agreement on legislation authorizing a natural-gas contract and the settlement of the water rate dispute, had remained unsolved largely because of the strife between the former manager and the council. In 1928 the natural gas franchise of the East Ohio Gas Company had expired. When the City Council passed a new franchise granting an increase of fifteen cents per thousand cubic feet in the cost of gas, Hopkins rejected the ordinance and submitted a new franchise, which the gas company in turn rejected. The East Ohio Gas Company was able to secure a favorable judicial decision which permitted them to discontinue service in the event of further disagreement with the city over new rates. While this decision was ultimately reversed in the Supreme Court of Ohio, the dispute between the city and gas company sputtered on without resolution during the last year of Hopkins' managership.<sup>29</sup>

<sup>28</sup> The Citizens League of Cleveland, *Greater Cleveland*, VI (June 4, 1931); information provided in an interview with Harold H. Burton, April 2, 1963; letter from Stephen G. Rush, Director of Finance, City of Cleveland, to DEM, January 4, 1932 (Morgan Papers). See Morgan's letter to A. T. Burns (December 15, 1916) for Morgan's idea's on the kind of promotion necessary to secure community support (Morgan Papers).

<sup>29</sup> "Cleveland Gas Service Threatened," *National Civic Review*, XVIII (November, 1929), 714-15; *Greater Cleveland*, V (December 5, 1929); *Ohio State Journal*, February 2, 1929; Huus, "Cleveland Council Removes City Manager Hopkins."

When Morgan became city manager the problem had become complicated by the changing economic conditions and by the frequent charges that Hopkins had been ousted because of his opposition to the East Ohio Gas Company's terms of settlement. He confounded the critics, who expected him to be sympathetic to the company, by asking Newton D. Baker to continue as the city's chief legal counsel in the dispute. Morgan's earlier experience with the gas company made him acutely aware that he faced a formidable fight to secure a satisfactory settlement, but he had some advantages that were absent during the dispute when he was councilman in 1911. He was no longer contending with a weak and vacillating chief executive; he himself occupied that office, and he had a valuable aide in Ernest J. Bohn, a fiery young progressive Republican who was chairman of the council's Utilities Committee. Morgan's handling of the situation followed a pattern that was characteristic of his approach. He secured a top-ranking gas engineering expert to assist the city in its investigation of the cost of gas, and on the basis of the expert's report he prepared an ordinance for consideration by the council. In approving the measure passed by the legislative body, which cut the consumer's bill by ten cents per thousand cubic feet, Morgan pointed out that the city had been "fair, even generous in its treatment of the East Ohio Gas Company" in the past. Noting the great profits the company had made in previous years, he said that it would be a "sad commentary upon our laws" if charges were increased during a period of deflation and depression. In order to present a united front to the gas company, Morgan secured support of the settlement from William R. Hopkins, Newton D. Baker, and various civic and business organizations. The East Ohio Gas Company rejected the ordinance, however, and began an action before the state's Public Utilities Commission to restrain the city from putting the new rates into effect. Morgan was no longer in office when, three years later, the state commission finally endorsed his settlement and ordered the company to return \$3,500,000 to Cleveland gas consumers.<sup>30</sup>

The problem of water rates involved suburban areas that depended upon Cleveland for their water supply. The expansion of suburbia during the preceding decade had placed increased demands upon the parent city's water facilities, which were already

<sup>30</sup> Letter from Ernest J. Bohn to DEM, June 3, 1939 (Morgan Papers); CN, January 29, 1930; *Address of Daniel E. Morgan Before the Cleveland City Council November 11, 1931 Reviewing His Administration as City Manager* (Cleveland: privately printed, 1932), 2-4; *City Record*, May 20, 1931; PD, July 13, 1934.

inadequate. Since "no satisfactory information was at hand as to the character, order, and rate of expansion and as to what re-adjustment of rates would be necessary to finance" any proposed development program, Morgan again appealed to a nationally known expert, who made an exhaustive study of the water situation, assisted by two local authorities. As a result of their report Morgan submitted a new water rate ordinance, which raised the rates in order to finance the construction of a new five-mile water tunnel under the lake and an additional filtration plant.<sup>31</sup>

The suburban communities strenuously opposed the proposed increase in rates. For some time they had contended that rates discriminated against suburban consumers. Faced with increases instead of the reductions they had hoped to secure, the forty-seven suburban communities hired a lawyer and a water engineering expert to represent them. In the lengthy negotiations that followed, the overbearing attitude and disturbing tactics of Director of Public Utilities Krueger so antagonized the suburban representatives that an impasse was reached. At this point Morgan took command of the discussions and skillfully restored communications. By marshalling his facts and combining tact and willingness to compromise he secured the assent of the suburban officials to a modified rate increase while at the same time he lowered the original increase that had been scheduled for city consumers.<sup>32</sup>

The administration's heritage included a problem even older than gas and water rates—the straightening and improvement of the Cuyahoga River and the building of necessary port facilities. Since 1820 Clevelanders had endeavored to make their shallow, crooked river more suitable for commerce and industry. Morgan believed that Cleveland's failure to provide adequate river development and port facilities was a costly mistake which could prevent the city from becoming "one of the leading, if not the leading, Great Lakes port for both lake and ocean-going vessels." Predicting that within the near future the improvement of the St. Lawrence River would make the city a seaport for at least six months of each year, he urged that legal questions concerning ownership of land on the lake and river fronts be resolved in order that the city might plan carefully for the future.<sup>33</sup>

<sup>31</sup> DEM, *Address of Daniel E. Morgan*, 5-7; The Citizens League of Cleveland, *Greater Cleveland*, VI (June 4, 1931); information provided in an interview with Ernest J. Bohn, October 6, 1964.

<sup>32</sup> Information provided in an interview with Ernest J. Bohn, October 6, 1964; DEM, *Address of Daniel E. Morgan*, 6-7.

<sup>33</sup> DEM, *Address of Daniel E. Morgan*, 12-14; "Mayoralty Primary, January, 1932, Miscellaneous Material" (Morgan Papers).

No large vessel built during the previous twenty-five years was able to go up the Cuyahoga because of that river's many curves and silt deposits. Morgan argued that the river must be improved if it were not to disappear altogether. As a part of a five-year plan for general improvement of the community, he secured the passage of a \$3,500,000 bond issue to prevent the river's decay. He also initiated conversations with the federal government and with Cleveland's representatives in Congress to secure additional funds for dredging the river.<sup>34</sup>

Attempts to resolve the complicated problems of building and developing a port accompanied these endeavors. Manager Hopkins had been asked to create a Port Commission to study the question but had rejected the idea, believing that Cleveland did not need a Port Commission until it had a harbor. The matter was dropped until Morgan became manager and endorsed a council proposal to establish an Advisory Board on Port Development. Upon passage of the measure he promptly appointed Newton D. Baker to head a commission of twenty-one members representing "all the interests that are concerned with the lake front." Morgan charged the commission with the task of investigating the question of port development thoroughly in order to recommend the best kind of Port Authority for Cleveland. The body was also responsible for recommending and drafting any state legislation that might be needed to carry their proposals into effect.<sup>35</sup>

Morgan was immediately criticized for including such private interests as railroad and real-estate representatives on his Advisory Board. In response he argued that the inclusion of all groups interested in lake-front development was a deliberate policy designed to ensure that all points of view would be fully discussed and considered. He warned that if strong private interests were excluded they would direct their attention to attacking the commission's findings. Morgan asserted that it was much better "that all interests should meet at the council table before meeting at the trial table."<sup>36</sup>

Though Morgan's factual approach to problems frequently succeeded, there were times when agreement was blocked and a consensus was impossible. The new city manager had promised the Negro councilmen that he would investigate the question of

<sup>34</sup> DEM, *Address of Daniel E. Morgan*, 10; "Mayoralty Primary Material" (Morgan Papers).

<sup>35</sup> Letter from Alfred Clum to DEM, October 18, 1930 (Morgan Papers); DEM, *Address of Daniel E. Morgan*, 13-14.

<sup>36</sup> DEM, *Address of Daniel E. Morgan*, 13-14.

discrimination at City Hospital. Once in office, he began by reading the results of an investigation that had been carried out in November, 1927, by a committee of doctors from City Hospital who had traveled to Philadelphia, Chicago, and St. Louis to interview the medical and administrative staffs of other hospitals. Armed with written testimony that reinforced their own fear that the addition of Negro interns and nurses would disrupt hospital routine, the administrative staff of City Hospital opposed such a change. The report claimed that white patients, particularly white females, would seriously object to examination by Negro interns and that the presence of Negroes would create serious problems in the operation of the hospital. One solution offered to the committee of visiting doctors was that Cleveland should build a separate hospital for Negroes. The idea was favorably received by the administrators of City Hospital, but the Negro leaders in the community objected strenuously.<sup>37</sup>

Although the city financed the hospital, its governing body was an executive committee which included the chiefs of staff from the three major medical departments of Western Reserve University Medical School and one member of City Hospital's visiting staff. Morgan held a series of conferences with the committee and the superintendent and nursing director of the hospital. While the medical doctors asserted that they were not prejudiced, all of the administrators who were involved remained adamant in their opposition to any change of policy. When Morgan decided to act, he called the executive committee to his office early on a Saturday morning, before reporters were about who might give his decision advance publicity. The committee was still opposed to integrating the hospital staff. After listening to their final opinions, Morgan read them the following quotation:

There is no more ruinous thing than a small, intense loyalty pressed at the expense of a larger one. To be loyal to your social set, so that you do not really care about all sorts and conditions of men; to be loyal to your economic class, so that you cannot take a broad, objective view of industry and see what really is for the good of all; to be loyal to your religious sect, so that barriers are built around your sympathies and understanding; to be loyal to your nation, so that in days when no nation lives or dies unto itself you lack the international mind; to be loyal to your race, so that color lines prevent your judging every son of man by his

<sup>37</sup> "City Hospital Exhibits" (unpublished, undated paper) (Morgan Papers); information provided in interviews with Claybourne George, September 22, 1964, and with Dr. R. C. McKay, January 2, 1965.

real merits and hold back your devotion to the welfare of the whole family of God—such narrowing of loyalty is the curse of the world.

He then ordered the admission of Negroes to the staff of City Hospital.<sup>38</sup>

In September, 1930, five Negro girls entered the hospital's nurses' training program, but another battle was fought with the doctors of the hospital before a Negro intern was admitted to the staff. Acutely aware of the obstacles to be faced by the first Negro intern, Negro community leaders searched the leading medical schools for a top student. They prepared a list of five candidates and presented them to the executive committee of the hospital. The student finally selected was a graduate of Dartmouth College and Harvard Medical School whose light complexion and pleasing personality were as significant as his excellent school record. A number of doctors from the hospital staff demanded a meeting with Morgan to protest the move. After hearing their point of view, Morgan presented his own opinion: "Gentlemen, we once fought a war over that in this country." The new doctor began his internship on July 1, 1931, and completed his training without incident.<sup>39</sup>

The integrity that characterized Morgan's handling of the City Hospital situation was evident in another, politically sensitive area of his administration. By carefully scrutinizing city contracts he prevented any repetition of the land scandals and other forms of corruption that had marked the last few years of the previous administration. Even when some pressure was brought to bear on city contractors to place their insurance business with Republican insurance brokers, the new city manager insisted that the contractors have freedom of choice in the matter.<sup>40</sup>

But Morgan's administration did not escape censure. The in-

<sup>38</sup> *PD*, February 8, 1932; letter from Claybourne George to the author, February 3, 1965.

<sup>39</sup> Letter from Claybourne George to Daniel E. Morgan, October 1, 1930 (Morgan Papers); National Association for the Advancement of Colored People, *Leaflet* (July 3, 1931); information provided in an interview with Claybourne George, September 22, 1964; *PD*, May 2, 1949.

<sup>40</sup> The Citizens League of Cleveland, *Greater Cleveland*, VI (June 4, 1931); *PD*, February 7, 1932; letter from DEM to W. G. Wilson, February 1, 1932. That the Democrats and the *Plain Dealer* were keeping close watch on Morgan is evident from the letter of Larry G. Collister, County Treasurer, to Morgan. He wrote that Ralph Hertz of the County Prosecutor's office and a reporter from the *Plain Dealer* were spending considerable time checking payrolls of various City Hall departments. This letter is undated but was written during the mayoralty campaign of 1932 (Morgan Papers).

effectiveness of the police department in combating the "bootleg gangs" that thrived in those days of prohibition and the department's failure to solve the murder of former Councilman William E. Potter provoked constant comment. Although much of the criticism came from Democratic politicians and newspapers that supported the opposition party, there is little doubt that bootleggers did carry on an extensive trade in the Cleveland area and that the frequent murders of gangland figures reflected the competitive spirit of those who sought to control the trade in illegal alcohol. Such enterprises prevailed of course, in all large metropolitan centers during the age of the Eighteenth Amendment. People from diverse nationality backgrounds did not take kindly to the sumptuary laws that had been forced upon them: German, Italian, Irish, and Eastern European immigrants who enjoyed their beer, wine, and whiskey resented continual prying and searching by law enforcement officers. In the privacy of their homes many made their own wine and beer, or they bought liquor from the friendly neighborhood bootlegger. If they were caught and brought before the courts to pay for their illegal acts, their resentment boiled over and was felt by the city councilmen, who, partly in sympathy and partly in self-protection, objected to the city administration about these frequent raids upon the homes of their constituents.<sup>41</sup>

Morgan, who was neither a confirmed wet nor an ardent dry, responded to the situation by instructing his Director of Public Safety, Edwin D. Barry, to concentrate upon curtailing the activities of criminals without using "any third-degree methods" to harass ordinary citizens. The newspapers and the opponents of the Republican party did not always agree with Barry's interpretation of Morgan's directive and frequently accused him of protecting criminals and corrupt politicians.<sup>42</sup>

This latter charge was most effectively raised when William E. Potter was mysteriously murdered in February of 1931. Potter, whose glib and busy tongue had made him one of the best known of the city's minor politicians, had been a councilman for ten years. His involvement in several conflict-of-interest cases and the land scandals ended his political career in 1929. Two years later he was found shot to death the day before he was to appear in court on perjury charges in connection with the land scandals. Sensa-

tional newspaper stories reflected the public view that there was a direct connection between the timing of Potter's murder and the perjury case. It was rumored that he had been ready to involve other city politicians in the land scandals. Ray T. Miller, the Democratic County Prosecutor, told reporters that Potter was murdered "by someone who feared that he was going to reveal what he knew about graft in the city land deals." He was killed, said Miller, "to close his mouth."<sup>43</sup>

Shortly afterwards a whiskey runner known as "Pittsburgh Hymie" Martin was arrested and tried for Potter's murder. The trial, with witnesses who might have stepped from the pages of something by Damon Runyon, was a bizarre spectacle: the prosecutor implied that Martin had been hired to kill Potter by those who were afraid he would talk. Circumstantial evidence linking the defendant to the killing and a show of dramatic forensics by Prosecutor Miller convinced the jury that Martin was the murderer, but a less emotional court of appeals ordered a new trial on the grounds of error by the presiding judge and "abusive, unjust and inflammatory personal vituperations" by the prosecution.<sup>44</sup>

Even before the court of appeals ordered a new trial, the public began to express doubt about Martin's guilt. In an open letter to City Manager Morgan the editor of the *Cleveland Press* pointed out the importance of solving the murder and criticized the city manager's silence, in light of the fact that the arrest of Hymie Martin had not "disturbed in the slightest degree the political grafters of whom one or more ordered the killing." But there was little that Morgan could do about a murder that remains unsolved to this day. There is no reason to believe that the police were not given his full support in their investigation. Morgan had a strong sense of party regularity, but the concealment of murder would entirely have violated the code of ethics which guided his public career. Martin was eventually retried and acquitted, but the mystery of Potter's death continued to provide ammunition for those who opposed Morgan and his Republican supporters.<sup>45</sup>

Another charge leveled at the police department was that honest officers were "shackled" in the investigation of vice, gambling, and illegal liquor operation. County Prosecutor Miller conducted a grand jury investigation of these allegations in the fall of 1931. Although the testimony was supposed to be secret, some sections of

<sup>41</sup> *CP*, undated editorial (E. E. Morgan Papers); *City Record*, February 4, 1931; *CN*, January 5, 1932.

<sup>42</sup> *CN*, January 5, 1932; The Citizens League of Cleveland, *Greater Cleveland*, VII (November 12, 1931).

<sup>43</sup> Howard Beaufait, et al., *Cleveland Murders* (New York: Duell, Sloan and Pearce, 1947), 177-87, 200.

<sup>44</sup> *Ibid.*, 189-212.

<sup>45</sup> *Ibid.*, 211, 214-16.

it relating to the police department were released to the newspapers. The testimony seemed to confirm charges that the police department was lax in its enforcement of the law, especially in the area of policy gambling, and it was effectively used in the November elections, but the grand jury subsequently failed to return a single indictment.<sup>46</sup>

Internal politics added to public criticism to create dissension within the police department. When the chief of police retired in the fall of 1930, Morgan selected Inspector George J. Matowitz to replace him. The appointment received the endorsement of Director Barry and Newton D. Baker, but it failed to meet the approval of some officers in the department. After the dissidents failed to prevent the appointment by court action, they began to feed information to Morgan's opponents in an attempt to discredit his administration.<sup>47</sup>

However partisan the criticism of newspapers and Democratic politicians, it is probable that if Morgan had given the same attention to police administration and the prosecution of criminal activity that he gave to other problems, the police department might have been more effective. Two years after he left office, the *Cleveland Press* editorialized that "most of the criticism of police shortcomings under Morgan's administration was based on his lack of experience in police matters, and the fact that by temperament, training and the press of other business, he was led to underestimate its importance and to neglect its proper supervision." Subsequent mayors made the fight against crime a focal point of their administrations and reaped an inordinately high reward in public approval.<sup>48</sup>

Mayo Fesler, whose comments about politicians and municipal affairs fell with equal candor and severity upon Democrats and Republicans alike, judged the police department to be generally effective under Morgan. He noted that, though Cleveland was handicapped by an inadequate number of men in the police division, the department kept pace with modern techniques of crime detection and prevention by equipping its police cars with radios and arranging for a county-wide radio link-up with suburban police forces. One innovation for which Morgan was responsible was the creation of a police training school. Shortly after he

<sup>46</sup> The Citizens League of Cleveland, *Greater Cleveland*, VII (November 12, 1931); PD, January 8, 1933.

<sup>47</sup> The Citizens League of Cleveland, *Greater Cleveland*, VI (June 4, 1931); "Statement by Daniel E. Morgan" (manuscript, October 29, 1931) (Morgan Papers).

<sup>48</sup> CP, January 9, 1933.

became city manager he made arrangements with Cleveland College for the establishment of a Police Academy to provide training under criminologists and other university personnel for recruits and experienced officers alike.<sup>49</sup>

When the *Cleveland Press* analyzed Morgan's shortcomings in administering the police department, it noted that "other business" had pressed upon his time and resources. More specifically, the economic depression of the thirties had interfered. As the gloom of increasing unemployment settled around the city and great numbers of the jobless, the hungry, and the homeless were in despair, many called for retrenchment and economy in the administration of the city. Morgan answered that the city was not like a private employer, who could reduce his expenditures or close down his business. In addition to carrying on the usual housekeeping services, Cleveland had to provide additional recreational and educational opportunities for those who were out of work. He argued that it was necessary for the municipal administration to furnish food, clothing, shelter, fuel, and hospital care for those citizens who were without money or work.<sup>50</sup>

Morgan became city manager three months after the Wall Street crash of 1929. Each month he was in office the number of unemployed rose: in 1929 there were 2,500 families on relief; by the close of 1930 this figure had swollen to 15,000 families, and the end was not in sight. In 1921 an economy-minded Mayor Kohler had relieved the city of the task of caring for families on relief by persuading private agencies to take on the responsibility, but by 1930 the private charities were overwhelmed by the mounting needs of the community, and the situation grew increasingly desperate. Responsible citizens were alarmed by the growing strength of radical agitators who harangued the crowds of unemployed at Public Square and organized councils to demand relief measures.<sup>51</sup>

Well aware of the growing unrest, Morgan organized committees to help the unemployed and promoted the "man-a-block"

<sup>49</sup> The Citizens League of Cleveland, *Greater Cleveland*, VI (June 4, 1931); "Mayoralty Primary Materials" (Morgan Papers).

<sup>50</sup> "Speech of John D. Fackler before the City Club" (manuscript, January 24, 1931) (Morgan Papers); DEM, "What Cleveland Has Done to Relieve Unemployment," a transcript of a radio talk, May, 1931, (Morgan Papers).

<sup>51</sup> DEM, "What Cleveland Has Done to Relieve Unemployment"; The Cuyahoga County Joint Relief Committee, "To the Honorable George White, Governor of Ohio: An Application for Reconstruction Finance Corporation Relief Funds" (September 14, 1932) (Watt Papers); Whiting Williams, "Days Among Cleveland's Jobless," the *Cleveland*, V (October, 1930); Lucia Johnson Bing, *Social Work in Greater Cleveland* (Cleveland: Welfare Federation, 1938), 17.

program to help locate work in residential neighborhoods, but the inadequacy of his resources was expressed in a letter he wrote to the secretary of the Consumers League. In response the League's request for his support of U. S. Senator Robert F. Wagner's public works bill, Morgan approved the legislation as a step in the right direction but deplored the fact that such a conservative measure should meet so much opposition. He wrote that there was little that could be done by him as city manager "in the way of permanent solution of the unemployment," although he was working to provide temporary employment.<sup>52</sup>

Morgan secured the issuance of \$900,000 of councilmanic bonds to provide additional work in the Department of Public Service. Under the program a register of unemployed heads of Cleveland families was organized in the fall of 1930. On the first two days of registration so many thousands lined up outside the city hall to record their names that a second registration period had to be arranged a month later. During the winter of 1930-31 17,000 heads of families signed up for work improving city parks, streets, and highways. Meager funds prohibited the full-time employment of these men, but Morgan arranged a system of rotation so that every man who registered secured a fair share of the limited work available.<sup>53</sup>

When Morgan assumed office in January, 1930, he was surprised to discover there was no program for public improvements. Projects had been proposed on haphazardly, without an overall plan to guide city officials. As Morgan began to map a systematic approach to public investments, he worked closely with the City Council's Finance Committee, the county commissioners, and the Board of Education to develop a five-year plan. At a series of public hearings these governmental bodies, in conjunction with civic and business organizations, examined the needs and financial problems of the county, the city, and the Board of Education. Out of the study came a proposal that the three governmental units put forward a \$31,000,000 bond issue package at one election and assure the electorate that they would not again be asked to vote additional taxes, except for welfare issues, for five years. Morgan later noted that at the time he conceived the idea of a five-year program, the depression and the consequent unemployment were "secondary and unessential" elements in his thinking, because it was the prevailing opinion that they were temporary problems. As

<sup>52</sup> Letter from DEM to Elizabeth S. Magee, July 9, 1930 (Morgan Papers).

<sup>53</sup> DEM, "What Cleveland Has Done to Relieve Unemployment."

the campaign to secure endorsement of the \$31,000,000 bond package got underway, however, "some smart promotional experts" had thought it would be effective to link the proposed improvements with the idea of putting Clevelanders back to work.<sup>54</sup>

As soon as the voters approved the entire bond issue in 1930, Morgan moved swiftly to transform the millions into bricks, concrete, and wages for workers. The first project was to replace the Warrensville tuberculosis hospital, which had been condemned, with a new, 360-bed hospital. At the same location the city hospital for chronic illness, which had been built to hold 600 beds, was caring for 875 patients and had a waiting list of another 500. When a proposal to spend \$1,700,000 on an entirely new building was rejected, \$250,000 was allotted to add a 160-bed unit. To secure the maximum hospital space at minimum cost, Morgan ordered that all frills be omitted in the building of the hospitals, and they were constructed at less than half the cost of the municipal hospital facilities previously built.<sup>55</sup>

The largest portion of the bond issue was designated for sewage-disposal facilities, which Morgan considered the most important element of the five-year plan. Shortly after the new city manager took office, he had discovered that over 100,000,000 gallons of raw sewage were flowing into Lake Erie every year because of inadequate equipment at the sewage plant on the east side of the city. Cleveland's failure to complete sewers connecting with the city's southern disposal plant, which operated at less than 25 per cent of capacity, left another 20,000,000 gallons of untreated waste to enter the Cuyahoga River every year. Inadequate facilities for disposal of grease and oil at the westside plant caused the neighboring area to be saturated with noxious odors, a cause of frequent complaints from citizens.<sup>56</sup>

Equipped with a \$14,000,000 allocation, Morgan's administration began to build a new, modern disposal plant at East 140th Street and additional facilities for the westside unit. The city manager secured permission from the Ohio Board of Health to issue \$2,000,000 in bonds to construct the missing connecting sewers along the Cuyahoga River. While some of these projects were still incomplete when he left office, Morgan expressed opti-

<sup>54</sup> DEM, "What Cleveland Has Done to Relieve Unemployment"; letter from DEM to editor of the *Plain Dealer*, May 25, 1932 (Morgan Papers); *City Record*, July 30, 1930.

<sup>55</sup> DEM, *Address of Daniel E. Morgan*, 9-10.

<sup>56</sup> "Mayorality Primary Materials" (Morgan Papers).

mism that by 1935 the lake and river would be free of pollution.<sup>57</sup>

Included in the five-year plan were other building and improvement projects, such as a \$5,000,000 extension of the city's relief sewers and cooperative undertakings with suburban, county, and school board officials to build bridges, widen and improve streets and highways, and improve the Mall. Lack of sufficient exhibition space had forced the previous administration to erect a temporary exhibition hall in the center of the Mall. Like so many temporary structures, the demand for its services prolonged its life. Morgan resolved the problem by adopting the suggestion that an underground exhibition hall be built in the area between City Hall and the county court house. The plan left the contours of the Mall undisturbed and at the same time gave the city the benefit of its temporary exhibition hall until the proposed underground hall was completed. Morgan's pride in having contributed to the civic center was reflected in his final address to City Council: "... after a generation of planning and waiting the dreams of the originators of the Cleveland group plan, of whom Mr. Tom Johnson was the foremost, will be realized."<sup>58</sup>

The building of Municipal Stadium in less than a year illustrates Morgan's remarkable administrative ability. He had not initiated this project, but in the first few months of his managership he had to translate into reality the blueprints for this gigantic structure, which was designed to hold nearly 80,000 people and to accommodate all types of sporting events. Morgan's predecessor, City Manager Hopkins, had been the original promoter of the stadium, but court actions and conflict over the site delayed construction until 1930. After the court actions were settled, Morgan secured agreement from all parties concerned in the dispute over the site for the new stadium. When construction started late in the summer of 1930, Morgan supervised the project closely to prevent further delays. In the spring, when it seemed that the stadium would not be ready for the scheduled opening on July 1, 1931, he called all the contractors to his office and extracted their individual promises to finish their tasks by the opening day—even if it meant working around the clock. The structure was completed on time. Two days later the first big event, a boxing match between reigning world heavyweight champion Max Schmeling and W. L. (Young) Stribling, took place before a crowd of 36,936.<sup>59</sup>

<sup>57</sup> DEM, *Address of Daniel E. Morgan*, 10, 12.

<sup>58</sup> *Ibid.*, 11–17.

<sup>59</sup> *Ibid.*, 15.

In planning and supervising these projects Morgan used the systematic habits and skills that marked his earlier involvement in civic affairs. He thrived on the long hours spent poring over plans and working out the details and final execution of municipal undertakings. Armed with factual knowledge, he used his skill in mediating differences to find reasonable solutions to the problems of municipal expansion. His administrative ability was recognized in his handling of the ordinary housekeeping services of the city as well as in the progress he made on his five-year plan. During his campaign for mayor in 1932 not one of his four opponents charged him with slipshod administration or hinted at corruption in his administration's multi-million-dollar improvement projects.<sup>60</sup>

While Morgan denied that his five-year plan was primarily designed to assist the unemployed, there is no doubt that the projects did provide limited work opportunities during those early years of the depression for skilled and unskilled workers in the construction industry. Although it proved impossible for municipal authorities to provide employment for thousands of other citizens who were out of work, Morgan tried to ensure them welfare assistance.

By the summer of 1930 the need for welfare funds had exhausted the resources of private agencies. Representatives of the Associated Charities and the Jewish Welfare Federation talked with Morgan about securing financial assistance from the city. They estimated that their agencies would require at least an additional \$500,000 to see them through the winter months. Since the city budget had already been determined, state law did not permit new allocations before the end of the year. On Morgan's suggestion a special bill was introduced in the state legislature to permit City Council to issue special bonds for relief funds. The City Manager accompanied civic leaders on a trip to Columbus to testify on the proposed legislation, and Morgan's influence with downstate legislative representatives was an important factor in the passage of a bill to provide \$1,000,000 for relief in Cleveland.<sup>61</sup>

When the money had been obtained, some of the city councilmen wanted to organize a special municipal agency to handle relief distribution, but Morgan insisted that the money go directly to the private agencies. Anguished Republicans lost a new source

<sup>60</sup> CP, November 12, 1931; The Citizens League of Cleveland, *Greater Cleveland*, VII (November 12, 1931).

<sup>61</sup> DEM, *Address of Daniel E. Morgan*, 18–19; Florence T. Waite, *A Warm Friend for the Spirit: A History of the Family Service Association of Cleveland and Its Forebears, 1830–1952* (Cleveland: Family Service Association, 1960), 234–41.

of political patronage, but the decision ensured that the public funds were spent for food, clothing, and shelter for the needy.<sup>62</sup>

By the end of the summer the expectation that these funds would be sufficient proved to be in error. Recognizing that the problem was not limited to city boundaries, Morgan joined members of the city council in persuading county officials and leaders of welfare agencies that it was the responsibility of all citizens of the greater Cleveland area to help with the relief burden. The county commissioners placed a one-mill welfare levy on the ballot in the November election. The passage of the measure ensured \$2,000,000 for relief for the winter of 1931-32.<sup>63</sup>

Acting on his own initiative, Morgan investigated the facilities for homeless men and women and discovered that the city's Wayfarers' Lodge could accommodate only 380 people. Realizing that this was far from adequate at the time, he secured \$30,000 from the City Council and the county commissioners to enable the lodge to double its bed space. When the summer of 1931 brought no signs of change in business conditions, Morgan secured additional funds to enlarge accommodations at the Lodge.<sup>64</sup>

Morgan was similarly concerned for the unemployed. While he tolerated the "semi-respectable spoils system" in regular jobs at City Hall, he insisted that men employed in relief work for city departments be hired on the basis of need, regardless of their political inclinations. An incident which demonstrated his deep concern for human misery was not revealed until years after he left office. Hundreds of men were lined up outside City Hall to register for part-time work for the division of city parks. Despite long hours of waiting in the cold wind which blew up from the lake, no one ventured out of line for fear of losing an opportunity to get a job. Noticing the scene, Morgan arranged for a caterer to come by with coffee and sandwiches for the cold and hungry men. The bill for this impromptu meal came to \$250, which Morgan paid out of his own pocket; the line of waiting men never knew the identity of their benefactor.<sup>65</sup>

The local Communists, who were extremely active in organizing the unemployed, frequently led marches on City Hall to demand employment and relief measures. On one occasion while Morgan was city manager, more than 700 men marched to a demonstration in front of City Hall while their leaders appeared

<sup>62</sup> DEM, *Address of Daniel E. Morgan*, 19.

<sup>63</sup> *Ibid.*, 19-20.

<sup>64</sup> *Ibid.*, 20-21.

<sup>65</sup> *Ibid.*, 18; CP, November 12, 1931; PD, May 2, 1949.

before the council's welfare committee. The Communists' demands led to angry exchanges charged with invective. The councilmen were clearly on the defensive, and the situation looked as if it were getting out of hand. When it seemed a matter of minutes before the meeting would end in violence with the waiting police, Morgan entered the committee room. Speaking quietly, he told the organizers of the protest that they really didn't want their demands met. They wanted the kind of government that would make their demands unnecessary and were working to bring such a government into existence by revolution. Morgan told them that he recognized the imperfections of the capitalistic system but preferred to remedy the existing society rather than abandon it in a destructive revolution. Recognizing that it was the first duty of the city government to feed and clothe the needy, he declared that he would work to that end as long as he was chief executive. One of the Communists replied to Morgan's speech by asserting that when the revolution came he was certain that Morgan would make as good a "Soviet City Manager" as he was a manager for the "government of the bosses." The *Cleveland Plain Dealer* commented perceptively on the incident: "There are other ways of greeting jobless protests and Communists demonstrations. Some government executives lock the door and order the 'mob' dispersed. This method often results in bloodshed and rancor. We like Manager Morgan's method better."<sup>66</sup>

Morgan's plans for the future of his managership were not realized. On November 8, 1931, the office of city manager was abolished, and the city returned to the mayor-council form of government. By a curious circumstance the same council meeting that witnessed Morgan's appointment as manager had granted use of a committee room to a privately organized charter-review commission headed by Saul S. Danaceau. Twenty-one months later Danaceau's group celebrated the victory of a campaign that had toppled the city manager plan.<sup>67</sup>

As a college student Danaceau had testified in favor of the city manager plan in 1919, but he had grown increasingly hostile to this form of government after witnessing it in operation. His principal objection to the city manager plan as it operated in Cleveland was that the electorate lacked control of the chief executive. He described the operation of the plan under Hopkins as a "closed corporation with Hopkins as managing director," and

<sup>66</sup> PD, January 7, 8, 1931.

<sup>67</sup> *City Record*, January 29, 1930; CN, November 9, 1931.

he believed that continuance of the plan would lead to a municipal dictatorship. Though Danaceau was a Democrat, he did not view Morgan's managership with the same suspicion that he had the former administration, but he believed that Morgan's selection by a party caucus was symbolic of a fraud that was being perpetrated on the citizens of Cleveland in the name of good government.<sup>68</sup>

The Danaceau commission concluded that the best interest of the city would be served by a return to the former federal plan of government, under which the mayor was elected from the city at large and the council from wards. The commission also recommended abolishing the proportional representation method of voting in favor of the single-choice ballot for the election of both mayor and councilmen.<sup>69</sup>

The advocates of the return to the strong-mayor form of government succeeded in placing their measure on the ballot in 1931. In the campaign that preceded the election, "good government" organizations like the Citizens League and the League of Women Voters were joined by various business organizations and the Republican party in defending the city manager plan. Danaceau's group was supported by the Democratic party organization, which was clearly angered because the previous agreement for a fixed division of patronage was no longer in effect. Unlike his predecessor, Morgan refused to participate in the campaign, on the grounds that a nonpartisan chief executive was morally as well as legally committed to neutrality. His decision not to speak was strictly observed even though his administration was repeatedly under fire. He was attacked personally by a youthful assistant county prosecutor, who labeled Morgan as "Public Enemy Number Two" (Maschke was "Public Enemy Number One"). Despite his anger at such a term, he remained silent.<sup>70</sup>

<sup>68</sup> Information provided in an interview with Saul S. Danaceau, March 30, 1965.

<sup>69</sup> Information provided in an interview with Saul S. Danaceau, March 30, 1965; The Citizens League of Cleveland, *Greater Cleveland*, VII, 1 (September 17, 1931), VII, 2 (September 24, 1931).

<sup>70</sup> Information provided in an interview with Saul S. Danaceau, March 30, 1965; The Citizens League of Cleveland, *Greater Cleveland*, VII (October 8, 1931); Abbott, *The History of Woman Suffrage*, 115-19; Maher, "Cleveland: Study in Political Paradoxes," 137-38; *CN*, October 24, 1931; John D. Marshall, "Shall We Change Our City Charter? No!," *The Cleveland*, VI (October, 1931); Saul S. Danaceau, "Shall We Change Our City Charter? Yes!," *The Cleveland*, VI, (October, 1931). The assistant county prosecutor told me on October 20, 1964, that he had called Morgan "Public Enemy Number Two" in the heat of the charter campaign. When the newspapers gave publicity to his statement, he consulted Newton D. Baker about offering an immediate apology to Morgan. Baker advised the young lawyer to wait until after the election—but then it was too late, and Morgan remained cool to him, he said, for many years.

Four days after the election Morgan resigned and handed over his office to his law director, Harold H. Burton, who, under the terms of the new charter, became acting mayor of the city until a new executive could be elected in February, 1932. In a farewell address to the City Council Morgan reviewed the accomplishments of his administration; he praised both Republican and Democratic councilmen for their cooperation, thanked his co-workers and their staffs for their assistance, and commented briefly on the frequent newspaper attacks on the Republican councilmen and himself. He denied that Maschke controlled the majority party on the council and asserted that he had "always been and would continue to be" his own boss.<sup>71</sup>

In subsequent years Morgan spoke positively of the city manager form of government, but he continued to doubt its suitability for large metropolitan centers where populations were not homogeneous. When asked why the plan failed in Cleveland, he invariably cited the unrest of the depression as the immediate cause. He believed, however, that the principal weakness of the city manager plan in Cleveland had been the failure of the community to develop a city-wide organization or municipal party devoted to support of the plan.<sup>72</sup>

When Morgan developed this theme in 1935 before a Chilli-cothe group that was considering the adoption of a city manager plan, he told his audience that in Cleveland the plan's failure was inevitable because the political bosses continued to control city politics by their selection of the first manager and their apportionment of patronage. He further maintained that Hopkins' re-

<sup>71</sup> DEM, *Address of Daniel E. Morgan, passim*.

<sup>72</sup> Letter from DEM to Leonard Johnson, February 27, 1932; *PD*, November 30, 1933; *The Marietta Times*, April 14, 1932. While the depression and the lack of a city-wide organization supporting the manager plan contributed to its defeat in 1931, there is no doubt that the "debate" between William R. Hopkins and Maurice Maschke during the 1931 charter campaign played a significant role in giving victory to the opponents of the manager plan. Hopkins, who was running for City Council, was invited by Philip W. Porter to speak before the City Club. His talk was a condemnation of Maschke and a demand for a council investigation of "the secret connections between Maschke's law office and city contractors." Porter persuaded Maschke to reply the following week. Surrounded by the "top brass" of the local Republican party and speaking for the first time before a non-Republican audience, Maschke branded Hopkins a treacherous ingrate and revealed the story of how he and Gongwer had chosen Hopkins to be the city manager. Mayo Fesler commented afterwards: "By the time both had finished rattling the old skeletons in the political closet and had vented their personal animosities against each other, they had exposed enough of the past political intrigues and interference at the city hall, and invented enough campaign slogans (such as 'we picked him off the street!') to disgust the voters . . . and lead them to the conclusion that it was time for a housecleaning." (*PD*, February 15, 1961; *CN*, October 18, 25, 1931; The Citizens League of Cleveland, *Greater Cleveland*, VII [November 12, 1931]).

fusal to limit himself to administrative responsibilities led to his involvement in political controversy, in violation of the basic principles of the manager plan. Morgan's final advice to the Chillicothe reformers expressed his own deep conviction: "No particular form of government will ensure good government. This is possible under any form. However, experience shows that the form of government may make it more difficult or easier to have good government. No government can succeed unless the people themselves continue to be active, interested and vigilant in selecting good officials and then in holding them to strict accountability."<sup>73</sup>

<sup>73</sup> "Speech by Daniel E. Morgan before the Chillicothe (Ohio) Reform Movement."

## CHAPTER VIII



### REPUBLICAN CANDIDATE

UNDER THE TERMS of Cleveland's new city charter an interim mayor was to be elected to serve until the regular elections in 1933. The new process called for a nonpartisan primary in January, 1932, followed by a runoff between the two candidates receiving the highest number of votes. Cleveland had not held a city-wide election since Fred Kohler surprised the politicians and dumbfounded the moralists by winning the mayoralty in 1921. In political circles there was an air of excitement, intensified by gossip and rumors as prospective candidates made known their availability or received favorable mention in the political columns of the city's newspapers. The new charter's requirement that candidates be residents of the city proper was responsible for a minor reversal of the trend toward suburban living. A number of interested political figures took up residence in city hotels.<sup>1</sup>

Morgan, who as the last city manager was considered a leading contender, announced his lack of interest in running for the office and continued to maintain his residence in suburban Cleveland Heights. Despite the pressure of his fellow Republicans and the editorial urging of both Democratic and Republican newspapers, he was not eager to be a candidate. The twenty-one months in the city manager's office had been a strenuous period of long office

<sup>1</sup> Maher, "Cleveland: Study in Political Paradoxes," 138; *CN*, November 4, 1931; *PD*, November 5, 12, 13, 1931.

hours and interminable conferences and committee meetings that had left little time for his personal interests. Morgan wanted to spend more time with his wife and nine-year-old daughter. Morgan knew that political prospects were unfavorable for the incumbent party. Locally, the vote against the manager plan was evidence of this, and around the nation the Democratic party was making gains at all levels of governmental activity. Even more important was his awareness of the tremendous burdens that the deepening depression would place upon the administration. He realized that "because of the seriousness of the city's financial situation, the next mayor was likely to leave office as the most unpopular executive the city ever had."<sup>2</sup>

But political developments during the month of November forced Morgan to reconsider his decision. The entrance of Harry L. Davis into the race alarmed the Republican party's civic and business supporters, who recoiled from the recollection of Davis' stewardship (1915-20) of the city. Many of the party regulars knew that a successful campaign by Davis would put to an end the influence they derived from Maschke's power.<sup>3</sup>

Republican concern about the forthcoming election mounted when Peter Witt and Ray T. Miller entered the primary contest. Witt had become a candidate at the urging of a number of reform-minded Democrats who believed that the local party under the leadership of Newton D. Baker and W. G. Gongwer had grown conservative and forsaken the principles of Tom L. Johnson. Witt's long public career as an iconoclastic fighter against privilege had won him a considerable following in the community. Some political observers thought that his vigorous and vitriolic campaigning would be especially attractive to voters who were disenchanted with current efforts to meet the problems of the depression. The thought of Peter Witt in City Hall did not please either party.<sup>4</sup>

Ray T. Miller was the candidate of the Democratic organization. In his four years as the county prosecutor he had cut a dashing figure by successfully prosecuting crooked politicians—mostly Republicans—in dramatic courtroom appearances. His

<sup>2</sup> *CN*, November 4, 11, 1931; *PD*, November 8, 13, 1931, January 5, 1932; *CP*, November 12, 1931.

<sup>3</sup> *PD*, September 7, 1934, November 5, 1931, January 13, 1932.

<sup>4</sup> Information provided in an interview with Saul S. Danaceau, March 30, 1965; *PD*, January 13, 1932; *CP*, January 13, 1932; *CN*, January 11, 1932. For a balanced analysis of Peter Witt's career, see Carl Wittke's "Peter Witt, Tribune of the People," *Ohio Archaeological and Historical Society Quarterly*, LVIII (October, 1949), 361-77.

political assets included a good war record, a brother who was one of the famed "four horsemen" of Notre Dame's celebrated football teams of the 1920's, and membership in the Catholic Church. After years in the wilderness, the local Democratic party, succored by a Democratic governor, was raising a serious challenge to Republican control of City Hall.<sup>5</sup>

That threat increased the opposition to Davis' candidacy. Morgan was urged to reconsider his decision not to run. Top-ranking Republican businessmen, political leaders from the city's thirty-three wards, and the president of the Cleveland Federation of Labor all called upon Morgan to persuade him to enter the contest for mayor. They believed he was the logical candidate, the only Republican with the experience and stature to offset Davis and win the election from either Witt or Miller. Morgan was assured by Maschke that if he entered the primary, Davis would withdraw.<sup>6</sup>

Such persuasion, coupled with his own sense of party responsibility, led Morgan to move into the city and become a candidate. One of the conditions of his decision was a promise from party leaders that he would be a free agent if he were elected. To emphasize his freedom from machine politics, friends of Morgan organized an independent group of citizens to take on the responsibility of conducting his campaign. Members of the group included many of Cleveland's leading citizens: businessmen, churchmen, nationality and labor leaders. The Republican party assumed a secondary—though by no means insignificant—role in the campaign.<sup>7</sup>

When the primary contest opened, Witt, Miller, and Morgan had been joined by two other candidates: Councilman F. W. Walz, a doctor by profession and a civic gadfly by avocation, and I. O. Ford. Ford was an unattractive leader of the local Communist party who had achieved a measure of prominence by his frequent orations at Cleveland's Public Square and by his leadership in organizing marches of the unemployed. His candidacy, and the fact that he could draw fifteen hundred people to a meeting, underscored the effects of the depression upon the city.<sup>8</sup>

The primary campaign was characterized by savage personal attacks, Republican solidarity, and Democratic fragmentation.

<sup>5</sup> Maher, 137-38; *PD*, September 19, 1962.

<sup>6</sup> *CP*, November 13, 1931; *CN*, November 13, 14, 1931; *PD*, September 7, 1934.

<sup>7</sup> *CP*, November 13, December 18, 1931.

<sup>8</sup> *CP*, January 5, 1932; *PD*, January 2, 1964; *CN*, January 11, 1932; *Daily Worker*, January 16, 1932.

Witt's candidacy had a most disruptive influence upon the Democratic party and the labor movement. When Democrat Adam J. Damm, former city treasurer and leader in the Twenty-third Ward, announced his support for Witt, he was promptly removed as ward leader. His replacement was Frank J. Lausche, who was presumably a more loyal party man. Many young, reform-minded Democrats joined Witt's campaign force. The organized labor movement, which endorsed Morgan, faced a similar rebellion on Witt's behalf and acted with similar speed to remove the rebels from positions of power.<sup>9</sup>

Witt's great appeal was reflected in the fact that all of the other candidates concentrated their attack on him, Morgan among them. He told several audiences that in years past Witt was never off the public platform but that he presently confined himself to carefully censored radio talks. The Republican candidate claimed that this "new Witt" was now quoting Chamber of Commerce reports with approval, whereas the "old Witt" had spent most of his time attacking that organization. Morgan took issue with several of Witt's campaign proposals. He condemned his approach to transit questions because they were based on the "discriminatory and completely unrealistic" single-tax, and he declared that Witt's idea of saving money by cancelling fire insurance policies on municipal property was "unwise and foolhardy."<sup>10</sup>

Although personal charges and countercharges tended to dominate the campaign, the candidates did discuss the problems facing the city. Morgan insisted that the primary issues were unemployment and relief. He declared:

The overwhelming question [before the voters] is what are we going to do for the people out of work? What are we going to do for the family which has no food in the house? . . . All the money raised by the Community Fund and the \$1,500,000 to be raised by the county levy will not be enough to meet the emergency this year.

Noting that the private agencies could no longer cope with the extensive problems, Morgan urged the involvement of all levels of government and called for a special session of the state legislature to meet the situation.<sup>11</sup>

The second theme of Morgan's campaign was his claim to be the only candidate experienced in city administration, but his detailed

<sup>9</sup> CN, December 16, 1931; PD, January 8, 13, 1932; Louis B. Seltzer, *The Years Were Good*, 227-28.

<sup>10</sup> PD, January, 13, 5, 6, 7, 1932; CP, January 8, 1932; CN, January 9, 1932.

<sup>11</sup> PD, January 6, 7, 1932.

explanations of his managership sounded more like a report to a stockholders' meeting than the speech of a politician trying to convince the voters that he, and only he, could lead them to a better life. A reporter wrote that Morgan would "have to overcome his natural timidity of expression . . . with something more readable than accomplishments in sewage disposal" if he were to meet Miller's charges of "shackled police," corruption in city government, and "wanton waste of public funds."<sup>12</sup>

Miller mounted a barrage of charges against the Republican party organization. Playing the familiar role of prosecutor, he charged the opposition with responsibility for all the corruption and ineptitude of the past fifteen years. Using well-turned phrases and biting sarcasm, he recited the list of Republicans whom he had helped to put in jail. While allowing that Morgan was a "fine fellow," he asserted that his opponent was surrounded by political corruption, which Miller labeled "Maschkeism." He promised that if he were elected mayor he would not allow a "shackling of the police force" that permitted policy racketeers to take thousands of dollars from the pockets of the poor. He would end practices enabling Republican politicians to get money from law violators to protect them from police interference. Although most of the corruption to which Miller referred occurred before Morgan became city manager, Miller's slashing attacks forced Morgan to spend an increasing amount of time defending himself, his safety director, and his chief of police.<sup>13</sup>

The primary contest aroused unusual public interest. Thousands of normally indifferent voters turned out on January 12, 1932. Morgan led the field with 59,384 votes to Miller's 49,302. Peter Witt ran third with 30,935. As in most other elections since the city had adopted the nonpartisan ballot in 1913, the results were a clear triumph for the regular political machines. Morgan's "blue book" committee of 333 citizens played their part in his election, but the real work of getting out the vote was done by the party organization. Both parties were eager to eliminate Witt, who, in the words of one commentator, "would have seriously crippled either or both political machines" if he had been one of the successful candidates. Morgan's ten-thousand-vote advantage over Miller encouraged his supporters, while Miller's men noted that there was a total of more than eighty thousand votes for the four candidates who ran against Morgan. Both Republicans and

<sup>12</sup> *Ibid.*; CP, January 6, 1932.

<sup>13</sup> PD, January 6, 7, 11, 13, 1932.

Democrats expressed confidence that the votes cast for Witt, Walz, and Ford would swing into their column in the runoff election.<sup>14</sup>

The final campaign, which began two weeks before the final election, followed the pattern established in the primary. Miller concentrated upon "Maschkeism," while Morgan stressed the relief and unemployment issues. The campaign was strenuous; both candidates often made twenty speeches in a single day. Miller's outcry against "shackled police" was dropped when Morgan's safety director counterattacked, demanding an explanation for Miller's failure to prosecute those responsible for plotting to burn a four-story industrial building. He effectively asked the prosecutor if his failure to take action had any connection with the fact that Maurice Bernon, one of Miller's principal advisors, was a former law partner of the president of the company that owned the destroyed building.<sup>15</sup>

Nevertheless, Miller managed to maintain the offensive. Turning his attention to Morgan's own issue, he charged that as city manager Morgan had done nothing to solve the relief problem and that his current proposal to call for a special session of the state legislature was an election gimmick. Urging the importance of specific proposals, Miller suggested that a part of the state gasoline tax should be used for relief rather than for repairing old roads or building new ones. Morgan quickly pointed out that rural legislators would never agree to such a diversion of tax revenue, and he added the observation that the proposal would result in increased unemployment.<sup>16</sup>

Morgan's grasp of municipal problems was displayed during the candidates' traditional debate at the City Club of Cleveland. Miller concentrated on charges of "Maschkeism" and corruption in City Hall; Morgan examined the problems of the city in the light of the social and economic conditions of the time. This face-to-face encounter with his opponent gave Morgan an opportunity to rebut Miller's charge that he was the captive of party bosses. Morgan reminded his audience that his opponent was as much a Democratic candidate as he himself was a Republican, and he cited his twenty-one months in the office of city manager as proof that he was no one's puppet. Noting Miller's charges of "shackled police," he declared that his opponent did not understand that

<sup>14</sup> *CN*, January 12, 13, 1932; *PD*, January 13, 14, 1932; *CP*, January 13, 14, 15, 1932.

<sup>15</sup> *PD*, January 31, February 15, 16, 1932; *CN*, February 12, 1932; *CP*, February 3, 5, 1932.

<sup>16</sup> *PD*, February 3, 4, 1932.

"grand jury investigations cannot cure evils which are social and economic in their essence. The filth, squalor, and misery of the wretched and rapidly deteriorating shacks in which so many . . . are compelled to live are breeding centers of vice and crime, and these conditions cannot be fundamentally altered by a policeman's club and a grand jury investigation." The issue, Morgan went on to assert, "is shacks, not shackled police [and] the remedy is better housing, better parks, and the improvement of the economic conditions. . . ."<sup>17</sup>

During the debate and the question period that followed the debate at the City Club, Morgan's concentration on facts and issues was far more effective than Miller's broad attack. At this point, midway through the campaign, many political observers conceded the election to Morgan, but Miller responded with a fresh battery of charges.<sup>18</sup>

When some of Morgan's supporters made the mistake of mentioning his proposals for the pending gas settlement, Miller eagerly took up the issue. Claiming that "the leopard does not change his spots," he told several audiences that Morgan was the council leader who had rammed through a gas franchise in 1911 that had been labeled a "\$3,000,000 steal" by the newspapers of the day. Both the *Plain Dealer* and the *Cleveland Press* immediately denied Miller's version of settlement and retorted that Morgan had supported a compromise endorsed by some of the city's leading liberals, Democrats as well as Republicans. Undeterred, Miller continued to picture Morgan as the champion of the gas company. While Morgan spent time explaining the facts of the 1911 gas settlement, Miller moved to destroy his opponent's image as a friend of labor. He pointed out that as city manager Morgan had put hundreds of men out of work by permitting the use of machines to dig the foundations of the underground exhibition hall. Such statements were quite capable of arousing Luddite sentiment among the city's unemployed. Morgan's reply, which stated that the use of machinery had saved money for the city, fell on deaf ears. Recognizing the effectiveness of his offensive, Miller asked a labor-union audience how Morgan, a "friend of labor," could explain the presence of so many open-shop supporters on the committee of citizens who were running his campaign.<sup>19</sup>

A few days before the election, the *Cleveland Press* noted that

<sup>17</sup> *CN*, February 6, 1932; *CP*, February 6, 1932; *PD*, February 7, 1932.

<sup>18</sup> *PD*, February 7, 1932; *CP*, February 5, 1932.

<sup>19</sup> *PD*, February 10, 11, 12, 13, 1932; *CN*, February 10, 1932; *CP*, February 11, 12, 1932; *CN*, February 9, 1932.

Morgan's lead had been reversed by Miller's policy of "tossing out charges and letting them fall where they lie. No picking them up, no looking backward, just taking a swing and hustling right on." Commenting that Morgan was kept busy with scholarly explanations, the editor noted that "in high-spot campaigning . . . 60% [of the charges] are phony . . . [but] nobody really listens to a careful defense. It is the heavy artillery of the charge . . . which really counts."<sup>20</sup>

On the eve of the election Miller received help from an unexpected source. Former City Manager Hopkins, who owned two of the city's leading nationality papers, published an article disputing Morgan's claim that he had given the city an efficient administration. Hopkins described Miller as a "sound, honest, and brave candidate" whose only chance for election depended upon "revolt against Maschke."<sup>21</sup>

Morgan lost to Miller by 7,703 votes out of a total of 198,824. He had long sensed the outcome; although he wanted to win, he admitted that his efforts were "half-hearted." The only time he was really aroused was when Miller accused him of letting the city down during the gas settlement of 1911. Even then his anger was really directed toward Baker and other Democrats, who knew the facts of the settlement but kept silent while his integrity was assailed.<sup>22</sup>

To some extent Morgan's defeat by so narrow a margin was a personal triumph. In 1932 the scandals of the 1920's and the deepening depression were heavy handicaps for Republicans everywhere. Miller's portrayal of himself as a crusader against bossism was strengthened by the newspapers' hard-hitting attack on Maschke. While praising Morgan as an individual, the press feared that his election would extend the life of the "predatory" Maschke machine.<sup>23</sup>

It is possible that Morgan might have won if he had waged an independent campaign of the sort that later ensured repeated victories for Harold H. Burton and Frank J. Lausche, but his commitment to party responsibility forbade such a move. Morgan, who possessed a temperament that made one reporter remark that he "would be a better judge than a campaigner," sank in the

<sup>20</sup> CP, February 12, 1932.

<sup>21</sup> CP, February 13, 1932; PD, February 14, 15, 1932.

<sup>22</sup> PD, February 17, 1932; letter from DEM to W. A. C. Smith, March 15, 1932 (Morgan Papers). In his memoirs Maschke wrote that "under the circumstances little short of a miracle could have elected Morgan" (PD, September 7, 1934).

<sup>23</sup> See the *Plain Dealer* and the *Cleveland Press* on February 12, 1932, for typical editorials written during the campaign.

quicksand of his own Republicanism. There was further irony in Miller's reply to Morgan's telegram of congratulations: "I always said you were a fine fellow. I enjoyed the clean hard fight you gave me. Thanks."<sup>24</sup>

When the results of the election were reported, Morgan told a newspaperman that he would "sleep sounder that night" knowing that he would not have to shoulder the burdens of the mayor. The only regret that he expressed was about the wholesale clearance of city-hall employees when the new administration took office. To those who had been especially helpful when he was city manager, he wrote letters regretting their removal and thanking them for their past services.<sup>25</sup>

In the months that followed, Morgan resumed his law practice. His desire to curtail his political activities was emphasized by his removal of his family to the old-fashioned village of Hudson, which was just outside the boundaries of Cuyahoga County. But as the titular head of the Republican party in Cleveland, he could not altogether escape party responsibilities. He was elected to the Cuyahoga County Republican executive committee, and in the fall of 1932 he campaigned vigorously for his party's nominees. In 1933, when an intraparty fight broke out among the Democrats, Republicans cast hopeful eyes on the fall mayoralty election. For those who did not want Harry L. Davis to be their standard-bearer, Morgan was the logical candidate. His supporters were encouraged by a speech he made before the City Club entitled "The City Manager Government—One Year After." Morgan's address was a caustic, slashing attack on Miller's administration as it contrasted with his own leadership under the city manager plan. The tone of the talk seemed out of character for Morgan, whose words were usually carefully measured. Political observers speculated that the speech was the opening shot in his campaign for the office of mayor.<sup>26</sup>

Republicans desperately needed a respectable candidate to offset the new revelations of corruption in their party ranks. Miller's successor to the office of county prosecutor, P. L. A. Leighley, had uncovered a cash shortage in the Republican-controlled county

<sup>24</sup> Maher, "Cleveland: Study in Political Paradoxes," 139-43; CP, January 6, 1932; telegram from Ray T. Miller to DEM, February 17, 1932 (Leavelle Papers).

<sup>25</sup> PD, February 17, 1932; letter from DEM to W. A. C. Smith, March 15, 1932 (Morgan Papers); letter from DEM to Colonel H. J. Twelvetree, March 1, 1932 (Morgan Papers).

<sup>26</sup> GN, June 20, 1932; CP, May 24, 1932; PD, November 13, 1932; Maher, "Cleveland: Study in Political Paradoxes," 132; CP, January 7, 9, 1933; PD, January 8, 9, 1933.

treasurer's office. Maurice Maschke and six of his leading lieutenants were subsequently indicted by a grand jury, though he himself was later acquitted. Many Republicans thought that Morgan was the one man who could restore the party's good name and win the forthcoming election, but the former candidate soon ended speculation with a definite refusal to run again.<sup>27</sup>

A few months later Morgan was prominently mentioned as a possible replacement for Maschke, who was planning to retire in his own good time. The "respectable element" in the party, men like Congressman Chester Bolton, David S. Ingalls, and Dan R. Hanna, knew that Harry Davis would be Maschke's successor unless they could produce a stronger candidate for the position of party leader. Their insistence that Morgan accept their support for the position was so strong that Morgan wrote to his old friend Raymond Moley, who had become an assistant secretary of state under President Roosevelt, asking him if there was "some place for a good dependable progressive Republican" in the administration. He suggested work as an investigator on the staff of a Republican delegate, if the President picked one, to the forthcoming London Economic Conference. Explaining the political situation that led him to seek an opportunity to leave the city, Morgan wrote: "The job of G.O.P. leader does not appeal to me, nor can I be a sponsor of Davis' return to power."<sup>28</sup>

When Davis subsequently took over Maschke's position, Morgan was unwilling to lessen the impact of the former's election by taking the position of second in command; but in spite of his distaste for Davis, he campaigned for him in the mayoral contest of 1933. The responsibilities of party regularity must have been lightened for Morgan by the severe defeat suffered by Miller in the election. Another factor in Morgan's support of Davis was his interest in reentering public service. To have stood on the sidelines during the 1933 mayoralty campaign would have been tantamount to denouncing Davis—and that would have been political suicide.<sup>29</sup>

Since he had dealt with the economic problems of Cleveland as city manager, Morgan's political interests had expanded beyond the city. In the summer of 1933 he had visited the British Isles, where he studied the British government's slum clearance activi-

<sup>27</sup> *CP*, January 4, 6, 13, 20, 23, 1933.

<sup>28</sup> Letters from DEM to Raymond Moley, May 22, 25, 1933 (Morgan Papers).

<sup>29</sup> *CP*, June 2, 3, 1933; *CN*, September 19, November 15, 1933; speech by DEM, September, 1933 (Morgan Papers); Maher, "Cleveland: Study in Political Paradoxes," 139; *Columbus Dispatch*, October 22, 1933.

ties and secured "first hand information about the London economic conference." He studied, wrote, and spoke on foreign trade and the gold standard; and his ideas reflected the prevailing concept of economic nationalism. He believed that a concentrated effort to expand foreign trade would make it more difficult to work out effective planning for the American economy. Morgan's concern for the national economy led him to support Roosevelt's National Industrial Recovery Act. When the Ohio Republican advisory committee denounced Roosevelt's devaluation of the dollar, Morgan voted against their proposal that the gold standard be returned to its former valuation of \$20.67 per ounce. He argued that Americans should profit by the experience of the English after they had returned to the gold standard in 1925, and he concluded that "bringing back the past is not the way to solve the problems of the future."<sup>30</sup>

A position in the United States Congress seemed most appropriate for Morgan, but political considerations closed this avenue of public service to him. The congressional seat in his district was held by Chester C. Bolton, a close political associate. Opposition to the incumbent senator, Simeon Fess, in the Republican primary would have been unwise, since there was already one United States senator from Cleveland. Morgan felt that downstate rejection of Ohio's being represented by two Clevelanders would make it impossible for him to win the election, even if he were able to defeat Fess.<sup>31</sup>

As an alternative, Morgan began to consider the Republican primary for the governorship of the state. He contacted his friends and political associates around Ohio about his chances for securing the Republican nomination. He knew that he could probably carry Cuyahoga County, but he was uncertain about other cities and the rural areas in the state. Another political drawback for him was his identification as a big-city lawyer and an associate of the Maschke machine. Morgan's associates reported that they believed his chances were good among those Republicans who knew his reputation; they also thought that because Morgan had been born in southern Ohio and spent his boyhood there, he could

<sup>30</sup> *Oak Hill Press*, September 21, 1933; *CN*, June 20, 1932; letter from DEM to Walter Lippmann, April 8, 1932 (Morgan Papers); *CN*, December 9, 1933.

<sup>31</sup> Information provided in an interview with John D. Zook, June 24, 1964. Zook, the editor of a newspaper in Urbana, Ohio, had been a speech writer for David S. Ingalls when he ran for governor in 1932. Morgan asked Zook to assist him in the gubernatorial primary of 1934. Zook, who later became John W. Bricker's speech writer during the latter's campaigns for state and national offices, told me that Morgan wrote all his own speeches or spoke extemporaneously.

overcome the big-city image. State Chairman Edward D. Schorr told one of Morgan's advisors that he had been impressed with Morgan's "belief in party regularity and the necessity of a governor working in close cooperation with the State Central Committee." The advisor wrote that Schorr, whose primary interest lay in building up the party organization throughout the state, undoubtedly would like to support him, but he cautioned Morgan that Schorr's position could change in the future.<sup>32</sup>

One of the handicaps Morgan suffered was that he was relatively unknown in areas outside of Cleveland. To overcome it he undertook a series of speaking engagements throughout the state. Officially he was still not a candidate, so he addressed Lincoln Day gatherings, annual political meetings of party regulars, and meetings at schools and service organizations. When he was invited to speak before the student body of Antioch College, the administration cautioned him that political speakers who engaged in high-flown patriotic oratory had been badly received by students in the past. Morgan curtly replied that he was not "given to emotional appeals in the name of patriotism and Americanism." His talk at the college was a condemnation of the spoils system, and he cited the Miller and Davis administrations in Cleveland as poor examples of city government. Although the *Cleveland Press's* waspish commentator, Jack Raper, remarked that Morgan should be making such speeches in Cleveland, where they might do some good, Mayor Davis' failure to support Morgan in the primary indicated that the speech did not go unnoticed in his home town.<sup>33</sup>

Morgan's downstate public relations campaign was proceeding gracefully when the very thing that he wanted to avoid occurred: Maurice Maschke announced his support of Morgan for governor. The downstate reaction was predictable. Even Democratic newspapers commented more in pity than in disapproval, but the impression that he was the boss's candidate was severely damaging. Publicly Morgan said nothing, but in a private letter to a Columbus supporter he noted that Maschke's endorsement was "something of a blunder" which he was endeavoring to correct by organizing a citizens committee of prominent Clevelanders to solicit his candidacy. When the committee was formed, Maschke's

<sup>32</sup> Letter from James E. Kinnison, to DEM, December 8, 1933 (Morgan Papers); manuscript report from T. A. Waters to DEM, January, 1934 (Morgan Papers). Waters was a publicity and fact-finding man for Morgan during this campaign.

<sup>33</sup> Information provided in an interview with John D. Zook, June 24, 1964; letter from DEM to Dean A. D. Henderson, Antioch College, January 6, 1934 (Morgan Papers); *CP*, March 27, 28, 1934.

name did not appear on the list of leading Republicans who asked Morgan to run.<sup>34</sup>

When Morgan officially entered the race, six other Republicans had already announced their candidacies. Four of them were from the northeastern part of the state, where Morgan hoped to draw his strongest support, but of the two downstaters, Clarence J. Brown was his most formidable opponent. In addition to publishing a chain of small-town newspapers, Brown had formerly been lieutenant-governor and then secretary of state in Ohio. The latter position had given Brown much influence with county political organizations, whose support for him became increasingly evident as the campaign progressed.<sup>35</sup>

Morgan's strategy was to concentrate his campaign downstate in order to narrow Brown's lead in this area. To play down his residence in the northern metropolis and to minimize the image of his association with Boss Maschke, he emphasized the formative years he had spent in the rural community of Oak Hill. Supporters and friendly newspapers portrayed him as the country boy who had made good in the big city, and Morgan claimed that he could use his knowledge of both rural and urban life to create better understanding within the state. He told an audience at Dresden on July 5, 1934, that having seen how sectionalism prevented the passage of constructive legislation, he believed he could bridge the existing gap of understanding. To destroy his image as an affluent city lawyer, Morgan insisted upon campaigning in a Ford automobile, and he already had a well-established reputation for indifference to sartorial smartness. During his downstate campaign his rumpled suits and ancient straw hats were the despair of his advisors.<sup>36</sup>

By the fourth of July, when the primary campaign opened officially, Morgan had succeeded in visiting more than seventy of the state's eighty-eight counties, and before the end of the campaign he had been in every one of them. He chose Youngstown for his opening speech, a hard-hitting attack upon the incumbent

<sup>34</sup> *Columbus Dispatch*, January 7, 1934; *Cincinnati Enquirer*, January 20, 1934; *CP*, January 26, 1934; *Columbus Citizen*, January 30, 1934; letter from DEM to J. E. Kinnison, February 13, 1934 (Morgan Papers); letter from DEM to Paul M. Herbert, Columbus, Ohio, February 23, 1934 (Morgan Papers); *CN*, June 20, 1934.

<sup>35</sup> *PD*, July 8, 1934; *CP*, July 16, 1934; *Ohio State Journal*, July 30, 1934; information provided in an interview with John D. Zook, June 24, 1964.

<sup>36</sup> Information provided in an interview with John D. Zook, June 24, 1964; *CP*, July 24, 1934; *Oak Hill Press*, July 25, 1934; *Jackson Sun-Journal*, July 31, 1934; *Cincinnati Times-Star*, August 7, 1934; speech by DEM at Dresden, Ohio (Morgan Papers).

Democratic governor, who, he charged, had done nothing to alleviate the ravages of the depression. Noting the impending crisis in many state school districts that had no money to pay teachers, he accused Governor George White of listening more intently to the lobbyists representing the utility companies than to the representatives of the people. He revealed dramatically that Governor White had met secretly with these lobbyists in a Columbus hotel and had backed their demand that the utility companies be left free from additional taxes for the support of education. This information aroused his audience and encouraged his supporters, but most of Morgan's speeches were not like his opening address. They were generally long discourses on the problems facing the state. Occasionally he touched upon corruption in the state highway department or the newly established liquor department, but topics such as the intricacy of the tax situation and the need to reform the state banking system dominated his speeches.<sup>37</sup>

The candidates all addressed themselves to the serious financial problems facing the state. The depressed business conditions had resulted in a serious loss of revenue, owing largely to the breakdown of the general property tax. It seemed quite possible that many communities might have to close their schools the following fall. A further reduction in revenue was expected as a result of a recent constitutional amendment limiting taxes on real estate to ten mills. While all of the Republican candidates advocated governmental economy, they differed on how to handle the problems raised by the shortage of revenue. Some advocated a sales tax or a special guaranteed tax for school maintenance; others argued that if the state government were run economically no additional funds would be necessary for schools, local government, or relief needs.<sup>38</sup>

Morgan believed that it was nonsensical to expect government economy to suffice. He pointed out that the state could expect a further loss because of decreased business activity, the rising rate of tax delinquency, and the ten-mill limitation. Although the federal government had preempted most new sources of tax income, he opposed seeking federal funds to meet the financial crisis. Citing Ohio's experience under the Agricultural Adjustment Act, he claimed that industrial states would ultimately support poorer states under a federal program. He feared, furthermore, that

<sup>37</sup> *PD*, July 6, 1934; *CN*, July 7, 1934; *Youngstown Telegram*, July 7, 1934; information provided in an interview with John D. Zook, June 24, 1964.

<sup>38</sup> *Ohio State Journal*, July 30, 1934.

federal support for schools would bring federal supervision and control. Urging that it was "the duty of the Republicans to man the ramparts of states rights so lately deserted by the Democrats," Morgan proposed a federal law to provide federal income tax credit for persons paying a state income tax. Such legislation would provide for a fair division of income tax revenue between the state and federal governments, and it would permit Ohio to benefit from an income tax while avoiding the danger that capital would leave the state to seek a more favorable economic climate. Morgan's opponents distorted his proposal, claiming that he wanted to impose a state income tax on top of the one already collected by the federal government.<sup>39</sup>

As the primary campaign began to focus more directly on the two principal candidates, Morgan's association with Maschke was given increased attention, particularly by the rural newspapers which Brown controlled. The claim that Maschke and his associates had created a \$100,000 slush fund for Morgan was widely circulated. The attacks on Morgan became so vicious that he made a radio statement on August 8, 1934, denying that he had such a fund and revealing that he had been approached by the publishers of a certain sensational publication, who promised to attack his opponent instead of himself for an appropriate fee. Morgan reported that he had refused to make any deals.<sup>40</sup>

It became increasingly clear that the party's state leadership was opposed to Morgan's candidacy. Despite Schorr's former praise of Morgan, the Republican organization in Ohio, which was traditionally hostile to Cleveland candidates—especially reform Republicans such as Morgan—felt safer with Brown. Its apprehension was intensified by the support Morgan received from reformers such as Charles P. Taft of Cincinnati, who could threaten the existing party machinery if Morgan became governor.<sup>41</sup>

On election day Morgan was swamped by Brown in nearly all of the downstate counties. His only consolation for the long, arduous campaign, which had cost him nearly \$25,000 of his own money, was the tremendous support he received in Cuyahoga County, where he won 80,099 votes to Brown's 8,884. Morgan received

<sup>39</sup> Manuscript of a speech by DEM at Melrose, Ohio, July 13, 1934 (Morgan Papers); *Cincinnati Times-Star*, July 19, 1934.

<sup>40</sup> Information provided in interviews with E. E. Morgan, September 6, 1963, and with John D. Zook, June 24, 1964; *Jackson News Advertiser*, August 9, 1934; transcript of radio speech by DEM (Morgan Papers).

<sup>41</sup> *Cincinnati Times-Star*, August 2, 1934; *CN*, August 13, 1934.

more votes in the Cuyahoga County primary than any other candidate of either party had ever received.<sup>42</sup>

Morgan's disappointment at losing this election was keen, for he had wholeheartedly sought the governorship, but he refused to consider the suggestion of some of his followers that he throw his support to the winner of the Democratic nomination, Martin L. Davey. In the fall he served on the state campaign committee for Clarence Brown. Davey won an easy victory. He privately confessed, however, that had Morgan been his opponent he would have lost the election.<sup>43</sup>

<sup>42</sup> *CN*, August 15, 1934; *PD*, August 17, 1934; information provided in an interview with E. E. Morgan, September 6, 1963.

<sup>43</sup> *CN*, September 19, 1934; letters from Gomer Jones to DEM, September 28, 1934 (Morgan Papers), H. E. Griffith (chairman of the State Campaign Committee of the Republican Party) to DEM, November 5, 1934 (Morgan Papers), and Gordon H. Scherer to DEM, November 9, 1934 (Morgan Papers).

## CHAPTER IX



### REPUBLICAN LEADER

AFTER THE REPUBLICAN DEFEAT in fall, 1934, Morgan joined a number of other Republicans in demanding a reorganization of the party in Ohio. He declared that Republicans "must never again make the mistake of [attacking] the New Deal without offering something in its stead." In this call for new leadership Morgan said the principal task would be "to shake off the voters' conviction that the G.O.P. is the instrument of entrenched wealth and special privilege and consequently opposed to the interests of the common worker, the farmer, and the mechanic." Morgan's interest in reforming the party determined his position on both local and national issues for the remaining years that he was active in politics.<sup>1</sup>

He began to use his influence at the local level to rebuild the shattered Republican party, which was being weakened further by an internal power struggle. Harry L. Davis, the incumbent mayor and chairman of the Cuyahoga County Republican party, "split with Maschke, ran the party and the City Hall as he saw fit," and filled all municipal positions with his loyal supporters. Meanwhile, the "respectable element" in the party and the city newspapers became increasingly critical of Davis's blatant spoils system. No facet of city administration was immune from the system, not even City Hospital. When Miller became mayor, the superinten-

<sup>1</sup> *PD*, November 10, 1934.

dent of the hospital had been obliged to replace many employees with good Democrats. After Davis's election the superintendent was told to remove 470 employees to make way for loyal Davis supporters. The superintendent's objections were to no avail, and he resigned in despair at running a hospital under such conditions.<sup>2</sup>

It became clear that civic organizations and the city newspapers would endorse anyone who would oppose Davis. Morgan's refusal to run again opened the way for the candidacy of Harold H. Burton, who had served as Morgan's law director and as acting mayor during the period between the end of the city manager plan and the restoration of the federal form of government. Burton was an ambitious politician who knew how to project himself on the public scene while he was acting mayor. One reporter remarked, "Wherever two or three were gathered, there was Burton." Later Burton attracted attention by hiring Eliot Ness as director of public safety, for he learned during his first short term in office that he could gain the voters' approval by fighting crime. He received favorable publicity when he called together the entire police force to ask their assistance in a crusade for law enforcement.<sup>3</sup>

Burton was supported by the businessmen in the Republican Party, and he carefully cultivated good relationships with the editors of the major city newspapers. Not only did the newspapers endorse him, but they also ran an enthusiastic campaign in his behalf. Burton realized that as a reform candidate he faced a formidable task in challenging an incumbent mayor who was also party boss. He was relatively unknown among Republican regulars and needed the support of men who had earned the respect of ward and precinct workers. When Burton secured Morgan's endorsement, the *Cleveland Press* noted the significance of that support:

In times past, Mr. Morgan's regularity as a party man has led him to support more or less perfunctorily some candidates who were unworthy of his support.

<sup>2</sup> *CN*, January 29, 1935; Maher, "Cleveland: Study in Political Paradoxes," 139-40; *CP*, September 19, 1935.

<sup>3</sup> *CN*, January 29, 1935; *CP*, August 12, 1935; Maher, "Cleveland: Study in Political Paradoxes," 140; *PD*, February 17, 1932; *The Bystander*, January 16, 1932 (which said of Burton, "Cleveland probably has never had a man in public office who issues as many formal statements to reporters as acting-Mayor Burton does. He is particularly careful that the public is correctly informed. One day recently he issued no less than 20 typewritten statements.").

This year we find Mr. Morgan leading a revolt against the leadership of his party organization as personified by Harry L. Davis, who is head of the machine as well as mayor. This is a role in which Mr. Morgan appears to much greater advantage than as a compromiser and apologist, and it is a role much more consistent with the fundamentals of his character. . . . His opinion will be influential, not only with a vast number of Republicans, but also with independent voters and even with some Democrats dissatisfied with their own party leadership and official candidate.<sup>4</sup>

Morgan enjoyed his role as "revolutionary" leader. In the nonpartisan primary campaign he made more than seventy speeches castigating Davis and Ray T. Miller with a biting sarcasm and blunt wit that he was never able to summon in his own behalf. He declared that blatant spoilsmanship, lack of leadership, and complete disregard for pre-election promises eliminated Burton's opponents from serious consideration for high office. In the three predominantly Negro wards, which were dominated by pro-Davis ward leaders, Morgan played a major role in the campaign. Burton was not well known among the Negroes, but Morgan was both known and respected for his action against discrimination at City Hospital. When the contest was over, a resentful supporter of the defeated Davis commented bitterly, "It's all Maurice Maschke's and Dan Morgan's work."<sup>5</sup>

In the run-off election Morgan continued to be the principal speaker in the Burton entourage. Turning Miller's own 1932 campaign strategy against him, Morgan asserted that the central issue in the Burton-Miller fight was bossism. He effectively pointed out that Democratic U. S. Senator Robert J. Bulkley had refused to aid Miller because he was the candidate of Boss Gongwer and that Assistant United States Attorney-General Joseph B. Keenan had endorsed Harold Burton. When Miller attacked Burton as the friend of big business and the "candidate of the Chamber of Commerce," it was Morgan who made the principal rebuttal. Morgan revealed that the "open shop" movement in Cleveland had backed Miller instead of him in the 1932 race and that the same people were supporting Miller again. While there

<sup>4</sup> Maher, "Cleveland: Study in Paradoxes," 140; *CN*, May 26, 1935; *CP*, August 12, 1935; *PD*, August 11, 1935.

<sup>5</sup> *CP*, January 13, 1933, September 19, 1935; manuscripts of speeches by Morgan for Burton's 1935 campaign (Morgan Papers); information provided in an interview with Saul S. Danaceau, March 30, 1965; *CN*, October 2, 1935. The significance of the Negro vote in this election is revealed in the record of Republican election day expenses. Of a total of \$13,500 spent in the twenty-seven city wards, \$10,000 was used in the five Negro wards (Morgan Papers).

was no doubt that the Chamber of Commerce preferred Burton, the fact that Morgan was supporting him was credited by one labor writer as responsible "for the many labor votes attracted to Burton." The writer added that labor "has a tremendous respect for Mr. Morgan."<sup>6</sup>

When he won the election, Burton himself and the newspapers gave praise to Morgan for his role in the victory. The *Cleveland Press* editorialized, "The defeat of Harry Davis and the election of Harold Burton is due in no small part to what Dan Morgan did." Burton showed his appreciation by offering Morgan a cabinet position, which he declined. A post in Burton's "independent" administration would have removed Morgan from the political scene and limited his role in reshaping the Republican party.<sup>7</sup>

The 1936 presidential election campaign was in the offing, and Morgan was eager to see that progressive Republicans were nominated for state and national offices. Other liberal Republicans such as William E. Borah, William Allen White, and Gifford Pinchot were also calling for new leaders and positive programs. Locally, the shrewd Maurice Maschke agreed that "it might help the Republican party to be liberalized," but such sentiments were not echoed by the leadership in the rest of the state. A state-wide poll of party leaders conducted by the Scripts-Howard newspapers indicated, however, a ferment of discontent and a desire for new candidates for both state and national tickets in 1936.<sup>8</sup>

When it became apparent that Ohio might become a battleground for presidential hopefuls in the May primary, the conservative faction tried to prevent a rough intraparty fight. They hoped to put themselves in a position to do some horse trading at the Republican convention by putting forward a favorite son slate of delegates. The choice of Robert A. Taft as such a candidate did not please liberal Republicans, who suspected that Walter Brown of Toledo, the Postmaster-General under Hoover, was eager to pave the way for the former President's return to office. The liberal faction was not willing to accept the exclusion of other Republican candidates as the price of peace within the party.<sup>9</sup>

<sup>6</sup> Manuscripts of speeches by Morgan for Burton's 1935 campaign (Morgan Papers); *CP*, October 2, 1935; William Frew Long, "Mayorality Election Tuesday, Feb. 16th," *Associated Industries of Cleveland, Bulletin No. 404* (February 13, 1932).

<sup>7</sup> *CP*, January 25, 1936.

<sup>8</sup> *CN*, January 29, 1935; Arthur M. Schlesinger, Jr., *The Politics of Upheaval* (Boston: Houghton Mifflin Co., 1960), 524-39; *Portsmouth Times*, November 10, 1934; *CP*, August 5, 1935.

<sup>9</sup> *CN*, undated clipping (E. E. Morgan Papers); *CN*, December 1, 1935, February 5, 1936; *PD*, December 31, 1935, January 2, February 10, 1936.

Morgan was among those liberals who were absolutely opposed to the renomination of Herbert Hoover. His first opportunity to obstruct the "Ohio for Hoover in 1936" movement came at a regional conference of the Republican Crusaders held in Cleveland in July, 1935. Previous meetings of this movement in Springfield, Illinois, and in Boston had been called by the national committeemen and chairmen of the states represented. The conferences had included neither expressions of dissatisfaction with existing party leadership nor general discussion of national Republican policies or problems. But, as the *New York Times* noted, the Cleveland Crusaders' meeting "was a horse of a different color." The regularly constituted party leadership of the six states involved frowned on the meeting from its inception. No national committeemen approved it, and only two state chairmen attended the sessions. The principal speaker was John W. Bricker, who was then considered something of a maverick Republican by the Ohio party leadership. When the conference pushed through controversial resolutions in favor of immediate payment of the soldiers' bonus and the passage of a federal anti-lynching law—measures opposed by conservative Republicans—it became apparent that the Crusaders were going to live up to their name.<sup>10</sup>

The real challenge to orthodoxy came in Morgan's address to the meeting, which began with traditional comments. He defended some of the New Deal measures as necessary corrections for abuses that had crept into the economy, but he vigorously attacked the waste and poor administration of some programs for which Roosevelt was responsible. Pleading for unity between the conservative and liberal elements of the Republican party, Morgan cited the fact that the first Republican president, Abraham Lincoln, had been both radical and conservative in his approach to the problems facing him in 1861. He pointed out that Lincoln's policy of abolishing slavery had been "radical, because it attacked a strongly entrenched institution; conservative because it called the nation back to the Declaration of Independence."<sup>11</sup>

Suddenly Morgan began to alter the tenor of his remarks. He noted that conferences and voters were really more interested in candidates than in platforms. "Why not discuss candidates?" he asked the audience. After hailing William E. Borah as a progressive legislator and a prophet whose farsightedness in 1919 had kept this country out of the quarrels of Europe, Morgan announced

<sup>10</sup> *CP*, July 9, 1935; *New York Times*, July 12, 1935.

<sup>11</sup> *New York Times*, July 12, 1935; *CN*, July 9, 1935.

that he would like to nominate Senator William E. Borah of Idaho for the Presidency of the United States. This unexpected endorsement of a candidate startled the audience for a moment, and then wave after wave of applause swept through the convention hall. George H. Bender, who was the chairman, began to speak in support of Morgan's proposal until the regulars recovered from their shock and demanded that Morgan's motion be stricken from the record. The record was dutifully corrected, but Morgan's proposal to nominate Borah made newspaper headlines across the nation.<sup>12</sup>

After the November elections of 1935 the liberal forces within the Republican party organized to prevent the old guard from carrying out its favorite son scheme in the Ohio primary. John S. Knight, publisher of the *Akron Beacon Journal*, former U.S. Senator Roscoe C. McCulloch of Canton, and Morgan led a drive to induce Borah to enter the Ohio presidential primary. Borah readily gave them permission to enter his name in the Ohio primary, but he did not promise to enter the campaign actively. To secure delegates pledged to Borah, Morgan began to correspond with liberal Republicans.<sup>13</sup>

But soon Negro leaders in the Cleveland area began to voice their objections to Senator Borah, whose vote had been most influential in the defeat of the Costigan-Wagner anti-lynching bill earlier in the year. One Negro Republican leader told the press: "The nomination of Senator Borah at the Cleveland convention would be the biggest blunder the party could commit. It would result in a stampede of colored voters in the Northern states to Democratic or independent ranks."<sup>14</sup>

Morgan, who had not been aware of Borah's position on the bill, was taken by surprise by this denunciation. He knew Borah as a leading liberal who believed in the rights of individuals and in the enforcement of the federal constitution, and he tried in vain to reassure Negroes that Borah's position on the anti-lynching bill had been misunderstood. "No one views this hateful crime with more abhorrence than Mr. Borah," said Morgan.

No person in public life has been more zealous in his defense of the rights of individuals and the bill of rights than Mr. Borah.

<sup>12</sup> *CN*, July 9, 1935; letter from Julius Cohn to Senator William E. Borah, December 31, 1935 (Borah Papers).

<sup>13</sup> *Cincinnati Enquirer*, December 22, 31, 1935; *CP* December 21, 30, 1935; *PD*, December 31, 1935; letter from M. A. Sensenbrenner to DEM, January 8, 1936 (Morgan Papers).

<sup>14</sup> *CN*, December 31, 1935.

He is a firm defender of the United States constitution, and the only question he raised to the federal anti-lynching bill was a constitutional one. I trust that those most interested in this question will reserve judgment until Mr. Borah's position is more fully developed and more clearly understood.

But Morgan's appeal made no impression on Negro leaders, who knew that the senator's powerful attack on the Costigan-Wagner bill had tipped the balance against its passage. Aware that in 1934 members of their race were being "lynched at a rate of better than one per month," Negroes were unaffected by Borah's constitutional scruples.<sup>15</sup>

In the wave of protest against Borah, Maschke rescinded his earlier endorsement. In the light of these developments Morgan believed that it was absolutely necessary for Borah to declare his candidacy immediately so that he could come to Ohio and campaign actively. Borah, however, vacillated, pleading pressure of Senate business and giving every indication that he was not going to press vigorously for the nomination. By the end of January, 1936, many who had given Morgan pledges of support for Borah began to withdraw their earlier commitments, and Morgan decided that Borah's chances of winning the Ohio primary were negligible. But then Borah, encouraged by support he had received from northern liberal Republicans, decided to enter the presidential contest in full force. He called his principal Ohio supporters to Washington to ask their advice. Explaining that things had changed since their meeting in November, Morgan told Borah that his chances of carrying Ohio were poor. Despite this candid advice Borah decided to enter the primary. As one reporter suggested: "Back of the decision was a belief that if Borah did not enter Ohio he might as well withdraw his candidacy."<sup>16</sup>

Convinced that the senator had no chance of winning, Morgan nevertheless decided to support him. Although he refused to manage the state campaign, he did take the responsibility for the greater Cleveland area. He undertook a round of speaking engagements to secure votes for the Borah-pledged slate. When he brought Congressman Hamilton Fish, Jr., one of Borah's principal backers, to speak before Negro voters in an effort to convince them

<sup>15</sup> Letter from DEM to the Reverend Ernest Hall, January 2, 1936 (Morgan Papers); *CN*, December 31, 1935; Schlesinger, *Politics of Upheaval*, 436-38.

<sup>16</sup> *CP*, January 31, February 8, 1936; *PD*, February 1, 4, 5, 1936; *CN*, June 24, 1936.

that the senator was a good friend of their cause, the response of the audience was not encouraging.<sup>17</sup>

In a major radio address on May 1, a few days before the primary, Morgan made a strong appeal to Republican voters to elect the Borah slate of delegates. He said that the senator's career had been marked by the same honesty and integrity that had characterized his campaign for support in Ohio. Instead of "secretly manipulating with promises and deals to win the favor of those in control of the party machinery," he had entered the primary to give the voters a choice. Morgan declared that Borah's political independence made him unwilling to submit to the dictates of party machinery. Had it not been for Borah's opposition, Morgan went on to claim, the United States would have joined the League of Nations and would have been "committed to and covenanted to assist in the enforcing of the harsh and inequitable provisions of the Treaty of Versailles." In connection with the senator's strong support of the Constitution, he brought up Borah's vote on the anti-lynching bill and wondered aloud whether the favorite son candidate, Robert A. Taft, would have supported a bill about the constitutionality of which he had doubts. Citing Borah's condemnation of the 1917 East St. Louis race riots as proof of his friendship for Negroes, Morgan attacked "those who talk about enfranchising the Negro in the South and yet will not permit him in the North to work as a laborer." He pointed out that if the Negro were given economic opportunity, political rights would follow as the race had an opportunity to educate its children. In conclusion Morgan quoted Walter Lippmann's contention that the real issue in the forthcoming presidential campaign was between the kind of liberal individualism represented by Borah and the kind of regulated monopoly represented by Roosevelt. Borah was in favor of orderly administration of the laws and respect for the courts, in contrast to Roosevelt, who had recently claimed that he liked "to smash a precedent a day."<sup>18</sup>

The day after the primary Morgan wrote to the senator, "We have met the enemy and we are theirs—so ends chapter 1." The Borah slate had been swamped throughout the state. Morgan finished ninth in the race to elect eight delegates-at-large, and only a few Borah delegates were elected from the congressional districts. Borah consoled Morgan by writing, "When we polled 40 per cent of the vote, we were doing remarkably well against the combina-

tion of Landon, Knox, Hoover, Dickinson, the organization and so forth." He showed his appreciation of Morgan's work by asking Morgan to nominate him when the Republican convention met in Cleveland in June, but developments within the local Republican party forced Morgan to decline the honor.<sup>19</sup>

Instead, Morgan found himself the reluctant chairman of the central committee of the Cuyahoga County Republican party. To occupy the position held by Maurice Maschke for so many years was indeed a strange role for a man who had formerly been a president of the Citizens League and who, more recently, had defied the party leadership by his endorsement of Borah. It was a position Morgan accepted because he "did not wish to walk out on an independent Republican mayor" whose political future might have been "irretrievably" damaged had he become party leader in addition to holding the office of mayor.<sup>20</sup>

Davis, who had occupied both the mayor's office and the party chairmanship prior to Burton's election, found it impossible to retain the latter position after his defeat in the mayoral primary of 1935. As Burton was the sole possessor of patronage for Republicans in the county, Davis's leadership was so seriously undermined that he had little choice except to resign. When the vacancy occurred in January, 1936, the *Plain Dealer* advised the Republicans to select Morgan as his successor: "It used to be said with complete accuracy, that the Republican leadership in this county was devoid of civic vision or responsibility; was devoted solely to the fruits of victory. This cannot be said if Morgan becomes chairman."<sup>21</sup>

Squabbles within party ranks postponed the selection of a replacement for Davis until after the May primary. When a slate of precinct committeemen supporting Mayor Burton suffered a grievous defeat in that election, the regulars asserted that Burton would have to listen to them in matters of ward leadership and City Hall patronage. The fratricidal struggle between the administration forces and the party organization threatened serious damage to party unity. Many influential Republicans felt that the only solution was the election of Morgan as party chairman, but he was not interested. He wrote to Borah that an attempt was being made to persuade him to become party chairman, although

<sup>17</sup> PD, March 20, 1936; CN, April 4, 6, 1936; letter from DEM to William E. Borah, April 17, 1936 (Borah Papers).

<sup>18</sup> Transcript of radio speech by DEM (Morgan Papers).

<sup>19</sup> Letters from DEM to Borah, May 13, 1936 (Borah Papers), Borah to DEM, May 19, 1936 (Borah Papers), DEM to Borah, May 29, 1936 (Borah Papers), Borah to DEM, June 1, 1936 (Borah Papers), and Julius Cohn to Borah, June 5, 1936 (Borah Papers); PD, May 13, 14, 1936; CN, May 13, 1936.

<sup>20</sup> Letter from DEM to Borah, May 29, 1936 (Borah Papers).

<sup>21</sup> CP, January 23, 25, 1936; CN, January 26, 1936; PD, January 24, 1936.

"it would be somewhat humiliating for the local Republican organization to take me back into the fold so soon."<sup>22</sup>

When Morgan refused to break the deadlock by assuming leadership of the local party, Burton "felt compelled to be a candidate for that job [because] the only alternative . . . would be a worse situation for the party in the city." These alternatives included George H. Bender and Maurice Maschke, who was being besought by some ward leaders to come out of retirement. If the party elected either man, the Democrats could revive the bossism issue that had been used so successfully in previous campaigns. Since Morgan's refusal to become the party leader was the ostensible reason for Burton's decision to abandon his image as an independent, Morgan was placed in an awkward position. Burton's friends and newspaper supporters considered the mayor's decision a tragic error, and they all urged Morgan to step in to save Burton from committing a major political mistake.<sup>23</sup>

Morgan consequently announced that if a great majority of the precinct committeemen assembled in convention wanted him to be their party leader, he would accept the job. He did not need such a show of support from the committeemen, because the Burton administration, the business element, and the still-influential Maschke were willing to back him. Even Republican National Chairman Henry P. Fletcher telephoned Morgan and urged him to become the county chairman. With such support Morgan could have been presented to the county convention as the new party leader with no significant dissent, but to have become chairman as a result of behind-the-scenes manipulation would have been out of character for the man who had so recently campaigned against such tactics in the Ohio presidential primary.<sup>24</sup>

In nominating Morgan for party leadership at the county convention, Maurice Maschke declared:

In almost every ward there is confusion with two distinct groups of Republicans having been formed. No party can go forward under those conditions. . . . The situation calls for a leadership that will be fair and impartial. . . . Daniel E. Morgan has no friends to reward and no enemies to punish. . . . If we want a leader

<sup>22</sup> *CN*, February 24, May 13, 1936; *CP*, May 13, 1936; letter from DEM to Borah, May 29, 1936 (Borah Papers).

<sup>23</sup> Letter from DEM to Borah, May 29, 1936 (Borah Papers); *CN*, May 9, 14, 16, 1936; *PD*, May 17, 1936; information provided in an interview with Harold H. Burton, April 2, 1963; *CP*, May 18, 1936; *CN*, May 18, 1936.

<sup>24</sup> *CN*, May 19, 20, 1936.

whose guidance we will be glad to follow and who will bring back harmony, let's name Daniel E. Morgan."<sup>25</sup>

Afterwards, Morgan observed that he had been elected chairman not because he was considered the best qualified leader but because he was considered the best man to unite the Republican party at the time. He told his audience that as county chairman he could be either a figurehead or a leader—the choice was up to them. The assembled committeemen and party leaders shouted, "leader, leader!" One newspaper reporter commented on the personal satisfaction the nomination must have given Morgan: "Secretly he is going to get great enjoyment out of that chairmanship, for Messrs. Schorr and Brown who kept him out of the governor's chair and beat him for delegate will have to deal with him in Cuyahoga County."<sup>26</sup>

Morgan inherited a political organization without funds. The displeasure and mistrust with which the conservative element of the state Republican party viewed the new chairman from Cuyahoga County became obvious during preparations for the 1936 election campaign. When Morgan tried to raise money for the opening of headquarters, he discovered that the usual sources of financial assistance had already been tapped by state and national representatives. When the state organization met secretly to discuss strategy, State Chairman Schorr did not invite Morgan. Angry, and determined that he would not take any steps to organize the county until money was available, he wrote to the Ohio national committeeman and threatened to resign:

I did not seek and I am not enamored of my position as Chairman of the Republican County Central Committee . . . and I am quite willing to make way for Mr. Ernst. In fact I wish you to give serious consideration to the suggestion that this may be the solution, that I resign as chairman and that Mr. Ernst or Mr. Bolton or some other satisfactory person be elected in my place.<sup>27</sup>

Morgan had his way. National Committeeman F. F. Taggart replied immediately that he was absolutely opposed to Morgan's resignation, that Morgan "should be and must be recognized one

<sup>25</sup> *PD*, May 24, 1936.

<sup>26</sup> *Ibid.*; *CP*, May 23, 1936.

<sup>27</sup> Letter from DEM to F. F. Taggart, August 14, 1936 (Morgan Papers); *CN*, August 11, 19, 1936; undated newspaper clippings (E. E. Morgan Papers). The Mr. Ernst to whom Morgan refers in the above mentioned letter is A. C. Ernst of the Cleveland-based accounting firm of Ernst and Ernst. He was a member of the Republican party's National Finance Committee during the 1936 campaign. Mr. Bolton is Congressman C. C. Bolton.

hundred percent" as the leader in Cuyahoga County. After this exchange, money became available for the campaign. Unhappy with the direction of the national campaign, Morgan threw much of his effort into the gubernatorial race between incumbent Martin L. Davey and John W. Bricker. Although Davey was subsequently reelected, the fact that Bricker carried Cuyahoga County, in which Landon lost to Roosevelt by more than 180,000 votes, convinced Morgan that when the Republicans had "the candidate and the issues," the people would respond. Landon's defeat in normally Republican Ohio must have given some measure of satisfaction to Morgan, who had been told repeatedly during his campaign for Borah that Landon was the people's choice.<sup>28</sup>

When the Republicans began to stir after their disastrous defeat in November, Morgan was approached by Senator Borah, Hamilton Fish, Jr., Gilbert Bettman of Cincinnati, and other liberal Republicans to assist them in ousting National Committee Chairman John D. Hamilton and in reorganizing the party. Fish suggested to Morgan that he consider the position of national chairman, but the latter replied that he had "no particular qualifications for the position and would not care for a position involving such an important place in party management." Although Morgan believed that it was imperative for the Republican party to concentrate on shaping a program to meet the needs of the time, he wrote to Senator Borah that he was "not enthusiastic about getting into a movement to reorganize the G.O.P." Such a commitment would have meant that he had to retain the county chairmanship and to become even more engaged in political maneuvering. While he had ambitions to hold political office, he had no desire to become a professional political organizer. The *Plain Dealer* noted, when he retired from the chairmanship of the county party, that Morgan had "no taste for the kind of leadership necessary for the handling of patronage and the running of political campaigns. He prefers to be known in the community as an attorney and not as a politician." Morgan's files from his term as county chairman contain hundreds of letters begging, imploring, and demanding jobs. The dust of thirty years does not obliterate the poignancy of some of those requests for aid in finding work during the Depression. Despite his concern for those who wrote in such despair,

<sup>28</sup> Letters from F. F. Taggart to DEM, August 15, 1936 (Morgan Papers), and DEM to Congressman Hamilton Fish, Jr., December 12, 1936 (Morgan Papers); *PD*, November 8, 1936.

there was little Morgan could do to help them. The only source of patronage was the mayor's office, and by the time Morgan became the party leader most of those jobs were filled.<sup>29</sup>

The chief political ground for Morgan's increasing disenchantment with his position was the attitude of the Burton administration. One of the bases for the Republican split the previous spring had been the failure of Burton's men to recognize the authority of ward leaders in questions of patronage. Shortly after he took office Morgan had worked out a compromise on the issue, but he soon discovered that the "independent" administration was not living up to its side of the agreement. He grew increasingly annoyed with those at City Hall who referred job applicants to him instead of telling them that there were no more openings. Morgan was also disturbed by Burton's active role in campaigning for Governor Landon during the presidential race. Having taken on the thankless task of party chairman in order to preserve Burton's independent image, he believed that the mayor should have maintained that image during the election.<sup>30</sup>

These factors and a desire to return to the quieter life of a private lawyer led Morgan to resign as party leader on January 25, 1937. The cool relationship between the Burton administration and Morgan was revealed in a *Cleveland Press* interview a few months before the mayor's bid for reelection in 1937. While Morgan asserted that Burton should be reelected on his record, he said that he was not going to campaign for him, adding that "no one connected with the Burton campaign has ever suggested to me in any way that my services would be desired." He added that Burton's friends were "more interested in gaining control of the party machinery than in making a good record for Mr. Burton." The news that Morgan would not campaign spurred the *Press* to suggest that Burton extend a warm invitation to Morgan; the paper, which strongly supported Burton, was aware of how damaging it might be to the mayor if his opponents were able to charge that the man who had done most to get him elected had, in effect, repudiated him.<sup>31</sup>

Burton responded by asking Morgan for his help in the campaign, and he later wrote that Morgan's interest and aid in his

<sup>29</sup> Letters from Hamilton Fish, Jr. to DEM, December 9, 1936 (Morgan Papers), DEM to Hamilton Fish, Jr., December 12, 1936 (Morgan Papers), DEM to Borah, December 4, 1936 (Morgan Papers), and miscellaneous letters from job-seekers; *PD*, January 26, 1937.

<sup>30</sup> *PD*, May 24, November 11, 1936; *CN*, June 24, 1936; *CP*, August 15, 16, 1937.

<sup>31</sup> *CP*, August 15, 16, 1937.

political career were his "greatest source of encouragement." One of Morgan's speeches in praise of Burton's handling of the city's relief crisis of April, 1937, was so effective that the mayor's advisors asked permission "to release it for speech material for the campaign . . . because it [was] a peach."<sup>32</sup>

Burton was reelected, and in 1940 he went on to win a United States Senate seat. At that time he offered to appoint Morgan as his law director so that he would be in line for succession to the mayor's office when Burton resigned to take his Senate seat. But Morgan, who by then had been appointed to the Court of Appeals, declined the opportunity to become the city's chief executive. He remarked to his chauffeur that he was happy as a judge. If he returned to politics he "would have to kowtow to all sorts of people again," and he had had enough of that.<sup>33</sup>

Actually Morgan might have run for Congress from the Twenty-second District in 1938 had not his friend Chester Bolton, who had lost the seat in 1936, decided to run again. Morgan did not want to become involved in the extensive campaign that would be necessary if he ran for state-wide office. When Senator Borah and other friends suggested that he try to win the Senate seat held by his fellow Clevelander, Robert J. Bulkley, he replied that he could not afford to spend the better part of a year travelling about the state. Prior to the 1938 campaign one of his downstate supporters suggested that if he were to enter the gubernatorial race, he could defeat Davey and prepare for a presidential nomination in 1940, but Morgan chose to campaign actively for John W. Bricker. Bricker won the governorship and expressed his appreciation by offering to make Morgan his secretary of commerce. A number of Morgan's friends urged that he accept the appointment, which would have given him the opportunity to travel throughout the state in preparation for candidacy for the United States Senate in 1940. Even when Morgan decided not to take the position, there were rumors that he was seriously interested in the Senate seat.<sup>34</sup>

The speculation ended in May, 1939, when Governor Bricker

<sup>32</sup> Letters from Harold H. Burton to DEM, September 17, 1937 (Morgan Papers), and Norman E. Brown to DEM, undated (Morgan Papers).

<sup>33</sup> *CN*, November 12, 1940; information provided in an interview with Walter Porter, March 5, 1963.

<sup>34</sup> *CP*, March 13, 1937; *PD*, May 20, 1937, April 8, 1938; *Huntington News*, December 10, 1938; undated newspaper clippings (E. E. Morgan Papers); letters from L. I. Fitzgerald to DEM, October 5, 1937 (Morgan Papers), DEM to John W. Bricker, December 7, 1938 (Morgan Papers), John W. Bricker to DEM, December 13, 1938 (Morgan Papers), and Lou and Allan Weber to DEM, December 8, 1938 (Morgan Papers).

named Morgan to fill a vacancy on the Eighth District Court of Appeals. This appointment to the court was the first made by a Republican governor since 1929. Although there were numerous candidates, Morgan was the unanimous choice of Republican County Chairman George H. Bender, the Cleveland and Cuyahoga County Bar Associations, and all the city's newspapers and numerous civic organizations. The politician who had been characterized as a man who would make a better judge than a campaigner became now a judge.<sup>35</sup>

<sup>35</sup> *CP*, May 9, 10, 1939.

## CHAPTER X



## JUDGE MORGAN

MORGAN'S HABITS of study and concentration, which characterized his approach to political and administrative problems, had settled upon him, to use his own phrase, "like a coat of mail."<sup>1</sup> If at times they had inhibited him in his quest for political office, they were to serve him well in his new position as an Appellate Judge.

While the Ohio appellate courts have original jurisdiction in a few special cases, they are mainly occupied with hearing appeals from trial courts, probate courts, and state boards such as the Industrial Commission. The judges of the appellate courts are consequently occupied mainly with considering pertinent points of law in cases already tried and decided. While their decisions in the appeals courts may be final, they are subject to review by the Supreme Court of Ohio under certain circumstances. In theory the appellate judges are judges' judges, sitting in an atmosphere of relative calm, far removed from the drama of the court of original jurisdiction. In their courtrooms there are no witnesses, no confrontations between accused and accuser, no forensic clashes between lawyers. The briefs prepared by the counsels for appellant and appellee are presented in succinct oral argument; the three

judges who sit on the Court of Appeals are concerned with legal arguments rather than with emotional appeals.<sup>2</sup>

Shortly after his appointment to the Court of Appeals Morgan expressed the conviction that a judge could serve only if he refrained from exhibiting his economic, social, and political theories. He outlined a careful procedure: "First get the facts, get the controlling facts, and then search for the established law, then earnestly and truthfully apply the law to the facts and then test the results of the conclusion reached by what you believe is fairness and justice in the case."<sup>3</sup>

But judges are men, too, and although the robes they wear in the courtroom are symbolic of justice and impartiality, Judge Jerome Frank once noted that the men who are the judges come into the courtroom clothed also "with predispositions; and the process of education, formal and informal, creates attitudes in all men which affect them in judging situations. . . ." Although Morgan's statement of judicial procedure reflected a philosophy of natural law—law discovered in the precedents set by previous decisions—he also recognized the need for the law to respond to changing conditions. Speaking to a group of lawyers, he observed that the lawyer is more concerned with what the law has been than what the law should be. He noted that " . . . the almost inevitable tendency of the profession is to make those who enter it worshippers of the past and ultraconservative. Too often the improvement of conditions in the profession has not been initiated by lawyers but has been left to laymen." He warned that "every lawyer . . . should be on his guard that his views do not become ossified; that in opposing rash and hasty changes, he does not become the enemy of all change."<sup>4</sup>

Morgan once revealed that his favorite teacher at Harvard Law School was John Chipman Gray. Perhaps it was Gray's influence, combined with Morgan's own practical experience in politics, that prevented him from becoming "ossified" in the past. Gray's "major thesis was that the real creators of law are the judges. They draw their opinions from many sources—from tradition, from

<sup>2</sup> *Constitution [Ohio] Annotated* (Baldwin, 1957), Art. IV, Sec. 6.

<sup>3</sup> Transcript of speech by Daniel E. Morgan, in "Induction Ceremonies of Judge Joy Seth Hurd, as Judge of the Court of Appeals of the 8th Judicial District" (manuscript, June 26, 1946) (Morgan Papers).

<sup>4</sup> Judge Jerome Frank, *In Re J. P. Linaham*, 138F. 650, 651-52 (1943), cited by Carl Brent Swisher, *The Theory and Practice of American National Government* (Boston: Houghton Mifflin Co., 1951), 452; DEM, "The Legal Profession" (manuscript, undated) (Morgan Papers).

<sup>1</sup> DEM, "Talk Before the Boys of Marietta College," March, 1932 (Morgan Papers).

precedent, from the teachings of philosophers and jurists, but especially from the moral convictions that are a part of their own emotional makeup." Perhaps it was a belief that "the Constitution is what the judges say it is" that made Morgan critical of the United States Supreme Court's narrow interpretation of the Constitution in relation to the social legislation which the Court reviewed after the first World War. In Cleveland Morgan had worked diligently on local and state child labor laws such as those struck down by the United States Supreme Court in the *Hammer v. Dagenhart* decision of 1918. He must have agreed with Justice Holmes' dissent: "If there is any matter upon which civilized countries have agreed . . . it is the evil of premature and excessive child labor."<sup>5</sup>

When Morgan was asked about the proposal to enable Congress to repass laws declared unconstitutional by the Supreme Court—a proposal which reflected liberal discontent with the conservative Court of the early twenties, he replied that it didn't seem such a radical proposal to him. He believed it should be adopted as an amendment to the Constitution so that the will of the people, as expressed by their representatives, would prevail. He further clarified his position in a letter to a citizen who wanted to know if he was supporting a current attempt to take away the Court's power of review. While he did not think that the Supreme Court was usurping power to such an extent that Congress should disregard the Court, he did favor an amendment to the Constitution designed to bring its methods more closely in conformity to the English parliamentary system: "If a law passes two Congresses and is supported by the President on each occasion, it should be regarded as constitutional." More than a decade later, during the Supreme Court controversy of 1937, he favored a slower process of change. Though he was sympathetic to much of the New Deal legislation which the Court had declared unconstitutional, he disapproved of President Roosevelt's attempt to control the judiciary by packing the Court through hasty legislative action. Instead he proposed a constitutional amendment specifying that the justices should retire at the age of seventy-five or even seventy.<sup>6</sup>

<sup>5</sup> Letter from DEM to George A. Bellamy, September 21, 1942 (Morgan Papers); Edward McNall Burns, *Ideas in Conflict: The Political Theories of the Contemporary World* (New York: W. W. Norton and Co., 1960), 121; CP, August 15, 1922; *Hammer v. Dagenhart*, 247 U.S. 251 (1918).

<sup>6</sup> CP, August 15, 1922; letter from DEM to W. J. Hart, August 21, 1922 (Morgan Papers), and to Assistant United States Attorney General Joseph B. Keenan, June 29, 1937 (Morgan Papers); PD, March 19, 1937; CN, April 1, 1937.

Morgan's judicial decisions reflected the same mixture of conservatism and progressivism that had marked his earlier career. In some cases involving major challenges to accepted legal opinion, his judgments were traditional. He concurred with Judge Lee E. Skeel's decision in the case of *Morrow v. City of Cleveland*, in which Morrow, a taxpayer, brought suit against the city for violating its charter requirements. Morrow argued that the census of 1940 indicated that there should be only twenty-nine councilmanic wards instead of the existing thirty-three, and he asked the court to intervene by ordering the city to redistrict in accordance with the provisions of the city charter. The appellate court sustained the lower court's rejection of Morrow's plea.

The problem of procuring the redistricting of the city into wards, under Section 25 of the Charter of 1931, is not one for judicial determination. The duty is one that clearly rests squarely upon the legislative branch of the city government, and in carrying out the mandate of the charter there is placed upon the council the duty of exercising its sound judgment and discretion.

Perhaps Morgan agreed with Justice Frankfurter that it was dangerous for the judiciary to plunge into the thicket of politics.<sup>7</sup>

Morgan's tendency "to adhere strictly to fundamental principles" was similarly revealed in his concurrence with another decision written by Judge Skeel in the case of the *State of Ohio v. Cumberworth*. The appellate court rejected the defense lawyer's contention that his client's "mind was so diseased so as to impair his ability to distinguish between right and wrong" and that in this condition he had acted under "an irresistible impulse" when he committed sodomy. Morgan agreed with Judge Skeel, who relied upon the 1834 M'Naghten Rule, which defines sanity in terms of cognitive processes—specifically the ability to distinguish between right and wrong.<sup>8</sup>

On the other hand, Morgan's decisions in labor cases tended to reflect more progressive ideas of social justice. Marvin C. Harrison, a Cleveland lawyer who frequently represented labor unions, observed that Morgan had a deep interest in labor questions. Harrison thought that "the workingman certainly got a break when he appeared before him" in the courtroom. This view is evidenced by Morgan's position on numerous workmen's compensation cases; it is also reflected by his support of a decision

<sup>7</sup> *Morrow v. City of Cleveland*, 73 O.A.R., 460 (1944); *New York Times*, March 27, 1962.

<sup>8</sup> *State of Ohio v. Cumberworth*, 69 O.A.R., 237 (1943).

was rented they were informed that it was to be occupied by adults only, and they told the agent for the property owners that they did not have any children or pets. Court's wife, who was three months pregnant when the couple rented the suite, gave birth to a child in August, 1945. Three weeks later the Courts were directed by the legal representative of the owners to vacate their property on the grounds that they had violated the contract of tenancy by permitting the presence of an infant in their suite and that the presence of that infant was disturbing to other tenants. They were told that if they did not "abate the nuisance," the owners would take whatever steps were necessary "to retain possession of the premises."<sup>13</sup>

When the Marvin Courts did not vacate the suite, the property owners filed an "action in forcible entry and detainer," claiming that the tenant had violated substantial obligation of his tenancy and had committed and permitted a nuisance in the use of the suite. When the eviction case reached the Municipal Court, Judge Joseph A. Artl said in his charge to the jury that "there was no evidence in the case . . . that nuisance had been committed and maintained on the premises." He told the jury that the question they had to decide was whether there had been violation of the rental contract. Since Marvin Court, a veteran who had been wounded at Anzio Beach, was being tried for violation of his rental contract during a severe post-war housing shortage, it is not surprising that the jury returned a verdict in his favor after only twenty minutes of deliberation.<sup>14</sup>

The property owners carried the case to the Court of Appeals, where Morgan wrote the majority decision in favor of the defendant. After agreeing with Judge Artl's contention that there was no evidence supporting the nuisance complaint, Morgan allowed that the plaintiff had established that the clause "no pets; adults only" was a substantial condition or obligation of the lease, but he maintained that the defendant had made the contract in good faith:

The fact that the defendant did not disclose his wife's pregnancy to the plaintiff, does not establish that he deliberately intended to defraud the plaintiff. After all, there is many a slip 'twixt the cup and the lip,' and there was no certainty that a child would be born to the couple in six months. Furthermore, at the end of six months, the plaintiff might no longer be the owner of the apartment, or

<sup>13</sup> *Lamont Building Co. v. Court*, N.E. (2d), 552 (Ohio App, 1946).

<sup>14</sup> *Ibid.*; *Catholic Universe Bulletin*, March 1, 1946; *CP*, December 4, 1946.

the restrictions might be modified in the meantime. The housing shortage might also be relieved during the period, so to find another apartment might later present no problem. These are all speculations on which the record is silent. They do, however, bear on the question whether the defendant . . . intended to practice willful deception.<sup>15</sup>

Morgan did not limit himself to considering the legality of the contractual agreement between the plaintiff and the defendant; he also discussed the broader significance of the issue:

If the fact that the wife was pregnant when the lease was made would influence the court to hold that the occupancy of such premises by such child when born would not be permitted, and would call for an eviction, such a holding would be an inducement for the parents by unnatural means to avoid and to prevent the birth of the child.

It is quite true that in a great majority of cases, parents would resist such a temptation even at the risk of being evicted from the premises. However, we know that there are many abortions committed for even slighter reasons and the law should be on its guard not to hold forth even the least inducement to married couples not to have children.

We, therefore, hold that any condition attached to the lease that would attempt to give the plaintiff the right to evict the defendant and his wife from the premises because of the presence in the apartment of a child born to the defendant and his wife six months after they entered into possession of the premises, is against public policy and therefore void.<sup>16</sup>

The Cleveland reaction to Morgan's decision was one of warm praise. In an editorial entitled, "The Right To Be Born," the *Cleveland Plain Dealer* wrote that Judge Morgan had "not only struck a popular emotional chord in his defense of the right of young couples to have babies but also expressed sociological truth when he declared it against the public interest to enter into any contract which would encourage race suicide." One columnist said that the appellate court's decision "was a ringing blow for that first and greatest of American institutions, the American family." The *Catholic Universe Bulletin* declared that the decision put the law on the side of babies and parents and asserted that the majority opinion had "blazed a new trail in jurisprudence."<sup>17</sup>

The Lamont Building Company nevertheless appealed to the

<sup>15</sup> *Lamont Building Co. v. Court*, N.E. (2d), 552 (Ohio App, 1946).

<sup>16</sup> *Ibid.*

<sup>17</sup> *PD*, February 25, 26, 1946; *Catholic Universe Bulletin*, March 1, 1946.

Ohio Supreme Court, which reversed the appellate court's decision in a four-to-three judgment on the grounds of the defendant's violation of a rental contract. Speaking for the Court, Judge Charles B. Zimmerman said: "At best 'public policy' is an uncertain and indefinite term. When judges come to apply the doctrine they must take care not to infringe upon the rights of parties to make contracts which are not clearly opposed to some principle or policy of law. . . . We cannot allow . . . sympathy to prevail over the plaintiff's legal rights." The Ohio Supreme Court's decision was in accord with traditional legal concepts regarding the violation of contracts. Judge Zimmerman expressed this view when he said that the question of race suicide raised by Morgan was beside the point, for the property owner did not say that the defendant could not have children—all he said was that if the defendant did have children, he could not live in the apartment.<sup>18</sup>

But Morgan's position was supported by other legal authorities and prominent public figures. The *Harvard Law Review* expanded Morgan's position on the relationship between the contract and public policy:

The argument might be made that the present case constitutes an unwarranted restriction on freedom of contract, but such an argument disregards the marked inequality of bargaining power existing between the present-day landlord and tenant. The court's use of public policy to nullify the private agreement here involved is a commendable example of adapting the law to the "barometer" of educated public feeling.<sup>19</sup>

When Eleanor Roosevelt read of the Ohio Supreme Court's reversal of Morgan's decision, she wrote about it in her syndicated newspaper column, "My Day." "Fundamentally," she said, "I believe that it is far more important that this veteran have shelter for his family than that the right to dispose of your property as you see fit should be upheld."<sup>20</sup>

One can only speculate on the predispositions that led Morgan to depart in this case from the traditional legal view of the sanctity of contracts. Perhaps he was influenced by the difficulty he and his first wife had had in having children; certainly he had always been sympathetic to the men who had worn his country's uniform.

During his years as a member of the appellate court Morgan retained his membership in the Republican party, although he

<sup>18</sup> *Lamont Building Co. v. Court*, 147 O.S.R., 183 (1947).

<sup>19</sup> "Recent Cases," *Harvard Law Review*, LIX (September, 1946), 1171-72. See *Yale Law Journal*, (1947), 1270-76, for an even stronger endorsement of Morgan's opinion.

<sup>20</sup> *CP*, December 5, 1946.

refrained from active participation in local political affairs. But he did not remain silent on public issues when he had strong convictions about them. The sense of public responsibility that characterized his career was especially dominant during World War II. Like those of many other Americans of his generation, his views had gradually undergone a shift, from internationalism during World War I to withdrawal from foreign affairs during the 1930's. In 1922 he had favored cooperation with European countries and a policy of disarmament by international agreement, but by 1936 he had come to support Senator Borah's strong isolationism. Even in May, 1940, he echoed these sentiments when campaigning for Congressional candidate Frances P. Bolton. He advocated her election because she was a woman who stood for peace and would "resist any attempt to involve the United States in the quarrels and intrigues of Europe and the Orient."<sup>21</sup>

But as the deceptive days of the "phony war" ended and Hitler became the master of the European continent, Morgan's attitude began to change. He felt pride in the way the British people, especially his kinsmen in Wales, stood up to the terrible punishment they were receiving during the summer and fall of 1940. He worked with various Welsh societies in their war relief programs and openly expressed his sympathy for the British cause. Just as the isolationist and peace organizations had sought his support in the 1930's "because his presence would help [in] the maintenance of strict [American] neutrality," so in the 1940's the organizations that supported England came to Morgan for his endorsement now.<sup>22</sup>

In January, 1941, when President Roosevelt appealed to Congress for passage of his Lend-Lease Act, the isolationists there and throughout the nation touched off a prolonged and bitter debate. Although Morgan had private misgivings about delegating authority to Roosevelt, "who in the past [had] not shown he was to be trusted with great power," he believed that a German victory would "mean an impossible world for . . . future generations of American citizens," and he spoke out in favor of the President's

<sup>21</sup> *CN*, August 27, 1942; *CP*, August 15, 1922; letter from Senator William E. Borah to DEM, April 2, 1938 (Morgan Papers); DEM, "Mrs. Frances P. Bolton for Congress" (manuscript of radio address, May, 1940) (Morgan Papers).

<sup>22</sup> Letter from DEM to W. Gwalchmai James, April 17, 1941 (Morgan Papers), Senator Gerald P. Nye to DEM, April 27, 1935 (Morgan Papers), Paul Rogen, Chairman of the Cleveland chapter of the American League against War and Fascism, to DEM, September 12, 1935 (Morgan Papers), DEM to Harrison Eudy, February 6, 1941 (Morgan Papers), and Marvin C. Harrison to DEM, October 27, 1941 (Morgan Papers).

program. On February 3, 1941; he spoke to the Cleveland Committee to Defend America by Aiding the Allies. He warned of the danger to this country if Hitler crushed Britain: "By giving maximum aid to Britain there is a good chance we can keep out of the war, although the fact that we are taking risks cannot be denied. If we do not continue aid to the Allies and Britain falls, a war at no distant date with the victorious Axis powers will be inevitable unless we are ready to make peace on their terms." Two weeks later Morgan argued for the passage of the Lend-Lease bill as the only feasible way to aid Britain. He remarked that, while he had not voted for Roosevelt, he believed that in the present situation the President should be given full executive powers. Morgan also pointed out that the emergency executive power put into the hands of President Wilson during World War I had promptly been relinquished after the crisis was over.<sup>23</sup>

When war did come, Morgan took on several temporary positions in addition to his judicial responsibilities. He became a "dollar-a-year man" as Compliance Commissioner for the War Production Board. In this position he presided over hearings investigating the misuse of materials that the War Production Board considered vital to the wartime needs of the country. He also sat as the public member and chairman on tripartite panels of the War Labor Board, which tried to solve labor disputes before they erupted into long work stoppages that would hamper the war effort. Morgan also spoke at numerous factory production drives, organized to stimulate worker morale. In 1942 he became chairman of the Cleveland Metropolitan Council on Fair Employment, a group which tried to secure equal employment opportunities for Negroes. After the war Morgan continued his efforts in this area with an unsuccessful attempt to secure passage of a state fair employment practices act, which would have authorized the establishment of a commission with the ultimate power of appeal to the courts when conciliation and persuasion failed. Legislation following Morgan's outline was eventually passed in 1959.<sup>24</sup>

In the midst of the war a number of committees and organizations were formed to discuss the problems that the community

<sup>23</sup> Letter from DEM to Congressman T. A. Jenkins, March 20, 1941 (Morgan Papers); DEM, "Cleveland Day Address: July 22, 1941," in *Annals of the Early Settlers Association of the Western Reserve, Inc., Proceedings of the Years 1941-46* (Cleveland, privately printed, no date), 25-28. PD, February 4, 21, 1941.

<sup>24</sup> "Statement of the Executive Committee of The Greater Cleveland Council for a State Fair Employment Practice Commission," (manuscript, March 14, 1947) (Morgan Papers). See Morgan Papers for pertinent correspondence, 1941-44, and reports of War Production Board and War Labor Board cases in which Morgan was involved.

would face after the cessation of hostilities. Some of this activity aimed at maintaining public morale, but the feeling of cooperation that the war effort had achieved, particularly between management and labor, was worthy of being preserved in the post-war years. In August, 1943, Mayor Frank J. Lausche received a report from a special committee which he had organized to study the question. The report stressed the need of planning for the transition from war to peace. While past experience had demonstrated that there was always a boom for consumer goods in the change-over from defense to peacetime spending, the committee believed that such a boom would be followed by a depression after the backlog of consumer purchases ran its course. Stressing the need for community study to prevent a repetition of the economic situations that followed previous wars, members of the mayor's committee recommended the establishment of a central committee to coordinate the post-war planning. Morgan had been chairman of a privately organized post-war planning committee since February of 1943, and he had been a member of the committee that drew up the report for Mayor Lausche. In September, 1943, Lausche appointed him chairman of the Cleveland Post-War Planning Council. To promote future cooperation between labor and management Lausche selected Elmer L. Lindseth, president of the Cleveland Electric Illuminating Company, and Richard E. Reisinger, president of the Cleveland Industrial Union Council, to be the vice-chairmen of the new organization.<sup>25</sup>

In his first statement about the Cleveland Post-War Planning Council, Morgan declared that "in Cleveland, labor and management [would] not sacrifice in peacetime the mutual understanding and unity achieved under stress of war." Outlining the purposes of the Council, the new chairman emphasized his hope that it would serve as a clearinghouse for the post-war plans of all public, industrial, labor, welfare, and civic agencies of the city. Among the areas which Morgan considered important were labor-management relations, recreation, health, education, transportation, lake-front development, taxes and public finance, and public works.<sup>26</sup>

Morgan and his associates immediately began to search for an executive director; they wanted "a progressive liberal-minded

<sup>25</sup> Regional Association of Cleveland, *Plan Bulletin Number 10*, August 15, 1942; CP, October 16, 1943; PD, September 4, 1943; letters from Paul Ryan to Mayor Frank J. Lausche, August 2, 1943 (Morgan Papers) and DEM to Claybourne George, February 3, 1943 (Morgan Papers).

<sup>26</sup> CN, September 21, 1943; CP, September 21, 1943.

individual" who could present the work of the Council to the public and who had experience in planning and in working with both local and national governments. Their final choice was S. Burns Weston, who had been active in community affairs before serving the national government during the war. Weston's liberal views, combined with his strong commitment to the idea of local solutions for local problems, as opposed to federal solutions for these problems, appealed to Morgan.<sup>27</sup>

Morgan remained chairman of the Cleveland Post-War Planning Council for sixteen months. During that time six panels made comprehensive studies of the post-war problems facing the community of Greater Cleveland. The press of his judicial duties forced Morgan to resign in January, 1945. By that time the fundamental differences of opinion that led to the demise of the organization in 1946 were already raising problems. The council's executive secretary and representatives of labor had begun to believe that the organization would not be effective if it limited its role to coordinating the activities of other agencies; they insisted that the council engage in the overall planning process. Morgan voiced this view: "It seems to be a contradiction in terms that a post-war planning council should, itself, do no planning." Representatives of industry, whose financial support for the Council was essential, did not subscribe to such a policy. One industrialist who was approached for funds wrote that it was not "necessary to spend \$50,000 for another coordinating organization" and suggested that a group such as the Chamber of Commerce could take over the task of coordinating post-war plans. The reports of the various study panels bore little fruit in the post-war years. One panel on transportation, traffic, and transit continued as a special department of the Cleveland Automobile Club; another on inter-racial relations developed into the Cleveland Community Relations Board. The Cleveland Post-War Planning Council as such, however, passed out of existence in 1946.<sup>28</sup>

Morgan had also become involved in various movements seek-

<sup>27</sup> *CN*, September 21, 1943; DEM, "Notes for Meeting of Executive Committee of the Post-War Planning Council" (manuscript, December 21, 1943) (Morgan Papers); letter from S. Burns Weston to DEM, May 18, 1944 (Morgan Papers); *PD*, June 24, 1944.

<sup>28</sup> Post-War Planning Council of Greater Cleveland, "Report to the Trustees," (manuscript, May 24, 1944) (Morgan Papers); Charles J. Stilwell, President of Warner & Swasey, to Mayor Frank J. Lausche, October 13, 1944 (Morgan Papers). For comments of the labor representatives see William M. Davy to DEM, December 4, 1943, DEM to Sam Sponseller, CIO Regional Director, May 2, 1944, and B. A. Whitney, Assistant General Counsel of the Brotherhood of Railroad Trainmen to S. Burns Weston, June 5, 1944 (Morgan Papers).

ing to secure peace and friendly relations between nations. He publicly supported the formation of the United Nations and urged that it be made an effective organization for the settling of international disputes. He declared that the failure of the United States to join the World Court after the first World War was a tragic mistake that should not be repeated.<sup>29</sup>

But as the hopes for peace and cooperation in the post-war world began to vanish, Morgan was troubled and confused by the development of the cold war. He expressed these feelings in a letter to the Cleveland branch of the National Council of American-Soviet Friendship when he declined to sit on their executive board. He said that he was aware of the deteriorating relations between the two countries but did not know who was responsible; while he was aware that there was a group in the United States that would welcome hostilities, he was sure that it was a minority, because "the overwhelming majority of American people . . . regard war as the greatest calamity of all times." He noted that the President and other leading national officials "repeatedly state that they want peace," and he asserted that he had not seen anything to convince him that they were lying. If he did see any such indication, he would feel obliged to oppose any policies of his own government that were leading to war. Morgan refused to join the branch because of the "confused international situation" and the fact that the organization's policies would be formulated on the national level by persons he did not know, but he expressed support for the goal of American-Soviet friendship.<sup>30</sup>

Morgan's acceptance of the chairmanship of the Greater Cleveland branch of the Greek War Relief program indicated his basic agreement with the official government policy of defending Greece in 1947, but he continued to maintain that war between the Soviet Union and the United States was not inevitable. While he recognized that there were important differences between the

<sup>29</sup> *Ashtabula Star Beacon*, February 19, 1944; *PD*, November 18, 1943; DEM, "City Club of Cleveland: 30th Anniversary Speech" (manuscript, October 10, 1942) (Morgan Papers). Morgan was general chairman of the Peoples Peace Committee of Cleveland 1943-46. This organization was concerned with programs for the maintenance of peace in the post-war world and supported the formation of the United Nations. He also served as president of the Town Meetings of Greater Cleveland, an organization that sponsored many discussions on international questions during the war and post-war years. To these organizations he contributed considerable financial support (Morgan Papers).

<sup>30</sup> Letters from Mrs. Dorothy Rodin, Executive Secretary, Cleveland Branch of the National Council of American-Soviet Friendship, Inc., to DEM, August 13, 1946 (Morgan Papers), and DEM to Mrs. Dorothy Rodin, August 20, 1946 (Morgan Papers).

two countries, he regretted that the term "cold war" had received official sanction. In a speech commemorating those graduates of Shaw High School who had lost their lives in World War II, Morgan pleaded for restoration of the unity that had existed between the Allied nations during the war years. He warned that only "the explosion of a bomb or two is necessary to make the 'cold war' a 'hot war' or war unlimited, with its danger to all that we hold most dear, to civilization and to life itself."<sup>31</sup>

During the last decade of Morgan's life his community found many ways to express its gratitude for his public service. Western Reserve University and the John Marshall Law School of Cleveland awarded him honorary doctor of laws degrees. The Citizens League gave him their award for outstanding citizenship, and the Jewish Welfare Federation of Cleveland presented him with the Charles Eisenman Award of 1948 for his contribution "in fostering a spirit of civic consciousness and fair dealing" in the community. In 1947 he was named the second vice-president of the Cleveland Welfare Federation, a position in which he took great pride.<sup>32</sup>

Daniel Morgan died on May 1, 1949, after a difficult, lingering illness. Civic organizations, newspapers, and public and private citizens paid tribute to his influence in the community. All of the tributes echoed the editorial in the *Cleveland Press* entitled, "Dan Morgan Has Made Cleveland A Better Community To Live In." In later years friends considered honoring his service to their city by erecting a statue, but in the end his service was commemorated in a way that he would have approved. The city named an elementary school after him, and friends provided a fund for books to be awarded as prizes to students of the Daniel E. Morgan School.<sup>33</sup>

For over forty years the public career of Daniel E. Morgan was

<sup>31</sup> Letters from Louis B. Seltzer to DEM, February 25, 1947 (Morgan Papers), and Herbert Hoover to DEM, March 3, 1947 (Morgan Papers); DEM, "An Address," (manuscript, November 7, 1947) (Morgan Papers).

<sup>32</sup> PD, May 2, January 31, 1949.

<sup>33</sup> PD, May 2, 3, 1949; CP, May 2, 1949; CN, May 2, 1949; PD, May 1, 1954; CP, April 22, 1955; PD, January 25, 1959; *The Plain Dealer*, in an editorial on May 3, 1949, said: "Daniel E. Morgan will be rated as one of the half dozen most influential and useful citizens" of Cleveland during the first half of the twentieth century. Sixteen years after his death, Louis B. Seltzer, editor of the *Cleveland Press*, was asked what public officials in his opinion stood out as consistently taking what they believed were the right positions, regardless of consequences. Seltzer replied that "if you mean over the last half century" six Clevelanders must be named. Newton D. Baker headed his list, with Daniel E. Morgan second (CP, February 24, 1965).

intimately joined to the development of one of the largest metropolitan communities in the United States. The grandson of nineteenth-century pioneer immigrants, Morgan became a twentieth-century pioneer on the new urban frontier—a frontier challenged by the dynamic forces of expanding industrialization and an exploding population. He came to Cleveland with professional assets that were rare at the turn of the century—a small private income, degrees from Oberlin College and Harvard Law School, and the offer of a position with one of the city's leading law firms. Had he chosen to lead the comfortable life of a prominent citizen, intent principally upon increasing his share of the world's wealth, he would doubtless have achieved distinction in this area. Instead, he chose the path of public service.

Morgan's career in Cleveland spanned all three branches of government—the legislative, the executive, and the judiciary. In all of these areas his scholarly and logical approach to problems, his dispassionate objectivity and sensitive awareness of the other person's point of view, and his firm grounding in political reality served him well. His work was valuable not only in finding solutions to difficult problems but also in establishing an atmosphere of compromise that made the solutions acceptable.

But the dispassionate method that characterized his success as a public servant proved to be his greatest weakness in political combat. As a campaigner for himself, Morgan was a failure. Temperamentally unable to go beyond the reasoned argument, he failed to strike that spark of excitement that fires the voter's imagination and stirs his emotion, convincing him that the candidate will lead him to a better life. He was elected in Republican landslides to single terms in the Cleveland City Council and the Ohio State legislature and held nonpartisan elective positions on the City Charter Commission and the Court of Appeals. But he was rejected by the voters when he ran for mayor and by his own Republican party when he ran in the gubernatorial primary. The most important governmental office he held was the city managership, and he was elected to it by the city council rather than by the electorate as a whole.

It could be reasonably argued that in his important bids for public office Morgan was the victim of political bad luck. In the thirties his campaigns coincided with the decline of Boss Maschke and the rising fortunes of the Democratic party. But other men have overcome the stigma of their attachment to a political machine, and in the state of Ohio Republicans continued to be elected to major positions during the thirties.

The fact is that Morgan was a reluctant candidate for public office. He responded to the call for his candidacy because he did not like to see his party represented by the inept. Despite the corruption and ineffectiveness that plagued his party, this birth-right Republican from southern Ohio remained convinced that Republicanism represented the laudable political goals of responsible citizenry. After subscribing to the short-lived insurgency of the Bull Moose Republicans, Morgan decided that the party could be influenced only from within, and he grew to realize that social and economic reforms needed the support of a strong party organization.

Despite the conservatism of most Republicans during the twenties and thirties, Morgan remained a liberal progressive who bore the stamp of the Tom L. Johnson era. His experience as a city manager made him realize that the economic shibboleths of the nineteenth century could not solve the problems of an urbanized society devastated by economic depression. The humanitarianism that prompted him to live in a settlement house at the turn of the century did not shrivel up with advancing years. He recognized injustice, when many of his position and of his generation saw only threats to their security, their wealth, or their way of life. The plight of the unemployed during the Great Depression, the marked inequality of the worker's bargaining power in an age of corporate giants, and the social mores that caused men to be judged by the color of their skin offended his sense of justice. It was Morgan's essential decency and humanity as much as the practical accomplishments of his public career that distinguished him in the community of Cleveland.

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