

DANIEL E. MORGAN,
1877-1949
The Good Citizen in Politics



By Thomas F. Campbell

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For Peggy

In this city I have lived well nigh thirty years. Here I have practiced my profession and have established a happy home. Here I have experienced both some success and some failure and by this time I think I have learned to treat "those two imposters just the same." This is the city of my choice, the city I love above all others. I know that you will believe me when I say that I have a sincere desire to repay some part of the debt that I owe the city of Cleveland; to be of some service to the city which throughout the years has treated me so kindly.

DANIEL E. MORGAN
City Record, January 29, 1930

PREFACE

I am indebted to a number of individuals who supplied me with manuscript material, information, and critical comment during the writing of this life and times of Daniel E. Morgan. Morgan's daughter, Mrs. Martin Ponch, and his brother, E. E. Morgan, lent me the papers of Daniel E. Morgan, read the manuscript, and offered many important suggestions. The following people permitted me to examine manuscript collections in their possession: William H. Bemis in the law firm of Baker, Hostetler and Patterson; John Gherlein in the law firm of Thompson, Hine and Flory; Miss Elizabeth S. Magee, secretary of the Ohio Consumers League; Morris Morgenstern of the law firm of Morgenstern and Morgenstern; Estal E. Sparlin, director of the Citizens League of Greater Cleveland; Mrs. Richard Watt; and John D. Zook.

The staff of the Western Reserve Historical Society, especially Mrs. Alene Lowe White and Jack Large, were of great assistance in locating relevant material. At the Cleveland City Hall Miss Esther Champion, chief deputy clerk of the City Council, made office space and council records available to me. Henry J. Caren and Kenneth W. Duckett of the Ohio Historical Society were most helpful. I wish to thank the Citizens League, the City Club, the Chamber of Commerce, the Consumers League, Goodrich House, and the Legal Aid Society, all of Cleveland, Ohio, for permitting me the use of their files. Much valuable information was gathered from them.

Many individuals who lived through some of the events of Morgan's lifetime offered very valuable comments. Philip W. Porter read the entire manuscript, and Judge Saul S. Danaceau and Carl D. Friebolin each read particular chapters. The following persons kindly granted interviews: Ernest J. Bohn, Associate Justice Harold H. Burton, Judge Saul S. Danaceau, Mrs. Walter Flory, Dr. Sam Freedlander, Claybourne George, Mr. and Mrs. Davis W. Jones, Miss Elizabeth S. Magee, Dr. R. C. McKay, Morris Morgenstern, Mr. and Mrs. Walter Porter, Edward J. Schweid, Judge Daniel H. Wasserman, S. Burns Weston, and John D. Zook. In my documentation I have been able only to suggest the details I gathered from these people. If I have in any way misinterpreted their comments, I beg their forgiveness.

Peter DiLeone and Judge Danaceau kindly allowed me the use of their law libraries and unraveled some of the mysteries of their profession. Dean C. H. Cramer, Professor Harvey Wish, and Dean Carl F. Wittke of Western Reserve University have given freely of their time, professional advice, and encouragement. The staff of the Press of Western Reserve University provided advice and encouragement when both were needed.

A career of public service such as Daniel Morgan's is often revived by the records of the contemporary environment, and I have drawn heavily in this biography upon regional newspapers and upon the official records of the local and state governments which Morgan served. I have accordingly been principally occupied by the public life of Morgan. Students of Morgan's political milieu are referred in general to these official and unofficial accounts of the events recounted in this volume; these sources are given a separate listing in the bibliography, and they have frequently been cited in the footnotes.

In the footnotes the following abbreviations have been used:

CL: the *Cleveland Leader*

CN: the *Cleveland News*

CP: the *Cleveland Press*

DEM: Daniel E. Morgan

Morgan Papers: Daniel E. Morgan Papers

PD: the *Cleveland Plain Dealer*

T.F.C.

July 1, 1966

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DANIEL E. MORGAN,

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CHAPTER I



ANCESTORS AND ANTECEDENTS

DANIEL EDGAR MORGAN was the grandson of Welsh immigrants who fled from Wales in the middle of the fourth decade of the nineteenth century and settled in the rolling countryside of southern Ohio. In the summer of 1901, after he graduated from Harvard Law School, Morgan returned to the land of his ancestors to cycle over the countryside where his grandparents had made their home some sixty years earlier, visiting relatives and listening to the stories of his grandparents' youth. As he sat in the tiny cottage kitchens of his Welsh relatives, he heard of a way of life that had changed little since his ancestors had lived there in the middle of the previous century. One aged uncle refused to believe that the young stranger was the grandson of "Cati" Davies and insisted that he must be a spy for the Boers.¹

The isolation and backwardness that made any stranger, even a Welsh-speaking one, an object of suspicion and a potential enemy were by-products of the deplorable social and economic conditions of southwestern Wales. The economic hardship and social disintegration described by a Royal Commission of Inquiry sitting in 1844 were little changed fifty years later, when a second Commission sat from 1892 to 1896. The increased rate of land enclosure had resulted in a shifting society, and the loss of personal identity

¹ Letter from Sarah Jones, Aberayron, Cardiganshire, Wales, to DEM, August 30, 1935 (Leavelle Papers).

was an insufferable injury to peasants already maintaining life on the lowest level of subsistence. Acts of angry defiance followed, among them the Rebecca Riots, Jacquerie-like destructive attacks on the tollgates which abutted the network of toll roads that the local and national governments built in rural Wales in the late 1830's. From 1839 to 1843 southwestern Wales was plagued by midnight raids on the tollhouses, which symbolized to the peasants the governmental power and taxation that were threatening their traditional way of life.²

But many of the peasants, most of whom were devoted church folk, were not happy with such riotous behavior and sought to escape the troubles of their homeland by migrating to the new industrial centers of southern Wales and central England. A brave few undertook the long, perilous journey to the United States. For several centuries small numbers of their countrymen had preceded them to the New World, where pockets of Welsh settlers were already scattered throughout the country. In the post-Napoleonic period of depression and social unrest, the thin stream of former years was swollen with an increasing number of immigrants seeking a better life.³

The same social and economic conditions that produced the Rebecca Riots also caused both sets of Morgan's grandparents to seek greater opportunities in the New World. Morgan's paternal grandfather, Daniel Morgan, was a landless peasant who fell in love with Catherine Davies, the daughter of small freeholders. While the young girl was willing to marry a man without property, her parents, more aware of the liabilities of such a marriage, objected and demanded that she marry the son of a neighboring freeholder. With the blind impetuosity of young love, Catherine slipped out of her home one evening and married her landless lover.⁴

² David Williams, *The Rebecca Riots: A Study in Agrarian Discontent* (Cardiff: University of Wales Press, 1955), 62-89. This detailed study gives a clear picture of the social and economic conditions that were responsible for the Rebecca Riots. See also John Rhys and David Brynmor-Jones, *The Welsh People* (London: T. Fisher Unwin, 1909), 551-609.

³ A. H. Dodd, *The Character of Early Welsh Emigration to the United States* (Cardiff: University of Wales Press, 1953), 5-25; Marcus Lee Hansen, *The Atlantic Migration 1607-1860* (New York: Harper and Row, 1961), 141-44; Carl Wittke, *We Who Built America* (Cleveland: The Press of Western Reserve University, 1958), 34-35, 313-15.

⁴ Letter from Sarah Jones to DEM, October 29, 1945 (Leavelle Papers); E. E. Morgan, "European Trip of E. E. Morgan, Summer 1951," 10 (E. E. Morgan Papers). The latter is a diary of E. E. Morgan, the youngest brother of Daniel E. Morgan, who visited the birthplaces of his ancestors on a trip to Europe in 1951.

In 1837 they fled to the United States, where Daniel found work in V. B. Horton's coal mines near Pomeroy, Ohio. Two years later the young couple had saved enough money to buy an eighty-acre farm at Hewett's Fork, on the outskirts of Oak Hill in Jackson County. Elias, the second of their five children and the father of Daniel Edgar Morgan, was born on this farm in 1846. Elias became the telegrapher and later the stationmaster for the Baltimore and Ohio Railroad at Oak Hill. He also engaged in a number of other successful enterprises in the area. He was a pioneer in the local firebrick industry as well as cashier and vice-president of the Oak Hill Farmers' Bank. When this son of the landless emigrant from Wales died in 1893, he left an estate of more than \$80,000.⁵

In 1876 Elias had married Elizabeth Jones. She was the granddaughter of emigrants who left Wales a year after Elias' parents. John Jones of Tynrhos, Cardiganshire, brought his wife and five children under the age of fifteen to America in 1838. They sailed on a slate boat from Aberystwyth to Liverpool, where they embarked on the ship "Oceola" for a thirty-six day ocean voyage that was the most hazardous part of their long journey to Centerville, Ohio. After the family arrived in New York on June 30, 1838, they traveled for another three weeks before they reached their destination. At the end of the long, bewildering journey, the Jones family came overland to the farming area of Centerville, not far from Oak Hill. Years later Elizabeth Jones's mother, Nancy Thomas, recounted the story of the family's arrival a year later in 1839. The little band of travelers came by wagon to the still-uncleared land that was the village of Oak Hill. They inquired of a stranger where the village was located; when told that they were in the middle of it, Mrs. Jones broke down and cried. Seeing two of her brothers, who had come out to Oak Hill earlier, looking "sunburned, worn and thin," she insisted that her husband go back to Gallipolis to obtain return passages for the entire family. But the Ohio River proved too low for navigation, so the family decided to give the new land a trial.⁶

⁵ *Jackson Standard Journal*, March 1, 1916; G. E. Carlyle and D. D. Davis, *History of the Pioneer Men and Plants in Southern Ohio; Kentucky and Oak Hill Fire Brick Districts* (Portsmouth, Ohio: Compton Engraving and Printing Company, 1948), 41; Samuel P. Orth, *A History of Cleveland, Ohio* (Chicago-Cleveland: The S. J. Clarke Publishing Co., 1910) II, 605-6; interview with E. E. Morgan, January 11, 1963.

⁶ The Reverend D. I. Jones, "Historical Sketch of the American Descendants of John Jones, Gurthsyntuchaf, Parish of Trevelan, Cardiganshire, South Wales, Great Britain: Consisting of the Jones-Davis Families: With an Account of Their First Reunion, Held at T'yn Rhos, Gallia Co., Ohio at 10 A.M., Thursday, September 29, 1887," 5-6 (E. E. Morgan Papers). The "Sketch" is an unpublished family memoir. John Jones was the maternal great-grandfather of Daniel E. Morgan.

John Jones bought a farm and the family prospered. By 1840 he had written home to his brother, the Reverend David Jones of Kidwelly in Wales, that he had purchased two cleared farms of 240 acres for \$105 and kept a great variety of farm animals, including three workhorses, four cows, and a number of sheep. His letter mentioned the good harvest of the previous year and the excellent prospects for the current one. John Jones noted the good climate and plentiful supply of clean water that was "better for quenching thirst than beer," and he added that the settlers' spiritual needs were met by " . . . a sermon once a month, half in English and half in Welsh."⁷

Although the cleric brother in Wales did not succumb to the enticement of water that was better than beer, the good fortunes of the Jones family in America continued in the second generation. John J. Jones, the family's second son, left farming after several years to become a merchant and station manager for the Baltimore and Ohio Railroad in the growing town of Oak Hill. Later he became a director and then general manager of the Aetna Fire Brick Company. As an active member of the Oak Hill Congregational Church, John Jones believed in total abstinence from all intoxicating drinks. A Whig and a vigorous anti-slavery man, he became a Republican when that party was organized in 1854. He was active in politics and served his community as a justice of the peace. In 1852 John J. Jones married Nancy Thomas, who like himself had been born in Wales and had come to America with her family. Their first-born, Elizabeth Jones, became the wife of Elias Morgan and the mother of Daniel Edgar Morgan. She was a child of the frontier—steel-willed and absolutely committed to the narrow, fundamentalist religion of her parents.⁸

Her son Daniel was born on August 7, 1877. He grew to manhood at a time when America's middle class was experiencing a great thrust forward in economic activity and social influence. The Morgan family mirrored the morality as well as the prosperity of contemporary Victorian society. Elias Morgan was both a deacon and a Sunday school teacher in the Calvinistic Methodist Church; at a "home-coming" long after his death, older members of the church recalled his firm discipline in Sunday school.⁹

⁷ Jones, "Historical Sketch," 6; Alan Conway (ed.), *The Welsh in America: Letters from the Immigrants* (Minneapolis: University of Minnesota Press, 1961), 86-87. In the Reverend Jones's account there is a different version of how much John Jones paid for his farm. In this account John Jones paid either \$5.00 or \$5.50 per acre for a farm of 240 acres shortly after he arrived in America.

⁸ Jones, "Historical Sketch," 8; Carlyle and Davis, *History of the Pioneer Men*, 42.

⁹ Tom T. Jones, "Reminiscences," March, 1962, manuscript in possession of the author; undated clippings from the *Oak Hill Press*, "Home-Coming of the Presby-

The senior Morgan required the same strict standard of behavior of his children, who were taught to obey their father instantly. Not only was Daniel sent to the Sunday school but as soon as he was old enough to go to church he was required to report to his father the substance of every sermon. Elias Morgan wanted his son to become a clergyman, and it was not until after his father's death in 1893 that Daniel felt free to work toward becoming a lawyer. The authoritarianism of the father was evident in a letter he wrote to Daniel when the latter was attending Marietta Academy in 1892. Apparently Daniel had devoted considerable space in a previous letter to comment and conjecture on an earlier letter of his father's. Elias replied to his son's lengthy comment with the following enjoiner: " . . . when I have anything to say you will not have to draw any conclusion but I will tell you in language that you cannot help but to understand."¹⁰

There is no information about Morgan's relationship with his mother, but the paternal rigidity and lack of personal warmth which are reflected in this letter undoubtedly left an indelible mark on the young man's personality. One gains the impression that there was within Daniel Morgan an emotional block which prevented him from enjoying a feeling of his own worth. His childhood neighbors recall that he was a closemouthed boy who had to be pushed into the limelight. As an adult he kept his own counsel and seldom revealed his emotions. During his long years of public service he frequently expressed compassion for those less fortunate than himself, but in political campaigns he was never able to go beyond the intellectual argument to raise the voice of passion in his own behalf.

Daniel Morgan spoke Welsh at home and learned the Bible and the old hymns in the language of his ancestors. As an adult he loved to hear the music of Welsh choral groups and to join others in singing the old hymns. When he was old enough to attend the local public school, a two-room frame building serving the first eight grades, he learned English for the first time. He received the traditional education—reading, writing, and arithmetic—and used the textbooks that were the rock of nineteenth-century morals, the *McGuffey Readers*. The custom of requiring the best students to

terian Church May 5th, 1929"; Estella Jones Jenkins, et al., *Centennial: Oak Hill Presbyterian Church, 1850-1950* (n.p., n.d.), *passim*. T. T. Jones, a former newspaper editor in East Liverpool, Ohio, was DEM's closest friend when they were growing up in Oak Hill. He prepared for the author the brief account referred to above.

¹⁰ T. T. Jones, "Reminiscences"; letter from Elias Morgan to DEM, October 20, 1892 (Leavelle Papers); information provided in an interview with Mr. and Mrs. David W. Jones, January 11, 1963.

stand and recite from the *Readers* gave Morgan an early introduction to the masters of the English language. This recitation, coupled with the oral tradition of the Welsh—his father induced the neighborhood boys to make speeches at the end of their day's play—undoubtedly contributed to Morgan's success as a debater in college and to his future political career.¹¹

Morgan was a keen student and is remembered in Oak Hill as the owner of the first set of *Encyclopaedia Britannica* in the area. After graduation from grade school he passed a state examination qualifying him to teach, but his father decided he should continue his education. In the fall of 1892 he went to Marietta Academy for one year and then entered Marietta College the following year. He remained there for two years before transferring to Oberlin College, where he earned a bachelor of arts degree in 1897 and was elected to Phi Beta Kappa. The following fall Morgan entered Harvard Law School, from which he graduated *cum laude* in 1901.¹²

In the fall of 1901 Morgan came to Cleveland to begin his law career with Garfield, Garfield, and Howe, a vigorous young firm whose members had invited Morgan to join them on the basis of his excellent record at Harvard. As a future community leader, he could not have picked a more appropriate office in which to start his legal training. The senior partners, James R. Garfield and Harry A. Garfield, were the eldest sons of the twentieth president of the United States. The third partner, Frederic C. Howe—later a noted authority on municipal reform in America—was a strong supporter of Tom L. Johnson, Cleveland's reform mayor. He once wrote of his two partners: "They had the kind of moral distinction that the Romans described as manliness—*virtus*. It was tolerant, kindly, scrupulous. . . . The causes I espoused were bad for our business. I undoubtedly offended substantial clients, yet my partners never protested against my choices; they never sought to dissuade me from any decision, and never in an association of a dozen years alluded to financial considerations as a reason for keeping silent or changing my course."¹³

All three partners were active in politics and deeply involved in the reform movements of their city. Howe was a Republican

¹¹ T. T. Jones, "Reminiscences"; handwritten notes by DEM in the Leavelle Papers; *Marietta College, Sixtieth Annual Catalogue*, . . . 1893-94 (Marietta, Ohio, 1894), 88, 111; *Marietta College, Sixty-First Annual Catalogue*, . . . 1894-95 (Marietta, Ohio, 1895), 87.

¹² T. T. Jones "Reminiscences"; James R. Garfield, "Journal, 1901," July 24, 1901 (James R. Garfield Papers).

¹³ Frederic C. Howe, *Confessions of a Reformer* (New York: Charles Scribner's Sons, 1925), 198.

councilman before he was converted to the Democratic party by Tom L. Johnson. He later served as a Democratic state senator. He was an active figure in the Cleveland Charity Organization and in the settlement house movement that was so dynamic early in the twentieth century. Like Howe, the Garfield brothers devoted their energies to the optimistic reforms of their day. Both were in the center of the fight against the machine politics of their fellow Republican, Robert E. McKisson, who was mayor of Cleveland from 1895 to 1899. Harry A. Garfield was one of the founding members of the Municipal Association in 1896 and served as its president until he left Cleveland in 1905 to become a professor of political science at Princeton and later president of Williams College for several decades. James R. Garfield was a state senator and a leader in the local Republican party. Theodore Roosevelt first appointed him Commissioner of Corporations and later Secretary of the Interior. He was a staunch supporter of the Bull Moose campaigns of 1912 and 1914, when he ran as an unsuccessful candidate for governor of the state of Ohio.¹⁴

As the grandchildren of early settlers and the sons of a president of the United States, the Garfields were part of the community's native aristocracy in addition to being leading lawyers in their own right. Their social position gave them entrée into the "best homes" of the city and added prestige to their endeavors. Association with men who played such a leading role in the growing community was a brilliant opportunity for a civic-minded young man like Morgan, who was soon introduced to the social and political reformers of Cleveland.

During his first year in the city Morgan joined the group of young men whom Starr Cadwallader, energetic director of Goodrich House, had carefully selected to act as residents at the settlement house. During the day he worked in a law office where the legal problems of Cleveland's leading industrial and commercial concerns were handled, and at night he returned to the settlement house, located in an enclave of Czechoslovakian and Yugoslavian immigrants who provided the labor force for these same businesses. The settlement movement strove to place a colony of concerned members of the upper classes in poor areas where they could see for themselves the grim realities of urban poverty; hopefully, they would find ways of helping the immigrants, who were experiencing the bewilderment and confusion of a new life in America. In

¹⁴ Howe, *Confessions*, 75-79, 91-101, 111-12, 160, 198; Thomas F. Campbell, "Background For Progressivism: Machine Politics in the Administration of Robert E. McKisson, Mayor of Cleveland, 1895-1899" (unpublished Master's thesis, Western Reserve University, 1960), 40, 57-58, 67, 84-85.

these overcrowded slum neighborhoods, settlement workers provided wholesome activities to demonstrate a better way of life to those whose environment was tainted by the crime and immorality bred by ignorance and poverty. For the children there were recreational facilities to keep them off the streets; for adults there was legal aid if they had run afoul of the law, and classes designed to ease the adjustment to a new way of life. Classes given by the Book and Thimble Club of Goodrich House teaching working-class mothers to make their own clothes subsequently led to the formation of a consumers' league designed to protect the health and the pocketbooks of uninformed buyers. To acquaint the young men of the neighborhood with their community and its problems, a number of debating societies were organized. On March 6, 1906, Morgan won the affirmative side of a debate entitled, "Shall the United States Senate be elected by direct vote of the people?" In order to escape from what Starr Cadwallader called "the barren waste of the long summer vacation," Goodrich House organized summer camps for neighborhood children. There is a record of Morgan's having given what a reporter called a "soul-stirring address" at the closing ceremonies of the 1906 summer farm.¹⁵

Morgan's activity at Goodrich House was just the beginning of his lifelong work for people less fortunate than himself. Although he did not have a formal religious affiliation during his adult years, the strict Calvinistic religion of his childhood and the two years spent at Oberlin College (from which many of his classmates went on to become missionaries) left him with a strong sense of moral responsibility—"a morality of duty and of careful respectability." One of Morgan's first employers, Frederic C. Howe, wrote about the morality of his day:

Physical escape from the embraces of evangelical religion did not mean moral escape. From that religion my reason was never emancipated. . . . Early assumptions as to virtue and vice, goodness and evil remained in my mind long after I had tried to discard them. This is, I think, the most characteristic influence of my generation. It explains the nature of our reforms. . . .¹⁶

After he was admitted to the bar of the United States Circuit Court in 1902, Morgan left the offices of Garfield, Garfield, and Howe to form his own partnership with the firm of Douglas and

¹⁵ Henry E. Bourne, *The First Four Decades: Goodrich House* (Cleveland: William Feather Company, 1938), *passim*; N. A. Johnson, "Goodrich House: Past, Present and Future" (n.p., September, 1947), *passim*; Goodrich House Record, I, 12 (1906) and II, 1 (1906).

¹⁶ Howe, *Confessions*, 16-17.

Wood. Although he seemed destined for a promising legal career, he confessed years later that he grew disillusioned with the law and had great doubt about his ability in the profession. After one year of independent practice he left Cleveland and headed west to Colorado, where he spent the year 1903 working as a cowhand on a cattle ranch. When the owner of the ranch asked him to act as his lawyer, his notable performance brought him the offer of a judgeship in the local community. But friends were urging Morgan to return to Cleveland, and he left Colorado shortly after turning down this opportunity for a career in the new West. Following a visit to the barber to remove the beard he had grown and a visit to a haberdasher to replace his work-worn ranch clothing with a new suit, he entrained for Oak Hill.¹⁷

When Morgan returned to Cleveland in 1904, he resumed his interrupted legal career with one of his old partners, Lewis T. Wood, and a new one, Reuben Hitchcock. Morgan continued this association until 1915, when he left to become the fourth partner in the law offices of Henderson, Quail, and Siddall. In addition to his growing legal practice, he engaged in the real estate business and continued to take an active interest in his family's business enterprises in Jackson County.¹⁸

By 1908 Morgan was a well-established lawyer. He was living at the University Club and had joined the Cleveland Chamber of Commerce a year earlier. But as he became assured of a respected position in the community, he did not limit himself to such staid associations. He soon became embroiled in the bruising encounters of the world of politics, where he won his first elective office a year later in 1909. This interest in political affairs was natural for a man whose family had been active Republicans in Jackson County for many years. As miners the Welsh were traditionally attracted to the Republican party because of its tendency to give strong support to high protective tariffs. The Irish Catholics, furthermore, religious and economic rivals of the Welsh, were Democrats; the Welsh instinctively veered in the opposite direction.¹⁹

¹⁷ *The Cleveland Directory*, 1902 and 1903; Morgan Papers; T. T. Jones, "Reminiscences."

¹⁸ *The Cleveland Directory*, 1905, 1906, 1907, 1908; *Directory of Directors of the State of Ohio 1915* (Cleveland: The Penton Press Company, 1915).

¹⁹ *Gazette*, October 30, 1909; Cleveland Chamber of Commerce, Membership Record, January 11, 1907; D. I. Jones, "Historical Sketch," 8; information provided in an interview with E. E. Morgan, January 11, 1963. For an interesting insight into this mutual antagonism of the two Celtic groups, see Conway (ed.), *The Welsh in America*, *passim*.

Even if there had not been a background of political interest in Morgan's family, he could hardly escape such activity, living and practicing law in Cleveland during the dynamic first decade of the twentieth century. The whole city was alive with political controversy at that time. When Paul Bellamy, the son of the author of the utopian novel, *Looking Backward*, arrived in Cleveland in 1907 to become a newspaper reporter, he noted that everyone had a plan of civic improvement in his vest pocket and that men were quick to start a fight over their pet theories for municipal reform. Three factors accounted for this atmosphere of civic vitality—the pressing problems of Cleveland's urban and industrial development, the awakened consciences of community leaders, and the eight years of dynamic leadership given by Cleveland's reform mayor, Tom L. Johnson, from 1901–9.²⁰

By the turn of the century Cleveland had reached the flowering stage of its industrial development. Thousands of people had poured into its confines for several decades. Most of them were bewildered immigrants, speaking a babel of tongues and bringing with them, like a protective cocoon, their own customs and habits. But not all had crossed the seas to make their home in Cleveland. Many coming into the cities to seek work and opportunity were, like Daniel Morgan, country folk leaving farms and small towns to settle in the cramped quarters of the large cities. All of them, immigrants and migrants alike, were the new pioneers of the twentieth century. The wooded wilderness and the sod huts of the earlier pioneers had been replaced by a congested conglomeration of factories and office buildings, homes and slums, filled with a noisy, restless tide of humanity.

One of the more articulate migrants of this period was Newton D. Baker, who followed in Tom L. Johnson's footsteps as a reform mayor of Cleveland. After he left the small town of Martinsburg, West Virginia, in 1897 to investigate the possibilities of living in Pittsburgh or Cleveland, he described his dismay at the "frightful grime and dust" of these cities. But like other urban settlers, he was willing to put up with the discomforts of the city in order to take advantage of the "exceptional opportunities" it offered the newcomer. Baker noted that Clevelanders were public spirited and aware of the "importance of good government and public improvement"; he felt that Cleveland would be an "inspiring place to live in—but for the smoke of innumerable black-belching iron furnaces which overhang the city like a hurricane cloud."²¹ Cleve-

²⁰ PD, December 22, 1935.

²¹ As quoted in C. H. Cramer, *Newton D. Baker: A biography* (Cleveland and New York: World Publishing Company, 1961), 30.

land's vast industrial and commercial complex was the result of the union between iron ore shipped by lake from the west and coal run by rail from south and east of the city.

At the turn of the century Cleveland citizens were just beginning to channel their growing awareness of the need for good government into effective activity to meet the multitude of problems that plagued their city. Many of the city's needs were elementary ones: efficient sewerage systems; fast and cheap mass transportation; clean, safe streets and roads; housing codes and sanitary measures. While Daniel E. Morgan was studying for his final law examinations at Harvard in the spring of 1901, Clevelanders were electing as mayor Tom L. Johnson, the man who was to give the city the leadership it needed to meet these problems.

Here was a man to match and master this sprawling and dynamic metropolis. Johnson was a typical product of the creative capitalistic age. He was a tough-minded entrepreneur who had built a streetcar and steel plant empire in the hard-driving fashion of the day.

But Johnson had read Henry George's *Progress and Poverty* and was converted to the belief that the single-tax would eliminate the poverty and unemployment that bred slums, disease, and crime. It was in this spirit of reform that Johnson ran for mayor of Cleveland. From 1901 to 1909 this rotund millionaire fought privilege, corruption, and his friends of former years. While he clashed with members of the exclusive Union Club, he made new friends with the city's radicals like the irascible Peter Witt. His four terms in office were as spectacular as his famous tent meetings, and there was a touch of the circus about the Johnson administration and its peculiar mixture of adherents—rabble-rousers like Peter Witt, humanitarian clerics like the Reverend Harris R. Cooley, the "egg-head" contingent, including Dr. Edward W. Bemis and Newton D. Baker, and the chief political whipper-in, Charles P. Salem.²²

During his campaigns Johnson brought the immigrant groups into the broad stream of American politics at a level of participation which demanded more than appearance at the polls to vote as the political bosses directed. The carnival atmosphere of his tent meetings attracted many immigrants who would have felt out of place in a more formal setting. During the democratic give-and-take of these meetings there was always a chance of a fight, or at least a sharp verbal clash, over the political issue of the day. With his superb talent for leadership, Johnson fashioned a means of communication that had been missing in the community for forty

²² *Ibid.*, 34–44; Howe, *Confessions*, 85–145, 189–90.

years—in a sense he restored the town meeting atmosphere of the pre-Civil War period.²³ Johnson's real importance lay in the fact that he acted as a catalyst in the political life of the city. His presence lifted both major political parties above petty maneuvering for office and spoils; it made them vehicles for the reform that made Cleveland nationally known as a city which was neither contented nor corrupted during the progressive era.

²³ Howe, *Confessions*, 113, 122.

CHAPTER II



COUNCILMAN MORGAN

IN THE POLITICALLY CHARGED ATMOSPHERE of Tom L. Johnson's Cleveland, it was natural for a young, community-oriented lawyer like Daniel E. Morgan to seek public office. He first attempted to obtain office when A. T. Hirstius resigned his council seat after being elected county sheriff in 1908. In City Council Morgan was chosen by the Republican party as the nominee for the Twelfth Ward vacancy, but the Democrats, who controlled the council, secured the selection of a fellow Democrat by a straight party vote of 26 to 6.¹

Ten months later the political profile of the council was changed. When the magnetic mayor Tom L. Johnson lost, after four terms, to the colorless German-American Herman C. Baehr, the Democratic majority was replaced by a Republican one. The defeat of Johnson in the November elections of 1909 startled many of the nation's reformers. It came at a time when Johnson seemed to be riding the crest of victory in his long fight for cheaper urban transportation and more equitable property taxes. But Johnson's long and bitter struggle with the private streetcar interests was in part responsible for his defeat in 1909.²

During the previous year the Johnson-backed Municipal Traction Company had triumphantly taken over the city's transit system and immediately lowered the fares; within three weeks a bitter jurisdictional strike of transit workers broke out. When ser-

¹ *City Council Proceedings*, January 4, 1909.

² *PD*, November 5, 1909; *CP*, November 5, 1909; *CN*, November 4, 5, 6, 1909.

vice was disrupted by the stoning of streetcars, the cutting of their wires, and the planting of dynamite on the tracks, the traveling public placed the blame on the mayor and his administration. Johnson, who later wrote that he was blamed for everything, told of a man who fell off a streetcar one night and was heard to cry out, "Damn Tom Johnson!" as he sprawled on the pavement.³

Although the strike ended after a few weeks, all the forces opposed to Johnson—the private streetcar interests, the Republican organizations, some businessmen, and a few disgruntled trade unionists—took advantage of the rising tide of public discontent to repeal the franchise under which the Municipal Traction Company operated. In a special referendum election on this issue on October 22, 1908, the franchise lost by the narrow margin of 605 votes out of the 75,893 votes cast. For the next fourteen months the city was plunged into controversy over the question of public transportation. Before the matter was settled by arbitration under The Tayler Plan, Johnson and his friends made one more attempt to get a three-cent fare company operating, but this new scheme, the Schmidt grant for Payne Avenue, was defeated in a referendum vote on August 3, 1909.⁴

Three months later Johnson lost the mayoralty election to Baehr. Public discontent over the failure of the Municipal Traction Company to provide satisfactory service played an important part in the defeat of Johnson. The discontent spilled over to sweep the Democrats out of many offices they held in city government; among the victorious Republicans in the election of 1909 was Daniel E. Morgan.⁵

Less than a year after failing to secure the Twelfth Ward vacancy, Morgan had entered the Republican primaries to seek his party's nomination for the same ward. He faced three older and more experienced political opponents, but he secured the unqualified endorsement of the Municipal Association for Better Government. The pre-primary *Bulletin* of this nonpartisan re-

³ Tom L. Johnson, *My Story*, ed. Elizabeth J. Hauser (New York: B. W. Huebsch, 1915), 276-82.

⁴ *Ibid.*, 282-95; Dallas Young, *Twentieth-Century Experience in Urban Transit* (Cleveland: The Press of Western Reserve University, 1960), 7-11. For a contemporary account of the streetcar struggle, its background and outcome, see *PD*, February 18, 1910. For the attitude of a prominent Cleveland businessman and the owner of *CN* to the three-cent fare controversy, see Charles Augustus Otis, *Here I Am: A Rambling Account of the Exciting Times of Yesteryear* (Cleveland: n.p., 1951), 107-10.

⁵ Johnson, *My Story*, 295-96; *CN*, November 5, 1909; *PD*, November 5, 1909; *New York Times*, November 3, 1909.

form organization termed Morgan an excellent candidate "on account of his character, ability and general knowledge and interest in municipal affairs." Morgan won the nomination and found himself facing his former opponent, Councilman George J. Lowe, in the general election in November.⁶

In taking stock of the candidates who were running for council, the Municipal Association again recommended Morgan, this time over his Democratic opponent. The organization's election *Bulletin* for November 5, 1909, declared that the voters of the Twelfth Ward "are to be congratulated on having a man of his type to vote for." The Association did not share a similar opinion of George J. Lowe. He was a party regular, a saloon-keeper, and an active member of the Liquor League. Two years earlier the Association *Bulletin* had told the public that Lowe would not be "an advantage" to the council.⁷

The Twelfth Ward that both men were seeking to represent was unusual, for its electorate included the majority of the city's Negro population as well as a mixture of native and foreign-born white Americans.⁸ In the Republican primary Morgan's opponents had repeatedly advertised their candidacies in the *Gazette*, a Negro-owned newspaper. Perhaps the fact that Morgan had not placed any advertisements in the paper influenced the editor to endorse one of his opponents. In the general election campaign both Morgan and Lowe placed a number of notices in the *Gazette* regarding their qualifications for election to the council. For weeks the paper's editor was noncommittal, praising both candidates for the Twelfth Ward seat; but in the last few issues before election day he endorsed Morgan as the better candidate from the Negro's point of view. The editor noted Morgan's community activities and his graduation from Oberlin College and Harvard University. He decided that Morgan's connection with these schools assured "his deep interest in all that concerns our race."⁹ Neither the *Cleveland News*, which supported the Republicans throughout the

⁶ Municipal Association for Better Government, *Bulletin: Primary Elections*, Tuesday, September 7, 1909.

⁷ Municipal Association for Better Government, *Bulletin: For Elections Tuesday November 5, 1907*; information provided in an interview with E. E. Morgan, March 1, 1964. Daniel Morgan, who in his youth at Oak Hill had made temperance speeches, learned from A. T. Hirstius "to put his foot on the rail" at the local bars when he was campaigning for office.

⁸ *Gazette*, September 11, 1909. The *Gazette* stated that there were four to five thousand Negro voters in Cleveland, but according to William Ganson Rose (*Cleveland: The Making of A City* [Cleveland: World Publishing Company, 1950], 690) there was a total Negro population of 8,448 in 1909.

⁹ *Gazette*, September 4, 11, October 25, 30, 1909.

campaign, nor the *Plain Dealer* and the *Press*, both of which took a more favorable attitude toward the Democrats, paid any detailed attention to the competition for council. Morgan did receive brief mention when he spoke at several of Herman C. Baehr's tent meetings, but the interest of the newspapers was concentrated on the struggle between Johnson and Baehr. On election day Morgan defeated Lowe by receiving 1,315 votes to the latter's 1,193.

On January 1, 1910, the new mayor took his oath of office after hearing Tom L. Johnson bid farewell to the city he had served for so long. The ravages of the disease that was to kill Johnson in a little over a year had already shrunk his body and taken a toll of his vitality. Tears came to the eyes of his supporters as he spoke of the great joys and misfortunes of his public service, in the chamber that was already bedecked with floral baskets celebrating Baehr's succession.¹⁰ When the council-elect met two days later, the council chambers were filled with more flowers and crowds of happy Republicans, relatives, and job-seekers. Mayor Baehr was present, surrounded by his cabinet officers and jubilant party officials.

After taking the oath of office the new councilmen got down to the business of organizing committees. Morgan was appointed to four: Claims and Accounts, Finances, Licenses, and Public Works. The organization completed, the new council members and their friends went home, but not the job-seekers. For days great crowds of loyal party workers flooded into the corridors of the City Hall seeking, demanding, and finally pleading for city positions from both the councilmen and the new administration. Mayor Baehr, who was reduced to slipping into his office through a back door, pleaded with the men to go home because their presence made it impossible for him to carry on the city's business. He complained to newspaper reporters that he had received more than 30,000 letters since election day, 90 per cent of them from job-seekers. One frenetic aspirant, he said, called him at two o'clock in the morning to demand a position. It was nearly two weeks before the crowds of unsuccessful place-seekers melted away.¹¹

Morgan, like the other new councilmen, probably had his share of job-seekers. His early actions on the City Council were also routine. He introduced bills to authorize paving streets in his ward, made efforts to improve the street lighting, and requested funds for the improvement of the children's playground on Morias Street.¹²

¹⁰ Johnson, *My Story*, 296.

¹¹ *City Council Proceedings*, January 3, 1910; *CN*, January 3, 1910; *CP*, January 3, 1910; *PD*, January 4, 5, 1910; *CN*, January 7, 10, 1910.

¹² *City Council Proceedings*, June 5, 1911, January 10, 16, 17, 1910.

Although Morgan supported the Republican administration generally, he sometimes qualified his support, as in the case of the attempted repeal of a subway ordinance that the previous Democratic council had passed. Under this ordinance William R. Hopkins and his associates had been given a franchise to build and operate a downtown subway. When the new council took action to repeal this ordinance, Morgan, who was to succeed Hopkins as city manager twenty years later, argued that the city should honor the franchise already granted but give the people of the city an opportunity to join in the decision-making process by means of a referendum vote.¹³

Many of Morgan's actions reflected the concerns he shared with the Progressives of this period who sought justice for the individual and efficient business practices in government. To the Committee on Finance he suggested that the Civil Service Commission investigate the Chicago City Expenditure Commission's accomplishments in consolidating departments and eliminating positions that involved duplication of effort. The proposal attracted public attention on May 12, 1910, when the *Plain Dealer* commented favorably on the coordination, consolidation, and elimination that would result if Cleveland were to adopt such a plan.

Believing in the need for more competition in the public utility business, Morgan proposed a resolution to give additional time to the Cleveland Light and Power Company to lay its pipes and conduits under the downtown city streets. The time extension was essential to enable this small company to complete a program of expansion in order to survive the competition of the larger utility company, the Cleveland Illuminating Company.¹⁴

In pressing for efficient business practices in government and competitive public services, Morgan did not lose sight of the individual. He supported an extension of the three-cent fare when the issue arose in connection with the proposed annexation of the village of Collinwood to Cleveland. As a member of the Committee on Public Works he tried to obtain wage increases for some city employees, and on a number of occasions he sought compensation for the families of city workers who had been killed or injured in the course of their duties.¹⁵

In the first decade of the twentieth century Cleveland, like other large American cities, was just beginning to cope with the problems caused by rapid and unplanned growth. The simple

¹³ *City Council Proceedings*, January 3, 1910.

¹⁴ *City Council Proceedings*, September 19, 1910.

¹⁵ *CN*, March 3, 1910; *CCP*, January 16, March 13, 1911.

sanitation and health measures that had seemed sufficient in earlier years were not suitable for crowded urban areas. Organizations like the Chamber of Commerce pressed for reforms that would help control contagious diseases and protect the health of the community. Councilman Morgan recognized the need for legislation in the area of public health. He supported city ordinances abolishing the use of the common drinking cup and common towel in public facilities and prohibiting spitting in public. He secured the endorsement of the council for a convention proposed by the Board of Health of sanitary officers from cities along the Great Lakes to discuss the problems of a pure water supply and the increasing danger of sewage pollution.¹⁶

As chairman of the Committee on Licenses Morgan introduced a most controversial health measure—a bill designed to license the peddlers who hawked their goods on the streets of the city. When Morgan proposed a compulsory license fee of \$25.00 per year, three hundred Greek, Russian, Irish, German, and Italian peddlers gathered in noisy disarray at a protest meeting. After a semblance of order and quiet was finally achieved, Morgan tried to persuade the indignant men that his measure would bring them many advantages. Licenses would raise them to the social level of shopkeepers, and the proposed badges or wagon nameplates would provide assurance to the housewives whose custom they sought. The noisy, gesticulating crowd was not impressed with his arguments. When former Councilman Harry Adelstein, who opposed the measure, took over the speaker's rostrum, he was loudly cheered. Adelstein charged that the more prosperous hucksters were behind the scheme because they wanted to "freeze out their smaller competitors."¹⁷

After the proposal reached the council floor for debate, the council chamber was filled with the protesting peddlers. Their chief champion, Councilman Alex Bernstein, condemned the measure as a piece of "class legislation" aimed at the destruction of peddlers. This charge appears to have had some validity, for a representative of the Retail Grocers' Association testified in favor of the measure. He argued that the retail grocers faced unfair competition from the peddlers, who paid no property tax. But faced with a mass protest from the hucksters, the council retreated and did not bring the matter to a vote.¹⁸

¹⁶ *City Council Proceedings*, September 18, November 27, 1911, August 28, 1910.

¹⁷ *PD*, March 21, 1910.

¹⁸ *City Council Proceedings*, March 25, 1910. Tom L. Johnson had vetoed a similar license on grounds that it was a tax on poverty rather than a regulating license (*The Public*, August 24, 1901).

Morgan's proposal, which the council later enacted, was a sensible one. The hucksters who sold food and other goods from their wagons and stalls were not concerned with sanitation; a spit on an apple and a quick polish with a rag was an old trick of the trade. Still, the public had no protection against health hazards in the shopkeepers' establishments, and the proposed fee of \$25.00 per year seems high at a time when the average weekly wage for factory workers was \$9.84.¹⁹

As chairman of the Committee on Licenses Morgan was also involved in a conflict over regulation of dance halls. Before World War I recreational facilities were scarce in teeming industrial cities. In working class districts and immigrant enclaves, the numerous dance halls often served as social centers for the neighborhood. Because many of them sold liquor, they came under heavy attack from Protestant clergy and prohibitionists, who condemned them as seedbeds of crime and licentious behavior that should be closed by the city. In 1911, as a result of such protests, City Council appointed an investigating committee and named Councilman Morgan as its chairman. The committee reported that some measure of control was needed to prevent unwholesome conduct in dance halls. Morgan proposed that the city provide regulation and control by instituting a licensing system, imposing a curfew on dances, and appointing an inspector to supervise the dance halls. A previous suggestion made by the council that the committee consider the possibility of starting municipal dance halls was not discussed in the final report.²⁰

The council approved the report and adopted an ordinance incorporating all but one of Morgan's proposals: Morgan had noted that it was common practice among dance hall proprietors to refuse admittance to soldiers and sailors in uniform. He had suggested that this practice be prohibited, but when City Solicitor Newton D. Baker declared this section of the ordinance unconstitutional, it was eliminated, although the Spanish-American War Veterans Association took sharp issue with this omission.²¹

Morgan took a prominent role in council investigations early in his public career. Shortly after taking office he led a council in-

¹⁹ U. S. Bureau of the Census, *Historical Statistics of the United States, Colonial Times to 1957* (Washington, D.C.: Government Printing Office, 1960), 92, Series D, 628.

²⁰ *City Council Proceedings*, January 3, 1911; *PD*, January 6, May 4, 1910, January 10, 1911; *CP*, January 31, 1911; *PD*, April 4, 1911. See article by Frederick Rex on "Municipal Dance Halls," *National Civic Review*, IV (1915), 413-19, for a discussion by the dance hall inspector of Cleveland on the value of the old saloons as neighborhood centers.

²¹ *PD*, April 4, 1911; *CP*, April 4, 1911.

quiry into the rising cost of living. This probe was the result of growing public concern over the rapid increase in food prices. When the City Council authorized an investigation, Morgan was appointed to the five-man bi-partisan committee.²² Four months later, on May 2, 1910, the committee made its final report, noting the difficulty of operating the inquiry without either funds or the power to subpoena witnesses. The councilmen pointed out that the increase in the cost of living was related to the laws of supply and demand. While the amount of land had remained fixed, the population had soared upward, creating an increased demand for food without an increase in production. The report went on to discuss the "beef concerns in Chicago and Kansas," which used their great economic power to speculate in the food market. The investigators also found that the increased use of cold storage added to food costs, particularly when the cold storage houses bought food cheaply and sold later at higher prices. The report mentioned the high tariff on lumber as contributing to high costs, but it made no reference to testimony that had asserted that recently enacted municipal food inspection laws were raising the cost of food. Finally, the committee conjectured that the "easy living tendency," reflected in the increased use of packaged foods and home delivery of milk, and the poor economic practices of low income groups tended to increase the cost of living. To prevent speculation by food storage houses and beef trusts, the investigators recommended state and federal consumer protection laws, but they warned that such laws would not be effective unless they were rigorously enforced by the executive and judicial branches of government.²³

The report of the "food probers" echoed both the intellectual climate and the changing pattern of urban living which were characteristic of the period. The economic reasoning was orthodox in its analysis of the major causes of the increase in the cost of living. The argument about the relationship of a limited land supply to increasing population was directly derived from Ricardo. Condemnation of the "beef trusts" and the "middlemen" was a common muckraker tactic. The censure of "easy living tendencies" previewed future criticism of consumer buying practices. Although there was no elaboration on the tariff question, the issue was currently being debated on the national scene and was

becoming an increasingly divisive problem for local Republicans.

The mention of the tariff question, the insistence on the need for consumer protection laws, and the condemnation of the "trusts" indicate the influence of Morgan in the report on the increase in prices. Probably the clearest indication of his hand lies in the report's concern for consumer protection laws. While it is true that there was much comment at the time about such laws, Morgan had been associated with the consumer protection movement since 1901, when the Cleveland Consumers League was formed at Goodrich House while he was living there.²⁴

Morgan's interest in consumer problems and his talent for committee investigation thrust him into a position of leadership during City Council's bitter struggle with the local gas companies over the price of gas and the specifications of the gas franchise. Early in 1910, in the midst of public concern about the rising cost of living, rumors and news stories about a pending merger of the city's three gas companies brought forth a spate of public indignation. The two independent companies, the Cleveland Gas, Light and Coke Company and the Peoples Gas Light Company, had had a monopoly of the supply of artificial gas until the turn of the century. Both Republican and Democratic administrations fought strenuous opposition in City Council to break the monopoly by introducing natural gas. In 1902 Tom L. Johnson managed to secure a franchise for the city with the East Ohio Gas Company. The operating contract provided for the purchase of natural gas at thirty-one cents per thousand cubic feet of gas in contrast to the seventy-five cents paid for the same amount of artificial gas. Eight years later, at a time rife with suspicion about the nefarious activities of monopolies, the word was spread that the East Ohio Gas Company, a subsidiary of the giant Standard Oil Corporation, was to merge with the two independent companies. Clevelanders were already overwrought by the rising cost of living, and City Hall received a barrage of complaints and demands for investigation.²⁵

City Council reacted by appointing Claude W. Shimmon, Harry L. French, and Daniel E. Morgan to a committee charged with discovering if the proposed merger would weaken competition and raise the cost of gas to consumers. Councilman Shimmon was appointed chairman, but from the start of the investigation Mor-

²⁴ Information provided in an interview with Elizabeth S. Magee, secretary, Consumers League of Cleveland, March 19, 1963.

²⁵ Orth, *History of Cleveland*, I, 62-63; Howe, *Confessions*, 100; Johnson, *My Story*, 213-16. For specific demands for investigation and complaints of higher gas bills, see *PD*, January 19, 20, February 4, 1910; *CN*, January 20, 1910; *CCP*, February 28, 1910.

²² *City Council Proceedings*, January 17, 1910. See the *PD*, *CN*, *CP*, for January and February for accounts of the growing public concern about the rising cost of living and the increase in food prices.

²³ *City Council Proceedings*, May 2, 1910.

gan was the dominant figure. An early witness was President Martin B. Daly of the East Ohio Gas Company. He told the committee that he was willing to cooperate with them by giving complete information. After stating that the impending consolidation was a "square deal," he advised the city to enter into a long-term contract because gas would not get cheaper in the future. Morgan pressed Daly for information about the price of gas in any future contract. When the latter declined to give a satisfactory answer, Morgan proposed that the city negotiate a gas agreement similar to the Tayler Plan, a contract which had settled the transit question by guarantying the Cleveland Railroad Company a 6 per cent profit on its investment in Cleveland. Daly rejected this proposal as unsuitable for the natural gas industry, which was highly speculative and uncertain. Although Daly tried to support his assertion by pointing out that in the previous twelve years his company had paid only 3 per cent dividends, under persistent questioning by Morgan he admitted that this figure did not represent the company's profits exactly, because additional income was placed in what he called a "savings bank."²⁶ Nevertheless, Daly tried to reassure the investigating committee that the East Ohio Gas Company would supply gas at a reasonable price after the merger.²⁷

Morgan wrote the report that the gas committee made to City Council on February 28, 1910. The committee found the proposed merger to be legal but warned that the testimony of the president of the East Ohio Gas Company indicated possible difficulty in future negotiations over the price of artificial gas. Morgan noted that the company's concept of reasonable price differed sharply from that of the committee. Daly defined reasonable price as "what it is worth to the customer," whereas the gas committee thought the most important element in fixing the price of gas was the cost of service. The report stated that it was essential for city officials to have the right to inspect the gas company's books to determine the actual cost of production and service. Since the artificial gas franchises with the two companies that were to merge with East Ohio Gas were due to expire in July, 1910, Morgan pointed out the importance of negotiating immediately for a new

²⁶ Daly's comment about the "savings bank" was satirized in 1911 at the annual Nisi Prius dinner of the city's lawyers. Under a banner, with the slogan "Bank with Common People," two lawyers bearing some resemblance to Martin B. Daly and John D. Rockefeller were busy passing money back and forth to each other (PD, March 12, 1911).

²⁷ *City Council Proceedings* January 31, 1910; *CN*, February 1, 5, 1910; *PD*, February 6, 10, 1910; *CN*, February 10, 1910.

contract. The committee noted the situation in neighboring Akron: as a result of the failure of that city and the East Ohio Gas Company to agree on the price of gas, the company threatened to tear up its gas mains and quit supplying fuel. Mindful of this threat, the committee proposed the enactment of a state law that would require continued service at the old rate until a contract was negotiated.²⁸

The council adopted the report, authorized the gas committee to begin negotiations for a new franchise, and endorsed the proposal for a new state utility law. Daniel Morgan and Claude Shimon went to Columbus early in March, 1910, to testify before a committee of the Ohio House of Representatives that was considering a proposal to compel gas companies to negotiate with city councils under penalty of losing their state charters. Morgan recommended strengthening the bill with an amendment requiring gas companies to continue supplying gas under the old contract while new rates were being determined. Morgan's proposal, designed to encourage early settlement of disputes, bears a close resemblance to the section of the Mann-Elkins Act enacted in June, 1910, that gave the Interstate Commerce Commission authority to suspend new rates for railroads pending a court decision.²⁹

At the same time Morgan began strengthening his hand for negotiations with the East Ohio Gas Company. He recommended that the city hire a utility expert to advise the gas committee. He also suggested to state representatives from Cuyahoga County that they seek the passage of a state law to compel utility companies to enter into negotiations well before their contracts with the city expired, so that the process of bargaining would be orderly—with offers and counteroffers considered within a stipulated time period. If an agreement could not be reached by the time the contract expired, Morgan proposed that the courts adjudicate on the basis of what was "a proper and nonconfiscatory price."³⁰

The East Ohio Gas Company was also busy paving the way for its position in the negotiations: when Daly was questioned by a reporter about an increase in the price of gas, he said that it was too early to make a judgment but noted that the increased cost of living might have an impact upon the final price. Later he hinted that the price of gas would soar upward, although he agreed that it

²⁸ *City Council Proceedings*, February 28, 1910; *PD*, March 1, 1910.

²⁹ *City Council Proceedings*, February 28, 1910; *PD*, February 28, March 1, 11, 1910; *CN*, February 28, March 1, 10, 1910.

³⁰ *PD*, March 3, 1910; *CN*, March 22, 1910.

was important for the company to demonstrate why an increase was necessary.⁸¹

As the investigation got under way late in April, both sides moved to influence the public. Morgan told reporters that his committee was determined to probe thoroughly. He declared, "We want to know what it costs to make artificial gas" before a contract is negotiated. Other city officials put indirect pressure on the gas company to settle the dispute by hinting that they would favor the introduction of another company if the East Ohio price were unreasonable. The mayor announced that the old rate of seventy-five cents per thousand cubic feet was a reasonable price for artificial gas.⁸²

After negotiations began Martin Daly told the gas committee and other city officials that he would be willing to recommend to his board of directors a 6 per cent earnings limitation on artificial gas if City Council would guarantee that figure. When Newton D. Baker queried Daly about the possibility of the East Ohio Gas Company's selling the gas plant to the city, Daly rejected the proposal. The gas committee decided to consider the 6 per cent offer, but after inspecting the artificial gas works and examining the future prospects for artificial gas, they turned down the proposal on the grounds that the broken-down condition of the gas works and the uncertainty of demand for artificial gas in the future precluded such an arrangement. By May 5, 1910, the only result of the negotiations was an agreement by the gas company to give the council sixty to ninety days' notice before discontinuing service.⁸³

Both sides were at an impasse over the price of gas; the council took Morgan's advice and authorized him to hire an expert in the gas utility field to assist the gas committee in their negotiations. Late in May Morgan hired Professor W. D. Marks, a nationally known expert from New York City. After a patient investigation, hampered by the refusal of the company to permit him to examine their current records, Marks advised the committee that the prevailing rate of seventy-five cents was still a fair price for artificial gas. The company refused to accept this appraisal and argued that even a charge of ninety-five cents would not allow a fair return on its investment. Nevertheless, the council passed an ordinance fixing the price of artificial gas at seventy-five cents per thousand cubic feet; it also adjusted the expiration date of the contract

to coincide with the expiration of the natural gas contract in July, 1912.⁸⁴

On October 1, 1910, as the controversy intensified, the gas committee held a public meeting to state their position. Professor Marks, who had been able to see the East Ohio Gas Company's books from 1904 to 1906, confirmed his original estimate of the cost of gas. Morgan concluded that since the evidence supported the council's offer of seventy-five cents, the company would have to prove its case if it wanted a higher price. When Daly countered that he could prove that the council price was not adequate if he were given sufficient time to get additional records from the company's headquarters in Cincinnati, Morgan proposed that in fairness Daly's request for delay be granted.⁸⁵

Three days later the accounting firm of Ernst and Ernst published a large advertisement in the local newspapers claiming that their analysis of the figures used by Professor Marks demonstrated that ninety-one cents was a reasonable price for gas. When Morgan was interviewed by the *Plain Dealer* about this assertion, he called the analysis by Ernst and Ernst a "deliberate untruth."⁸⁶

But the city's position was severely weakened on October 19, 1910, by the state supreme court decision in the case of *East Ohio Gas Company v. City of Akron*. The court ruled that the gas company had the right to tear up its mains and terminate service if it so desired. The effect of the decision was immediate. The East Ohio Gas Company stiffened its position, giving notice that because of the council's failure to consider the company's position, it would abandon the artificial gas franchise on January 17, 1911.⁸⁷

Although the council instructed City Solicitor Newton D. Baker to prepare a lawsuit enjoining the company from taking such a drastic step, many citizens feared the detrimental effects that a prolonged court dispute would have on the development of the city. The East Ohio Gas Company intensified the community anxiety by announcing that it would not extend its lines or increase service until negotiations were completed. Cleveland was helpless to combat such a position, for there were no extension provisions in the artificial gas contract. The company was already

⁸¹ *CN*, March 22, 1910; *PD*, May 29, 1910.

⁸² *PD*, April 21, 27, 28, 1910.

⁸³ *PD*, May 6, 7, 1910.

⁸⁴ *PD*, May 21, 1910; *DEM*, "The Gas Settlement," *Municipal Bulletin*, XV (February, 1911), 7; *City Council Proceedings*, September 6, 1910.

⁸⁵ *PD*, October 1, 1910; *CP*, October 1, 1910.

⁸⁶ *PD*, October 3, 17, 19, 1910.

⁸⁷ *CN*, October 19, 1910; *City Council Proceedings*, December 5, 12, 1910.

supplying twice the amount of natural gas required by its contract. Even if the artificial gas contract were to be settled quickly, which was unlikely, considering the lengthy path the case would have to travel through the courts, the entire matter would come up again when the natural gas contract and the proposed artificial gas contract expired in July, 1912. Business organizations such as the Chamber of Commerce, the Builders' Exchange, contracting companies, and real estate businesses were deeply concerned about the impact of a prolonged struggle over the gas contract. The city had increased in population 46.9 per cent since the beginning of the century and hoped to grow to one million by 1920; the possibility of curtailed or terminated gas service was a severe threat to projected building plans and potential industrial expansion.⁸⁸

Various solutions were offered to the council on December 19, 1910. Charles E. Ruthenberg, secretary of the Socialist party and later a founding member of the American Communist party, proposed a municipal gas company as the only solution. Councilman E. B. Haserodt, a Republican-turned-Democrat who had been a staunch supporter of Tom L. Johnson, offered a resolution calling for a special election to authorize a three-million-dollar bond issue for a municipal light plant. Haserodt believed that such a light plant would serve as an excellent yardstick of costs in the utility field.⁸⁹

As the city's businessmen became more anxious about Cleveland's future, Daniel Morgan, who had emerged as the city's principal negotiator, began to feel the increased pressure for settlement that was being exerted on both the mayor and the council. The East Ohio Gas Company intensified this pressure by letting it be known that Baltimore, Maryland, was anxious to have a supply of natural gas and was willing to pay fifteen or twenty cents per thousand feet more than the rate being paid in Cleveland. Pressed by the city's business interests for an early compromise settlement and angered by the arbitrary actions of the gas company, Morgan decided to go home to Oak Hill for the Christmas holidays. But the rest and relaxation he hoped to find away from the scene of the controversy evaded him. The inescapable troubled thoughts about the gas question made him restless during the day and unable to sleep at night. His brother recalls that he was so nervous and

⁸⁸ DEM, "Gas Settlement"; *City Council Proceedings*, January 16, 23, 1911; Rose, Cleveland, 679.

⁸⁹ *City Council Proceedings*, December 19, 1910; *CP*, January 4, 1911.

despondent that the family finally persuaded him to see a doctor.⁴⁰

When Morgan returned to Cleveland for the first council meeting of the new year, there remained only seventeen days before the day on which the East Ohio Gas Company threatened to cut off the supply of artificial gas. To emphasize the point, the company reiterated its plans to discharge all workers in the artificial gas plant. Council members began to talk about a compromise settlement so that "thousands of people" would not have to worry about the termination of their gas service, but Morgan told reporters there were no new developments to give reasons for reopening the negotiations. Meeting with troubled Republican councilmen, he argued that the first overture should come from the company. Although Republicans expressed satisfaction with Morgan's handling of the question, some councilmen and the administration were anxious to reach an agreement as soon as possible. Mayor Baehr was worried about the political effects of any settlement that increased the price of gas, but influential segments of the community were telling him that a compromise settlement would be popular with the people.⁴¹

While some commentators argued that any retreat by Baehr would be his "political sunset," a number of community forces paved the way for a compromise. The Chamber of Commerce and the Builders' Exchange wrote to the council, endorsing the reopening of negotiations. E. H. Baker, general manager of the *Plain Dealer*, arranged a meeting of Mayor Baehr, Morgan, and Daly in his offices. Urging that the gas question was a purely business matter and ought to be settled in a businesslike manner, he pointed out that there were cities willing to pay a higher price for gas than Cleveland was paying. As a result of this conference the East Ohio Gas Company offered a ten-year contract under which the consumer would pay eighty-five cents for artificial gas and thirty cents for natural gas for the first seven years, and thirty-five cents for the remaining three years.⁴²

Morgan was not satisfied with these terms. After consulting with a number of councilmen and with the mayor, he proposed a ten-year contract which specified a cost of eighty cents for artificial gas

⁴⁰ DEM, "Gas Settlement"; *PD*, January 3, 1911; information provided in an interview with E. E. Morgan, September 6, 1963.

⁴¹ *CP*, January 7, 9, 1911; *PD*, January 3, 4, 1911.

⁴² *CP*, January 10, 1911; *CCP*, January 23, 1911; DEM, "Gas Settlement"; Archer H. Shaw, *The Plain Dealer—One Hundred Years in Cleveland* (New York: Alfred A. Knopf, 1942), 277; *PD*, November 1, 1911.

until the amount provided reached a billion cubic feet per year, at which time the rate would fall to seventy-five cents. For natural gas he proposed a rate of thirty cents for eight years and thirty-five cents for the remaining two years of the contract. He also pressed for new provisions to protect the consumer and the city. To guarantee that the gas received was of high standard, he proposed that artificial gas should average at least 600 British thermal units per cubic foot and never less than 550 units. A similar provision was included to ensure the quality of natural gas. He also requested that the contract require the company to extend service whenever there was at least one customer for each hundred feet of street piped. Hitherto the company had been the sole judge of when it was suitable to provide gas in any new area. The extension provision for natural gas was qualified only by the ability of the company to obtain a sufficient supply. Morgan's last proposal enabled the city to cancel either the natural or artificial gas contracts if the East Ohio Gas Company did not honor its obligations.⁴³

Morgan's counteroffer was not welcomed by the company, but it, too, was being pressured by the business community. Furthermore, the city had a strong weapon in the form of the lawsuit which it had already filed, asking for an injunction prohibiting the company from withdrawing its services. The company was not anxious for another court fight. Two of the state supreme court judges who had signed the Akron decision were no longer on the bench. The Akron case had been a useful weapon in forcing small communities in northeastern Ohio to meet demands for rate increases, but if Cleveland were to win the next case, the company would be faced by many hostile communities demanding renegotiation of their contracts. The East Ohio Gas Company, therefore, agreed to Morgan's proposals subject to the inclusion of contract clauses permitting the company to levy a fifty-cent-per-month service charge on artificial gas meters and a five-cent-per-thousand-cubic-feet penalty charge for bills delinquent more than ten days. The gas committee agreed to these provisions and drew up an ordinance including them in Morgan's compromise proposal.⁴⁴

Morgan was not prepared for the political storm which broke when the ordinance was presented to City Council. His conversations with E. H. Baker of the politically Democratic *Plain Dealer* had led him to believe that the gas settlement would not be attacked by the opposition party in the council. Before the or-

dinance was presented, Morgan, together with S. H. Tolles, the counsel for the gas company, and the Democratic City Solicitor, Newton D. Baker, had examined the proposed settlement in conference and expressed satisfaction with the measure. But when the legislation came before the council, it was bitterly attacked by the Democrats as a sell-out to the company. Even Republican councilmen were divided on the issue. The party's floor leader openly asserted that "it's bad politics, bad policy, and bad business." Public opinion outside the council took up this cry. The *Cleveland Press* editorially condemned what it called a surrender to Daly, who, the paper charged, would "hogtie and brand the city with the price brand of Standard Oil."⁴⁵

It was apparent that the compromise ordinance was in jeopardy. The Republican majority was split three ways on the measure. Only nine Republican councilmen gave it unconditional support; seven were doubtful; nine more had joined with the seven Democratic members of council in complete opposition. Some Republican councilmen believed that the extra five cents that the consumer had to pay during the last two years of the natural gas contract were unnecessary. Others felt that the fifty-cent meter charge for artificial gas was too high and said that a twenty-five cent charge would be adequate. A number of councilmen wanted frequent inspection of the company's books to ensure compliance with the lower price clause when volume exceeded one billion cubic feet. Others demanded that domestic consumers receive preference when natural gas was in short supply. Although some pressure was exerted on recalcitrant Republicans by threatening loss of patronage, Republican leadership rested its main case for passage of the ordinance on the ground that the settlement was a reasonable one in light of the difficult situation.⁴⁶

Morgan was the principal spokesman in defense of the settlement. After attending a strategy meeting with the mayor and several Republican councilmen, he told the press: "We do not fear the closest investigation and scrutiny. We welcome such because we know that the more the people study these ordinances, the better pleased they will be with them. If they are passed by the council and accepted by the company, the city can well congratulate itself upon a most excellent settlement." To those who charged that there were "jokers" in the contract, he pointed out that City Solicitor Newton D. Baker, who had gone over the settle-

⁴³ *PD*, November 1, 1911, January 11, 12, 1911.

⁴⁴ *CP*, January 9, 10, 1911; *PD*, January 17, 1911.

⁴⁵ *PD*, November 1, 1911, January 12, 1911; *CP*, January 9, 10, 12, 1911; *City Council Proceedings*, January 23, 1911.

⁴⁶ *CP*, January 10, 1911; *PD*, January 11, 14, 12, 1911.

ment provisions, had too great a reputation for integrity and legal acumen to lend credence to such a charge. To those who wanted to know why the measure was being presented before the outcome of the city's lawsuit against the company, Morgan answered that it was better to reach a settlement before prolonged litigation did damage to the business interests of the city. He asked those who opposed the measure to remember that there was no company offering service in competition with the East Ohio Gas Company. This lack of competition, coupled with the country's growing demand for a "continually decreasing supply" of natural gas, hampered the city in negotiating a contract. Morgan acknowledged that the settlement was politically unwise but expressed his conviction that the proposed solution was adequate. He declared that he would "throw politics to the wind" in order to "fight for it."⁴⁷

Morgan found that he would have to do just that. When the council met on January 16, 1911, for a second reading of the gas ordinances, the opposition, backed by a crowded gallery of hostile citizens, demanded changes. They brought with them a petition signed by over eight thousand people protesting the granting of the franchise and demanding passage of a bond issue to create a municipal gas plant. Councilman Haserodt proposed that the council call upon the state legislature to enact a law giving the people the right to approve or reject the natural and artificial gas franchises. When the council approved this proposal, Morgan, fearful that such a resolution would antagonize the gas company and lead it to reject the proposed settlement, immediately moved that the proposed ordinance be referred to the gas committee for further consideration. The packed gallery screamed at him to sit down, and during the ensuing disorder a voice vote of the council rejected Morgan's plea. Morgan announced that his committee had persuaded the company to agree to a number of additional changes, including the reduction of the fifty-cent meter charge to twenty-five cents, a priority for domestic consumers over industrial users if a shortage of gas occurred, and a plan for inspection of the company's books. These additional provisions brought a favorable response from some of the doubtful councilmen, but when Newton D. Baker suggested that there be a quarterly inspection of the company's books, Martin B. Daly jumped to his feet, protesting that quarterly inspections were impractical and would create unnecessary expense for the company. After much heated argument

between Baker and Daly, the two adversaries and the council agreed upon a plan for semi-annual inspection.⁴⁸

Monday, January 23, 1911, was the date set for the third and final reading of the gas ordinances. Before the council meeting Mayor Baehr held a party caucus to secure unanimous support from Republican councilmen, and Morgan once more defended the measures as reasonable and satisfactory in light of the council's limited powers. Nevertheless, two councilmen of the administration's party joined the Democrats in attempting to defeat the gas ordinances. The opponents, backed by a gallery of vociferous citizens, staged a two-hour debate, charging that the council had surrendered to the gas company and hinting that Morgan was an agent of Standard Oil. The charges brought angry denials from the ordinances' supporters, who were in turn jeered by the hostile audience, numbers of whom shouted that they would remember those who voted for the measures in the next election. Mayor Baehr, who had vacillated throughout the negotiations, did not appear in the council chamber. He preferred to remain in the wings while his capable lieutenants, Daniel E. Morgan and Alexander Bernstein, stood the brunt of the attack. When a vote was finally taken, the ordinances passed, twenty-three to nine. The majority was booed by crowds of frustrated citizens as they left the meeting.⁴⁹

Shortly afterwards Morgan wrote that although the franchises did not contain many provisions that would have been desirable, he thought the council's action would be "heartily approved by the intelligent opinion of the community." Although time proved Morgan to be wrong in evaluating public sentiment, the gas legislation for which he worked so diligently stood up well to the test of time. Despite his mistake in accepting the gas company's argument about a limited supply of natural gas, by the time the franchise expired in 1921 the average price of natural gas in American cities had risen to eighty-six cents, while thirty-five cents was being paid in Cleveland. Before the contract expired in 1921, the more expensive artificial gas, which was primarily used for lighting, had been replaced almost entirely by electricity. Although the 1911 gas ordinances did raise the cost of gas in Cleveland, the possibility of a prolonged court fight at a time of great urban expansion posed an even more serious economic hazard for the city. Certainly the clauses providing for quality control, extension of service, and inspection of the company's books represented a substantial gain in

⁴⁷ *PD*, January 12, 14, 1911.

⁴⁸ *PD*, January 17, 1911; *CP*, January 17, 1911; *CN*, January 17, 1911.

⁴⁹ *PD*, January 21, 24, 1911; *CN*, January 21, 24, 1911; *CP*, January 24, 1911.

protection for the consumer. But in 1911 consumers were aware only of the increase in their forthcoming gas bills. Their resentment was to have its impact upon Morgan's political future.⁵⁰

⁵⁰ DEM, "Gas Settlement"; U.S. Bureau of the Census, *Historical Statistics*, 129, Series I, 182; see *American Political Science Review*, V (February, 1911), 95, for a summary of the franchise struggle between Cleveland and the East Ohio Gas Company.

CHAPTER III



THE CANDIDACY OF A REPUBLICAN APOLOGIST

BY 1911 DANIEL MORGAN, who had migrated to Cleveland just ten years earlier, was an important figure in the civic and political life of his community. He was in his mid-thirties, a broad-shouldered, sturdy man whose serious, Celtic face was enlivened by humor-sparked blue eyes.¹

While he was still a freshman councilman, Morgan's perceptive analyses and careful presentations for investigating committees raised him to a position of leadership within the Republican party. He became an advisor to Mayor Baehr and the chief spokesman for City Council. He was elected to the board of directors of the influential Republican organ, the *Tippecanoe Club*, and was selected to be one of the delegates to his party's state convention. Although Morgan's political mentor was County Sheriff A. T. Hirstius, a leading lieutenant of party boss Maurice Maschke, his close association with James R. Garfield and John D. Fackler identified him with the progressive wing of the Republican party.²

The growing split in the national party between the "progressive" Republicans and the "standpatters" was reflected in the formation of insurgent groups in Cuyahoga County. James R. Garfield, who was to be a leading member in Theodore Roosevelt's

¹ Information provided in an interview with E. E. Morgan, April 6, 1964; *PD*, August 22, 1911; *CL*, January 27, 1930.

² *CN*, January 12, July 26, 1910; The Cleveland Chamber of Commerce, *Yearbook*, 1910.

"Bull Moose" campaign in 1912, had spoken on March 24, 1910, to the Tippecanoe Club. He warned its members against the "standpatters" in the party. By early May there were signs of organized opposition by insurgent Republicans. John D. Fackler, described as the "Beveridge of East Cleveland," organized what became the nucleus of the local "Bull Moose" movement under the slogan "Tariff for Protection; Not Plunder," and a few days later Morgan and Fackler conferred with James Garfield about the role of the East Cleveland Progressive delegation to the county convention. In his journal Garfield wrote that Morgan and Fackler wanted him to be a candidate for the United States Senate.³

In November of 1911, two years after the Republicans had been swept into office, the party faced another municipal election. Mayor Baehr's decision not to seek reelection both pleased and dismayed his political associates. He had proved to be a weak executive, but the Republicans had no man of stature willing to enter the lists against Newton D. Baker, the formidable Democratic candidate for mayor. After Tom L. Johnson's death in the spring of 1911 the mantle of his progressive leadership of the city's Democratic organization had fallen on the shoulders of Baker, who had been his political protégé and ally. Cleveland's most prominent Republicans, Myron T. Herrick and Theodore E. Burton, shunned the mayoralty contest. Herrick, who had been governor of Ohio for one term a few years earlier, was not interested in political office and had turned down several ambassadorial positions offered to him by President Taft. Burton, who had unsuccessfully attempted to unseat Tom Johnson in the famous *Jacta est alea* campaign of 1907, was safe in the United States Senate, where he could lard his ponderous speeches with Latin tags without the danger of savage mistranslations.⁴

After much debate the Republicans decided to try the same formula that had been so successful in the campaign of 1909, when they had supported a businessman who appealed to the voters as an efficient antidote for the civic tinkering and reform of the Johnson administration. The party's candidate for mayor in 1911 became Frank G. Hogen, another businessman who had had experience in public office as Mayor Baehr's director of public safety. Unfortunately he proved to be as unobtrusive and ineffective in

political campaigning as he had been in Baehr's cabinet. At the popular tent meetings he was a poor match for the well-schooled trio of Baker, Cooley, and Witt.⁵

With Baker no longer running for the office of city solicitor, which he had held firmly during both the Johnson and Baehr administrations, the Republicans were anxious to capture this position. Morgan was a natural candidate. For him the position offered an attractive political stepping-stone, and his rising prominence in the Republican party was attested by the fact that he was the only candidate for major office who faced no opposition in the primary. Morgan's Democratic opponent was E. K. Wilcox, a dignified old-school lawyer whose caution was indicated by the sobriquet of "Old Balance Wheel" that City Hall politicians hung on him. Wilcox remained in the wings during the campaign, but Morgan became the leading spokesman of his party when the role of the private utility companies became the chief issue.⁶

Even before the party primaries Baker "declared war" on the Cleveland Electric Illuminating Company, the major electric utility company in the city. He announced that he was in favor of extending the municipal light plant in anticipation of eventual municipal ownership of all electric power in Cleveland. On August 27, 1911, Democratic councilmen followed Baker's lead by introducing an ordinance calling for a vote on a two-million-dollar bond issue to extend the municipal light plant. Although Baehr's director of public service, A. B. Lea, favored a policy of more limited extension, Republican councilmen Bernstein and Morgan announced their support of the two-million-dollar program. When Samuel Scovil, vice president and general manager of the Illuminating Company, objected to the proposed bond ordinance because it would result in higher charges for the consumer, Morgan pointed out that Scovil's company had been paying 20 per cent dividends, which seemed to him an unreasonable profit. On the other hand, Morgan was not committed to total municipal ownership. He expressed interest in a suggested policy of rate regulation and asked Scovil if his company would be willing to open its books for an analysis of the production cost of electricity. Scovil assured the council that the company would be willing to cooperate in this way. Nevertheless, the ordinance authorizing the submission of the bond issue to the voters was passed on September 15, 1911.⁷

³ *CN*, March 25, 1910; *PD*, May 4, 5, 1910; James R. Garfield, *Journal*, May 6, 1910 (Garfield Papers).

⁴ Cramer, *Newton D. Baker*, 45; Rose, *Cleveland*, 861; Johnson, *My Story*, 273-75; Forest Crissey, *Theodore E. Burton: American Statesman* (Cleveland: The World Publishing Company, 1956), 146-48.

⁵ *PD*, July 30, August 23, 1911.

⁶ *The Municipal Bulletin*, XV (September, 1911); *CP*, February 14, 1914; *PD*, April 22, September 6, 1911.

⁷ *CP*, August 26, 29, 1911; *PD*, August 28, September 16, 1911; *City Council Proceedings*, September 15, 1911.

In this brief exchange before the election campaign got under way the principal issue between the major political parties was joined. Both parties agreed that the private utility companies took advantage of their monopolies to make excessive profits; both parties believed in extending the existing municipal light plant; but they disagreed about the role that this plant should play. Baker advocated a policy that would eventually entail complete municipalization of electric light plants. Until such a program could be accomplished, he wanted the city plant to serve as a yardstick for measuring the rates charged by private companies. He believed that by extending the city-owned light plant municipal authorities could provide consumers a competitive service that would result in lower prices and better service from private companies. The Republicans argued that the yardstick concept was an inadequate means of lowering prices and providing better services. They advocated rate and service regulation by city authorities in order to ensure cheaper service for all citizens, not just those served by the municipal light plant. Because of his experience in the gas settlement Morgan became the leading exponent of the Republican viewpoint during the ensuing campaign.⁸

The Republicans opened their general election campaign with a series of house meetings organized in every ward in the city. Hogen was the leading speaker at these "pink tea" meetings and was usually accompanied by Morgan and several of the other candidates for city-wide offices. When Morgan spoke, he seldom mentioned his own qualifications for the office of city solicitor. Newspaper reports of his speeches indicate that he concentrated on the major issues when he was not promoting Hogen's candidacy. Morgan was the featured speaker at four house meetings and one club gathering in the Twenty-first Ward, for instance, where he lauded Hogen without speaking of his own political aspirations. He told his audiences that the city needed an executive who

⁸ For Baker's statements during the election see the *Cleveland Press*, August 26, 1911, and the newspaper accounts of his debate with Samuel Scovil of the Cleveland Electric Illuminating Company on October 31, 1911. These views were expressed during an election campaign in a heated debate; Baker was not doctrinaire on the question of municipal ownership. His basic beliefs on this question were expressed in a speech at Western Reserve University, reported in the *Cleveland Leader* (December 12, 1912): "Whenever the performance of public service is essential to the safety or well-being of the community and where that service cannot or will not be performed properly by private interests, then the public ought to take it into their own hands." His philosophy on municipal ownership was not absolute, for he believed that each public service should be assessed on an individual basis. Baker's cautious approach toward public ownership was reflected in his attitude toward the New Deal policies of President F. D. Roosevelt. See C. H. Cramer's biography, *Newton D. Baker*, 260-64.

had a reputation for hard work and ability in business. With obvious reference to the oratorical skill of Newton D. Baker, he asked: "If you were to choose a mayor, would you go down to the Public Square and select that man with the most fluent speech or would you choose a man of business ability. . . ?"⁹

When the "pink tea" campaigning was over, both parties held large meetings in tents and halls throughout the city. Morgan continued to be the major figure in Hogen's entourage. At the first tent meeting of the campaign Morgan praised Hogen as a man more concerned with the practical aspects of municipal life than with unrealistic political ideas. The main body of his speech dealt with the public health problems of the city. He stressed the importance of completing the contagious disease hospital, improving the sewerage system, and going ahead with plans for a tuberculosis hospital and a dispensary for babies. He related these programs to the infant mortality rate and urged speedy attention to such vital projects.¹⁰

Morgan's failure to mention his own candidacy and his inability to dramatize his issues were characteristic of his campaigning in the election of 1911. He might have told his audience that if he were elected he would begin a campaign to end gambling in the city or to close down the vice district on the northeast side of Public Square. He could have won applause by claiming that he would haul the private utility companies before the highest courts in the land to secure justice for the people. But Morgan was disinclined to present his own candidacy to the voters in any form at all. As he rose to address a tent meeting one evening, an enthusiastic admirer shouted, "Pitch into them, Dan," but Morgan confined his remarks to the improvement in street lighting that had been accomplished by Mayor Baehr and would be continued by Hogen. It was hardly a response to quicken the flow of political adrenaline in the bloodstream of partisan Republicans.¹¹

As the campaign proceeded in late October, Morgan became increasingly involved in presenting the Republicans' approach to the electric utility question. Stressing his party's support of the two-million-dollar bond issue for extension of the city's electric light plant, he denied Democratic charges that Republicans were

⁹ *CN*, September 14, 1911; *PD*, September 14, 16, 19, 21, 1911. Tom Johnson had put a huge granite stone in the Public Square—a soapbox he called it. It was the favorite meeting place of those who loved to talk and present their ideas to the passing world. Like the orators at Hyde Park corner in London, many of the speakers were skilled in the art of holding a crowd.

¹⁰ *PD*, October 18, 19, 1911; *CN*, October 19, 1911.

¹¹ *PD*, October 25, 1911.

enemies of municipal ownership and argued that Republican policy was based on the realities. Noting that attempts at municipal ownership had failed in a number of cities because the men handling these businesses had neglected to take ordinary precautions customary in private enterprises, Morgan said that business-like management of the existing municipal plant under Mayor Baehr had made the Cleveland operation a success for the first time in its history. He pointed out Baker's lack of business experience, in contrast to Hogen's background, and he announced that the people did not "want as Mayor a man who is a genius or learned in books," but a man who had shown the capacity for leadership.¹²

Morgan repeatedly told his audiences that regulation of the electric rates was essential to securing reasonable prices for this service. He illustrated his point in an address in the community of Newburgh, which was too far from the downtown area to receive electricity from the municipal plant, even if the bond issue were passed. In another speech he answered Baker's assertion that the city ought to have a three-cent light rate. While Morgan supported the desirability of such a rate, he questioned whether Baker had facts to substantiate his proposal. Morgan was sure a municipal light plant would lower the cost of electricity, but, he asked, who could say exactly what the rate would be? Indeed if a three-cent price were the proper one, Morgan pointed out that the current ten-cent price, which had been negotiated under the Johnson administration in 1903, was more than three times higher than it should be. Morgan concluded his speech with another plea for rate regulation as the "only certain method of immediately lowering the rate for all the people" and urged the voters to reject candidates "not absolutely committed to rate regulation."¹³

The Democrats continued to aver, meanwhile, that extension of the municipal plant would provide the competition needed to force private companies to lower their rates. Their arguments gained support from an unexpected quarter when a council investigating committee with a Republican majority reported, during the last days of October, its study of electric light rates. The committee concluded that rate regulation was an ineffective means of control, because the company could appeal whatever rate was fixed to the state utility commission, where the matter was entirely out of the city's jurisdiction. If the company was not satisfied with the commission's decision, it could appeal further to the Supreme Court of the United States. Such action could entail years of delay

without assurance that the final outcome would be satisfactory to the city. To support the case for municipal ownership the investigating committee cited Tom Johnson's attempt to achieve a three-cent fare through municipal regulation. For six years Johnson's efforts were defeated by constant litigation, until the organization of the Municipal Traction Company provided the competition which forced private companies to lower their fares. The report ended with the committee's recommendation for expanding the city's light plant.¹⁴

In the middle of this debate Morgan found himself under attack for the role that he had played in the gas settlement of the previous January. During the Republican primary he had cited this settlement as an example of the good stewardship of the Republican administration. Taking note of Morgan's claims, Peter Witt lashed out at the Republicans in general, and Morgan in particular, for supporting the gas settlement. While Witt absolved Morgan of any irregular actions, he charged that "Standard Oil methods" prevailed in the passage of the gas franchise and asserted that "a vote for those ordinances was as bad as accepting money for them."¹⁵

Stung to the quick by Witt's charges, Morgan called upon Baker, who was present when Witt spoke, either to stand by Witt's statements or to repudiate them. He declared that Baker had no right to "remain silent and gain any advantage" from such false accusations. Baker observed that Morgan was "somewhat sensitive about these matters." Refusing to question the latter's integrity, he acknowledged that if errors were committed, they were errors of judgment. Nevertheless, Peter Witt continued to attack the "Standard Oil methods" that were used to "milk the people by the passage of the gas ordinances."¹⁶

Morgan answered Witt's charges on October 31 in a major speech that captured the front page in the major city newspapers. He explained that he was compelled to tell the "inside story of the settlement" because of vicious attacks and false charges that had been made against him in recent days. He outlined the history of the dispute with the gas company and told his audience of the unpublicized meetings at which E. H. Baker of the *Plain Dealer* had advised a quick settlement because of the danger that East Ohio Gas would leave Cleveland to take advantage of the high price offered by the city of Baltimore. Under the pressure of this

¹⁴ *PD*, October 21, 1911; *CP*, October 24, 27, 30, 1911.

¹⁵ *PD*, November 2, October 20, 1911; *CN*, October 20, 1911.

¹⁶ *PD*, October 20, 21, 1911; *CP*, October 20, 21, 1911; *CN*, October 20, 1911.

¹² *PD*, October 24, 26, 29, 1911; *CP*, October 25, 27, 1911.

¹³ *PD*, October 26, 31, 1911; *CN*, October 26, 1911.

possibility, Morgan said, he, Newton D. Baker, and S. H. Tolles, the attorney for the gas company, had negotiated a compromise settlement for presentation to the city council. Morgan defended the ordinances as a good settlement of a difficult situation.¹⁷

The following night Baker replied to Morgan's account of the settlement with a denial that he had anything to do with fixing the price of gas. Although he had believed that rates of seventy-five cents for artificial gas and twenty-five cents for natural gas might be fair, he had refrained from making any public comments because he would have been accused of "playing to the gallery" and obstructing the Baehr administration. He defended his silence by recalling that several times he had offered the administration advice on dealing with corporations and had been told by Baehr to mind his own business. Therefore, he had confined himself to the strictly legal aspect of his work. When he was consulted by Morgan on the gas ordinances, the latter, realizing the impropriety of asking his opinion on the content of the ordinances, had said he understood Baker's concern was the legal aspect of the settlement. While Baker said he had done all he could to assist Morgan, he maintained that he was not free to become involved in policy-making decisions.¹⁸

The Republicans' angry retort came the next day, November 2, in a speech by J. J. Sullivan, a former Federal District Attorney and a man widely regarded as one of the city's most distinguished lawyers. Sullivan said that Baker, as city solicitor, was the legal guardian for the citizens of Cleveland and responsible for protecting their interests. If Baker had felt that the ordinances were not in the best interest of the city, he should have spoken out. Sullivan asserted that Baker was acting like a lawyer who puts the blame for losing a case on the shoulders of his client.¹⁹

While these charges and countercharges dominated the autumn electioneering, there were other controversies that also influenced the outcome of the election. One of these was the Republican proposal to remove the control of local parks from a superintendent of parks, appointed by the mayor, and place it under an elected board of park commissioners. With Baker leading the offensive, the Democrats charged that this change was sponsored by the Republicans because they knew that they were going to lose the election and, therefore, the power of appointment. Baker further charged that the move was supported by West Side prop-

¹⁷ *CN*, November 1, 1911; *CP*, November 1, 1911; *PD*, November 1, 1911.

¹⁸ *PD*, November 2, 1911; *CP*, November 2, 1911.

¹⁹ *PD*, November 3, 1911.

erty owners, who felt that they could obtain a higher price for proposed park lands from the suggested board of commissioners than from a Democratic administration.²⁰

Another matter that worked against the Republicans was the smouldering discontent in their own party with the conduct of the Baehr administration. Baehr, an inept leader, had surrounded himself with several men whose actions had angered some Republicans. Among them were Gerhard M. Dahl, the first street railroad commissioner, and A. B. Lea, the director of public service. Because Dahl had been an unpopular commissioner, accused of favoring the private streetcar company, Hogen was forced to say that if he were elected mayor, Dahl would not be reappointed. Dahl's rejection by his party's mayoral candidate was met with great whoops of approval from the tent meeting audience that heard the announcement. At a late October tent meeting, Republican John A. Cline, the county prosecutor, criticized Baehr, Dahl, and Lea and asked the voters not to blame Hogen for the mistakes of the former administration. Cline even went so far as to say that if he were in the mayor's office he would fire Lea. Baehr's two cabinet officers retaliated by calling Cline a traitor to the Republican cause. In a demonstration of loyalty which fell short of political wisdom, Hogen defended the unpopular mayor and said that he would rather be defeated than lose Baehr's friendship.²¹

As the internecine quarrel continued, Newton D. Baker received an appreciative roar of laughter from one of his audiences when he remarked that it was unnecessary for him to criticize the Baehr administration since the Republicans themselves were doing such a fine job. Morgan, who was described by the *Cleveland Press* as "the chief smoother in the Republican row," tried to end the schism in the party with pleas to his fellow Republicans to concentrate upon winning the election instead of attacking members of their own party.²²

On November 8, 1911, the Republicans were overwhelmingly defeated. Morgan lost to Wilcox by a vote of 28,774 to 41,255. Both Hogen and Morgan had confided to friends several weeks before election day that they had little chance of winning. Other Republicans apparently sensed the outcome too, for none of them joined their mayoral candidate as he sat in his office awaiting the returns. Late on election night Morgan stopped by to console Hogen before going to Democratic headquarters to congratulate

²⁰ *CP*, October 20, 1911; *PD*, October 24, 1911.

²¹ *PD*, October 24, 1911; *CN*, October 24, 1911; *CP*, October 26, 27, 1911.

²² *CP*, October 27, 28, 1911.

Baker on his victory. The latter visit took on the appearance of a social gathering, as Morgan chatted with the families of the Mayor-elect and Peter Witt; outside the Democrats acclaimed their victory with boisterous cheers and songs, accented by hooting horns and banging drums. The *Cleveland Press* reported that although Hogen and Morgan were good losers, Morgan felt his defeat more than any other candidate.²³

As one of the foremost leaders of the Republican party's campaign efforts, Morgan had been deeply involved in the election. The campaign of 1911 was fought over an important issue, however clouded it may have become in the fog of partisan debate. Morgan was sincerely committed to the concept of regulating public utilities. Not only had he been unable to convince the voters of the necessity for such regulation, but his own very difficult role in the gas settlement had come under a serious attack which he had been unable to combat effectively. In addition, he had lost his bid for the public office of city solicitor.

All losing politicians feel the sorrow of defeat, but it is the nature of the political animal to salve his wounds by finding some evidence, no matter how intangible, of moral victory. Morgan could do so with some justification. He had secured nearly four hundred more votes than the Republican candidate for mayor, and even his political enemies had maintained that he was a man of integrity. The *Cleveland Plain Dealer*, staunch supporter of the Democratic party, had editorialized that as a member of City Council, Morgan had proved his worth and his fitness for the position of city solicitor. The editor went on, however, to make a strong argument for electing a city solicitor of the same party as the mayor. In a pre-election analysis the same newspaper had singled out Morgan as one of the four Republicans who carried the brunt of their party's campaign.²⁴

During the election campaign Morgan emerged as a man of honor. His insistence that Baker openly acknowledge his position regarding Witt's charges and his gracious visit to congratulate the Mayor-elect were both indicative of his personal code of behavior. Unfortunately, gentlemanly modesty is not always an asset in a candidate for public office, and Morgan's failure to present his

²³ *PD*, November 8, 1911; *CP*, November 8, 1911; *CN*, November 8, 1911. Baker defeated Hogen by 46,214 to 28,376 votes. In addition to winning 27 out of 32 seats in the council, the Democrats were successful in defeating a park commissioners' board. One interesting aspect of the campaign results was the large vote for the Socialist candidates for mayor and city solicitor, who received almost 10 per cent of the total vote.

²⁴ *PD*, October 23, November 6, 5, 1911.

own qualifications for office must be noted. Even more important was his inability to translate the reasonable logic of his position into language of partisan propaganda that would attract voters.²⁵

The inept Republican administration of Mayor Baehr, the increasing cost of living, and the unpopular gas settlement were probably the most important factors contributing to the Republicans' defeat. Ably led by a skilled and experienced politician, the Democrats seized upon these issues to exploit the burdens that the incumbent party carried into the campaign. Baehr's incompetence hardly gave credence to Republican faith in the businessman in politics. Hogen was no match for Baker on the hustings, and when Morgan attempted to carry the fight for his party, he was effectively neutralized by Witt's policy of identifying him with the unpopular gas settlement. The Baker program for municipal electricity, with its oft-repeated promise of a three-cent light, must have had great appeal to voters at a time of rising prices. To Morgan's claim that Baker had no proof that he could provide electricity so cheaply, the Democrats could point to Johnson's success in getting a three-cent fare. Perhaps Republican Virgil G. Marani's comment, that he would run for mayor in 1913 on a campaign slogan of a three-cent meal, was the most succinct and incisive analysis of the Democratic victory.²⁶

The two-million-dollar bond issue for extension of the municipal light plant, which had received bipartisan support, was approved by the voters; but the major political parties remained divided on the effectiveness of the yardstick concept as a means of forcing private companies to lower their rates. This local controversy echoed the national debate between those who argued for more competition and those who advocated governmental regulation. The anti-trust problem became the central issue between Woodrow Wilson and Theodore Roosevelt in the 1912 presidential election.²⁷

After the new municipal light plant had been in operation for eight years, Baker estimated that it had saved Clevelanders fourteen million dollars through lower light charges; on the other

²⁵ An incident during the campaign illustrates Morgan's gentlemanly conduct: in the course of a speech Peter Witt used the word "dago" to describe a leading Italian-American Republican. The city's Italian community was aroused, and at a meeting at Garibaldi Hall on Murray Hill Road the Italians called upon Baker to repudiate Witt's statement. Witt, of course, apologized for his "unfortunate remark," but some Republicans sought to make it a campaign issue. The *Cleveland Press* noted that Morgan refused to exploit the comment, and the matter died (*PD*, October 23, 24, 1911; *CP*, October 23, 1911).

²⁶ *PD*, November 8, 1911.

²⁷ *PD*, November 8, 1911.

hand, those who advocated rate regulation could point with satisfaction to the success of the gas settlement. The Cleveland Municipal Light Plant never supplanted the privately owned companies as the major source of light and power for the community. While the yardstick concept implicit in the construction of the city-owned plant was a useful tool in determining fair rates, in succeeding years the struggle for rate regulations was carried on by city administrations and the state public utility commission.²⁸

Morgan served on City Council for nearly two more months after the election was over. Again he became involved in a struggle with those who supported special corporate interests. When a Republican councilman introduced a measure granting the Cleveland Electric Illuminating Company a franchise to build a three-million-dollar steam plant, some citizens and other members of Council protested that the franchise did not protect the public interest and that it would in effect prevent the municipal light plant from competing for the steam-heat business. The Democratic minority charged that the measure was being railroaded through the council by Public Service Director A. B. Lea before the Democratic administration could take office in January. The dissenters were joined by Morgan, who led a Republican move to oppose the bill on the ground that the outgoing council should not grant a franchise in the closing days of its term.²⁹

Samuel Scovil defended the ordinance at a public hearing in mid-December. He told the councilmen that they were just as intelligent as the council-elect and that they should pass the measure if they were not afraid of the newspapers that tried to run the city. Scovil's statements brought Morgan to his feet with a warning that the council must be extremely cautious in dealing with public-service corporations. Recalling that the gas company had been "absolutely faithless" in living up to its recent settlement with the city, he unequivocally opposed granting a franchise before Council had time to examine it carefully. But only Baehr's announcement that he would veto the measure was able to block its passage.³⁰

Just four days before the new council took office, Morgan

²⁸ Cramer, *Newton D. Baker*, 51.

²⁹ *CP*, November 16, 1911; *PD*, November 16, 1911.

³⁰ *PD*, December 19, 1911; *CP*, December 20, 1911. Morgan's reference to the faithlessness of the East Ohio Gas Company referred to the fact that earlier in the year the city had discovered that the company was cheating its customers by diluting the artificial gas. The quality control provisions that Morgan had written into the franchise enabled the city to enforce contract specifications. See the *Cleveland Press*, August 9, 10, 1911, for Morgan's role in this dispute.

blocked another franchise that would have given the Cleveland Railway Company the right to operate freight cars over its trolley lines. Again he argued that the measure was too important to the public interest to allow passage before there was time for careful review. He succeeded in having the ordinance referred to the Street Railway Committee of the incoming council.³¹

Morgan was consistent in his determination that important legislation be given careful study. One of his first actions as a councilman had been to oppose a move to repeal a subway ordinance that had been passed in the closing days of the preceding Democratic council. Although he had agreed that the legislation was ill-conceived, he had protested that hasty repeal would be equally harmful to the cause of good government. As the Republican majority prepared to leave office, he applied the same criteria to the actions of his own party, much to the annoyance to some of his fellow councilmen. A year later the integrity that was so characteristic of Morgan's political career was to earn him a place on the commission which completely rewrote Cleveland's city charter.³²

³¹ *PD*, December 27, 1911.

³² *City Council Proceedings*, January 3, 1910; *PD*, January 4, 1910; *CN*, January 18, 1910.

CHAPTER IV

CLEVELAND'S DECLARATION
OF INDEPENDENCE

ON NOVEMBER 15, 1912, the "home rule" amendment to the Ohio constitution became part of the state's organic law. By the fall of that year Ohio's leading reformers and students of municipal government were already preparing model plans for the state's cities and towns. Shortly after the amendment had been endorsed in a special election, Mayor Newton D. Baker, who had helped to write the legislation, noted that for fifty years the city had struggled to free itself from the burdens of repeated constitutional changes and unintelligent experimentation imposed by the state legislature.¹

Cleveland had received its first charter in 1836, and the operational structure of its government had failed to meet the needs of a growing city. Before 1892 early forms of municipal government were weakened by the diffusion of administrative responsibility among a myriad of boards and by the city council's ability to cripple the operation of the executive branch. Obsolete state regulations controlled the city's power to levy taxes and made it impossible for municipal authorities to cope with the mounting problems of an expanding community. Because the city had to apply to the state legislature to effect any change in its laws, the municipal code was comprised of a patchwork of statutes that

mirrored the political jobbery and vested interests of both local and state legislative bodies.²

By the mid-1880's conditions were intolerable; four years of legislative hurdling in Columbus followed, and the city secured a new charter in 1892. This new plan of government—called the Federal Plan because of its resemblance to the national governmental structure—abolished the numerous boards, curbed the power of the council, and made the executive branch an effective instrument of leadership. McKisson and Johnson took important steps toward solving many of Cleveland's pressing problems. But the actions of strong executives like Johnson increased the opposition to mayoral power from those harboring vested interests or political enmity. In 1901 Johnson's opponents entered a suit challenging the Federal Plan, and a year later the Ohio supreme court ruled that Cleveland's charter was unconstitutional because it had been created by special legislation that was not applicable to the rest of the state. A special session of the legislature then enacted a new municipal code that reflected political animosity toward Johnson rather than concern for Cleveland. Johnson protested that the new code, which established government by boards, so divided power and responsibility that it effectively prevented the public from locating sources of corruption. Six years later a friendlier legislature passed the Paine Law, which partially restored the Federal Plan, but many students of municipal affairs felt that the time had come for a thorough examination of the city's governmental structure. The aim would be to establish a new charter designed to handle the problems of a population which had doubled since 1892.³

The Municipal Association, the Progressive Constitutional League, and a number of political leaders began to press for a "home rule" amendment to the state constitution. Newton D. Baker, Daniel E. Morgan, and Professor A. R. Hatton were among the members of the Municipal Association who worked for the amendment and prepared model plans of city government for the

² Orth, *History of Cleveland*, I, 244-46.

³ *Ibid.*, 246-48; Campbell, "Background for Progressivism," 36-97; Johnson, *My Story*, 56-66; Mayo Fesler, "A Home Rule Charter for Cleveland" (address before the Council of Sociology, Cleveland, October 4, 1910); The Municipal Association of Cleveland, *Proposed Plans of Municipal Government: Commission Plan-City Manager Plan-Federal Plan* (Cleveland: n.p., 1913). Thomas L. Sidlo gives a good analysis of the shortcomings of the Paine Law in his article, "Centralization in Ohio Municipal Government," *American Political Science Review*, III (November, 1909), 591-97.

¹ *PD*, October 5, November 9, 15, 1912; *GP*, October 5, 1912; *CL*, November 12,

consideration of communities throughout the state. They were confident that Ohioans, especially in Cleveland, had developed a sense of civic responsibility that would enable them to consider municipal problems without regard to national partisan affiliations. Baker told newspapermen in 1912 that he was optimistic about his fellow citizens' concern for municipal reform and said that a city like Cleveland could lead the rest of the state in providing sound governmental structure.⁴

In the latter part of November, 1912, Baker secured the passage of an ordinance authorizing submission to the voters of proposals to adopt a new charter and to elect a charter commission to frame that charter. When he appointed a nonpartisan committee of nine which would select fifteen men to act as charter commissioners, he expressed hope that the commission selected would be supported by the community. But even before the committee was appointed, W. G. Osborn, secretary of the Progressive Constitutional League, announced plans to call a conference of fifty of the city's most prominent progressives; they would outline reforms essential for a new charter and consider the nomination of a slate of charter commissioners if the League did not endorse those nominated by the committee of nine.⁵

Some politicians were disgruntled about the selection of the charter commission. Republican councilmen accused Baker of "gerrymandering" Republicans out of representation and sought passage of a special amendment to the charter ordinance to prevent Baker's name from being placed on the list of commissioners. The League of Republican Clubs held a meeting to discuss the entry of a Republican slate of charter commissioners. Morgan was among the speakers who counselled them against such a move, reasoning that partisan opposition might result in the defeat of a new charter. Since there was strong Republican support for home rule, the League members dropped the proposal for a partisan slate after being assured that their interests would not be neglected. The Socialists, who had secured nearly 10 per cent of the 1911 mayoral vote, opposed the concept of a nonpartisan slate and

⁴ The Municipal Association of Cleveland, *Proposed Plans of Municipal Government*; The Municipal Association of Cleveland, *Constitutional Home Rule for Ohio Cities: Report of the Municipal Home Rule Committee of the Municipal Association of Cleveland* (Cleveland: n.p., 1912); "Short Ballot and Home Rule in Ohio," *National Civic Review*, I (April, 1912), 267-68; *PD*, October 17, 1910, June 9, November 15, 28, 1912; *CP*, October 5, 1912.

⁵ *PD*, November 12, 16, 26, 1912; *CL*, November 15, 1912. Baker consulted with a number of businessmen about the problem of selecting a charter commission. He decided that the best method would be to appoint a nonpartisan committee of nine leading citizens who would name fifteen men for the commission.

began to assemble their own candidates for the commission. But when two of the city's leading labor leaders—Max S. Hayes, editor of the *Cleveland Citizen*, and Harry D. Thomas, secretary of the Cleveland Federation of Labor—withdrawed their names from the Socialist list, this challenge was weakened, and it collapsed completely in January, 1913, when the Board of Elections rejected the Socialist candidates' petitions on technical grounds.⁶

While the nonpartisan committee of nine was deliberating on possible candidates for the fifteen-man commission, throughout November and December community discussion of the reforms to be included in the charter mounted. A few pressed for adoption of the city-manager or the commission form of government, but most preferred to retain the council-mayor plan. Some agreed on a nonpartisan election and a short ballot limiting the number of elective positions. But there were sharp differences of opinion regarding other proposed changes, particularly the abolition of independent boards such as the school board and the health board, and the question of the size of the city council and the manner of its election.

Even before the committee of nine presented their slate for the charter commission, the Progressive Constitutional League published a detailed platform and declared that it would not support any candidate unless he accepted its program. The League urged that the new charter fulfill the people's demand for a more popular government by creating a simple type of structure, efficient and responsive to the will of the citizens. The platform included the following points:

1. Nonpartisan elections designed to eliminate machine politicians and the spoils system that maintained them.
2. Provision for the initiative and referendum.
3. Provision for the recall of both elected and appointed officials.
4. A short ballot limited to candidates for mayor, city council, and city auditor.
5. A governmental structure modeled on the Federal Plan of 1892.
6. Not more than nine city councilmen elected at large.
7. No abridgment of any existing municipal power.
8. A majority vote of the electorate to determine any major municipal issue.

⁶ *PD*, November 26, 1912; *CN*, November 27, 1912; *CL*, December 9, 1912; *Cleveland Socialist*, November 9, December 7, 1912; *CL*, December 17, 1912; *PD*, January 1, 1913; *Cleveland Socialist*, January 18, 1913.

Reactions to the League's pronouncement were varied. The Cleveland Federation of Labor endorsed it completely; the Cleveland Chamber of Commerce favored the idea of a small council elected at large. Members of the committee of nine did not object to specific sections of the League's platform, but they opposed the idea that candidates for the commission should pledge themselves to carry out specific measures. Edmund Vance Cooke, poet, single-taxer, and President of the Progressive Constitutional League, called upon Baker to endorse his organization's program, but Baker refused. He told Cooke that principles such as the initiative and referendum, the nonpartisan ballot, the short ballot, and the non-abridgment of constitutional powers seemed so fundamental that it had never occurred to him that they would be opposed but that he believed the charter commissioners should be free of commitments when they began the framing of a new charter. Baker's answer did not appease the League.⁷

After five weeks of discussion of over two hundred possible candidates the committee of nine announced their selection late in December. The reaction of the *Cleveland Leader* was typical; in its opinion "no fairer representation could be obtained."⁸ There is little doubt that the committee's choice was influenced by the city's political, economic, social, and religious heterogeneity; the slate of candidates would have reflected credit on a shrewd political manager. Among the proposed commissioners were representatives of the major political parties (Republicans, Democrats, Progressives—but not the Socialists), the major religious faiths (Protestants, Catholics, and Jews), and both business and labor organizations.

Morgan was one of the proposed commissioners. Comments of committee members had indicated his inclusion early in the deliberations. Worth M. Tippy, a member of the nominating committee, had told a meeting of the Progressive Constitutional League that certain names—Hatton, Baker, and Morgan—were always mentioned as probable candidates. The *Cleveland Press* praised the selection of Morgan, commenting that he had been "too progressive to rest easily in the Republican camp last summer" and had thrown his support to the Bull Moose party. Newton D. Baker echoed this observation in defending the slate to the Democratic party. He noted that although Morgan was somewhat of "a

⁷ CP, December 10, 18, 1912, January 1, 1913; *The Municipal Bulletin: Charter Election Number* (February, 1913); *The Cleveland Federationist*, January 30, 1913; *The Cleveland Chamber of Commerce, Yearbook, 1913*; CL, December 17, 30, 1912.

⁸ CL, December 24, 1912.

conservative in national affairs," he believed in the progressive principles to which the Democrats adhered. Baker pointed out that Morgan had gotten "tangled up in the leg of the moose" during the previous presidential election. Morgan's role in the Bull Moose movement of 1912 was well-known: The *Plain Dealer* had designated him one of the "governing triumvirate" of the party in Cleveland. But Morgan's image was carefully considered when the City Club of Cleveland was founded in October of 1912. The decision to make Morgan the first president of the City Club was based on the fact that he was regarded as a "conservative progressive," whose presence would not alienate the more substantial citizens of the community.⁹

But approval of the men proposed for the commission was far from unanimous. The Progressive Constitutional League completely rejected some of the candidates and refused to endorse others, including Baker and Morgan, who had refused to pledge support of the League's program. Edmund Vance Cooke defended the League's decision to enter an opposition slate, saying that it was of paramount importance to know what a man stood for when he was going to assist in drafting the city's fundamental laws. He declared that many citizens did not know anything about some of the proposed commissioners and that there were members he "did not know were alive." The Socialists rejected the proposed slate on the ground that "big business was too well represented," and they described Morgan as the representative of business "who fought so strenuously for the East Ohio Gas Company franchise under which the people of Cleveland will pay bigger gas bills."¹⁰

When the Progressive Constitutional League's list of candidates was made public, it contained the names of the five members of the nonpartisan slate who had agreed to endorse the League's program. The League's other ten candidates were men who had not been included in the slate chosen by the committee of nine. Sur-

⁹ CN, November 27, 1912; CP, December 23, 1912; CL, February 1, 1913; PD, February 2, 1913, October 10, 1912; Mayo Fesler, "Introductory Remarks by Mayo Fesler on the Twenty-fifth Anniversary of The City Club of Cleveland, December 4, 1937" (manuscript in the possession of the author). The City Club of Cleveland was a nonpartisan organization formed by many of the leading progressive, reform-minded citizens of Cleveland. These men believed that the community needed some organization where those interested could meet to listen to lectures and discussions of the problems facing the community and the nation. The weekly City Club Forum became a bulwark of free speech in the city. For further information see Thomas F. Campbell, *Freedom's Forum, The City Club, 1912-1962* (Cleveland: The City Club, 1963).

¹⁰ CN, December 24, 1912; CP, December 24, 1912; CL, December 30, 1912; *Cleveland Socialist*, December 28, 1912.

prisingly enough, three of the ten were not pledged to the League's platform.¹¹

The entrance of a rival slate stimulated an active debate about the aims and objectives of local government. Both slates, and all the newspapers, urged voters to support the new charter proposal. Only the Socialists were in complete opposition, but many political functionaries were concerned about the nonpartisan approach to city government. On the other hand, these politicians also hoped to benefit from home rule. The ambivalence of their position resulted in their taking little part in the charter movement.¹²

The campaign between the League's candidates and the nonpartisan group, popularly known as the "Baker slate," was centered on the League's demand that charter commissioners be pledged to specific issues. Baker, the chief spokesman for the nonpartisan group, repeated his opposition to committing the commissioners to any particular program before they began their investigation of the situation. But as the campaign proceeded, other differences between the two groups emerged. Baker's supporters favored the incorporation of the initiative and the referendum, but they wanted a greater number of signatures required for petitions than the number the League had stipulated. Baker's group supported an indirect method of recalling public officials and sought to limit use of the recall to elected officials; the League wanted to include appointed officers in the recall provision. Both groups advocated the adoption of the short ballot and nonpartisan elections. The "Baker slate" refused to commit itself on the League's demands for a small council elected at large and a new charter modeled on the Federal Plan.¹³

The most informative and the liveliest of the campaign debates took place before the City Club Forum. On February 1, 1913, representatives of the "Baker slate," the League group, and the Socialist Party held a four-hour debate on the question "Shall Cleveland have a new charter?" The Socialist, Murray Youtz, urged the audience to oppose the charter proposals on the grounds that the proposed commission was a "businessmen's deal." He asserted that the whole theory of nonpartisan government was an attempt to conceal the economic self-interest of the capitalist class. W. G. Osborn, the chief spokesman for the League, supported a

¹¹ CN, December 29, 1912; *Municipal Bulletin: Charter Election Number* (February, 1913).

¹² CL, February 1, 2, 1913; PD, February 1, 3, 1913; CN, February 3, 1913; CP, February 3, 1913; *Cleveland Socialist*, January 18, February 1, 1913.

¹³ CP, January 1, 1913; *Municipal Bulletin: Charter Election Number* (February, 1913).



left: This photo was taken when Daniel E. Morgan passed the state examination to teach in the public schools of Ohio. He was then only twelve.

right: Candidate for City Council in 1909.

D. E. MORGAN



FOR
CITY COUNCIL

12th WARD

SUBJECT TO REPUBLICAN PRIMARIES, SEPTEMBER 7th, 5:30 A. M. to 5:30 P. M.

—5—



Daniel E. Morgan at age thirty-five.

new charter but warned that unless it contained progressive features, the city would see the rise of more radical movements. He said that if political actions did not remedy social wrongs, those who now advocated the "anarchy known as direct action" would gain strength throughout the city. Baker, Morgan, and other members of the nonpartisan slate defended their decision to remain uncommitted to any program. They argued that prior commitments could prevent an open examination of other alternatives and that adherence to specific proposals might divide the electorate and endanger passage of the charter proposal. Baker pointed out the presence of unpledged candidates on the League's slates and criticized that organization for its double standards.¹⁴

Despite the vigorous campaign and the warnings of the newspapers that a light vote would endanger the home rule proposal, only a quarter of the electorate exercised the franchise. Nevertheless, the home rule charter proposal was passed by a four-to-one majority, and the "Baker slate" emerged victorious over the candidates running on the League's platform.¹⁵

Two days after the election the fifteen commissioners met in Baker's office; this was the first of more than sixty sessions held during the four-month period of planning that brought forth Cleveland's first home rule charter. These fifteen men, citizens of the sixth largest city in the United States, were acutely aware of their responsibilities. They met four and five times weekly, and in the latter weeks of deliberation sessions lasted eight to ten hours a night. They heard numerous witnesses, studied countless proposals, carefully examined the city's old charters, and weighed the legal implications of women's suffrage, the eight-hour day, and the introduction of such innovations as nonpartisan elections, the recall, and the preferential ballot. Their dedication is shown by the remarkably low rate of absenteeism, but as the weeks dragged on they became entangled in issues which provoked hot and angry words. On several occasions it took all of chairman Baker's parliamentary skill and wit to prevent the commissioners from turning the meeting into a donnybrook.¹⁶

The commission's final charter was basically modeled upon the Federal Plan of 1892. But there were important changes that reflected the progressive milieu of pre-World War I America, and

¹⁴ *Cleveland Socialist*, February 1, 1913; *PD*, February 2, 1913; *CL*, February 3, 1913.

¹⁵ *CL*, February 4, 1913; *CP*, February 5, 1913; *PD*, February 5, 1913.

¹⁶ *Journal of the First Charter Commission of Cleveland, 1913*, *passim*; *The Citizens League of Cleveland, Greater Cleveland*, II (March 30, 1927).

essentially the new charter represented a victory for the moderate progressives and reforming politicians who sat on the commission.

Like the Federal Plan, the new charter provided for a council-mayor form of government. Under it the mayor was elected on a nonpartisan ticket for a two-year term. He was given complete authority to select his department heads. He and the department heads were given the right to participate in council discussions (the mayor at any time, the department heads on matters pertaining to their departments), but not the right to vote in council. The mayor had the right to introduce ordinances, and his veto power was strengthened by the inclusion of an item-veto clause. Although he lost the right to revise ordinances, his general strength was enhanced by this new charter. He was given complete power in the administration of city government. The council lost its former right to confirm administrative heads of departments, and the mayor was given the authority to investigate any office under his jurisdiction and to subpoena witnesses and material to aid him in that task. Recalcitrant witnesses could be cited for contempt if they refused to cooperate.¹⁷

Some powers of the council were strengthened and some were weakened by the new charter. City Council was reduced from thirty-two to twenty-six members, to be elected for a two-year term from wards on a nonpartisan ballot. Their function was strictly limited to legislative matters, and they could not interfere in administrative affairs. On the other hand, the council's powers of investigation were increased: the legislative body could investigate the financial transactions of any department or office and the official acts of any municipal servant. It was similarly authorized to secure information about extra-governmental matters that lay within its scope as a legislative body, and to subpoena witnesses and pertinent records, with the right to cite witnesses for contempt if they did not cooperate with the council in investigating these same matters. The lack of such power in the past had seriously handicapped the council in investigations such as the query into the high cost of living in 1910; at that time Morgan had noted the impotency of the committee. It was Morgan's fellow-progressive and close collaborator, Commissioner Michael P. Mooney, who persuaded the commission to strengthen the council's hands for such investigations.¹⁸

¹⁷ *Proposed Charter for the City of Cleveland: Prepared and Proposed by the Charter Commission* (May 21, 1913), 30-32.

¹⁸ *Proposed Charter* 18-26; *Journal of the First Charter Commission*, March 19, 1913; *CL*, March 20, 1913.

The progressives' interest in political democracy during the pre-World War I era is revealed in many of the new provisions that the commission wrote into the Cleveland constitution. Most progressives believed that the way to remedy abuses in the democratic system was to increase the participation of the electorate. The Cleveland Charter Commission, dominated by progressive-minded men, adopted the initiative, the referendum, and the recall of elected officials to strengthen the control of the people. The mistrust of party politicians implied in these measures is reflected in other decisions of the commission: party primaries were replaced by a nonpartisan system of nominating candidates by petition, and partisan elections were completely eliminated. The preferential ballot was adopted. Frederic C. Howe was to describe the new charter as "in many ways the most advanced charter of the mayor type yet adopted."¹⁹

Another tenet of reformers in those days of rising corporate power was that municipal government should be organized in a businesslike way. Frederick H. Goff, president of the Cleveland Trust Company, defended the charter on this basis when he explained: "A municipal corporation is just a plain business enterprise. Instead of selling groceries, meat, or pig iron, it compels us to pay money for the opening up and paving of highways, [and] the salaries of police and firemen who guard and protect us." Goff went on to compare the commissioners to a board of directors who were submitting a program to their stockholders—the people of Cleveland. The prevailing belief in businesslike management of municipal government was reflected in several efficiency measures: the short-ballot eliminated the election of many minor officials; the new charter provided for the abolition of most of these positions; and the remaining offices were filled by administrative appointment. The strengthening of the executive, who was freed from interference by the city council, was another measure designed to permit a more businesslike operation. The commission provided that city auditors be appointed, and it consolidated several departmental accounting systems to establish more rigid control of city finances. This control was supplemented by a strict internal accounting system with provisions for a continuous audit by council-appointed certified public accountants. The establishment of civil service provisions for all city employees was pri-

¹⁹ *Proposed Charter*, 10-30; Blake McKelvey, *The Urbanization of America: 1860-1915* (New Brunswick, N.J.: Rutgers University Press, 1963), 256; Frederic C. Howe, *The Modern City and Its Problems* (New York: Charles Scribner's Sons, 1915), 99-100.

marily aimed at the destruction of the spoils system and at the development of a permanent and expert staff of municipal servants.²⁰

The progressives' commitment to public education and their growing municipal pride were reflected in two other provisions of the new charter. A Bureau of Information and Publicity was created to assume responsibility for city printing, the collection of municipal information, and the publication of a city newspaper which was intended to keep the public informed about the activities of the city government. In response to a proposal by the local chapter of the American Institute of Architecture, a City Planning Commission was created to encourage more orderly and attractive development of Cleveland.²¹

In spite of considerable opposition the commission abolished the Board of Health and the Department of Charities and Corrections, replacing them with a Department of Public Welfare which assumed their activities and coordinated efforts under the administrative authority of the mayor. At the suggestion of Morgan a free employment office was included in the Department of Welfare to assist the unemployed in finding work and to give aid to immigrants and strangers. Within the new department there was a division of publicity and research designed to develop public welfare activities "along the most approved lines," and to help educate the community about the services offered. According to the commissioners Cleveland was the first major American city to recognize that "people are as important as 'things'; that a community must develop and care for the welfare of its citizens fully as much as it does for its property and material welfare."²²

Nowhere was concern for safeguarding the interests of the people more clearly spelled out than in the commission's sections on franchises granted by the city. While Baker wrote the initial draft of this section, Morgan was asked to complete the final version. In clear language this section defined the powers of the city in relation to franchises. In the future the City Council could not

²⁰ PD, June 26, 1913; *Proposed Charter*, *passim*. See the statement of the Charter Commission (*Proposed Charter*, 3-8) and Newton D. Baker's statement at the signing of the completed charter (PD, April 26, May 24, 1913).

²¹ *Proposed Charter*, 32-33; American Institute of Architects, Cleveland Chapter, "Report of a Special Committee to Recommend Legislation for the Establishment of a City Plan Commission" (unpublished report, March 18, 1913).

²² *Journal of the First Charter Commission*, March 5, 11, 13, 14, 19, 25, 26, April 23, 1913; CL, February 19, March 9, 23, 1913; PD, March 16, April 24, May 11, 1913; *Proposed Charter*, 39, 6-7. See city newspapers of March 27, 1913, for account of the vigorous opposition of the Cleveland Academy of Medicine to the abolition of an independent Board of Health.

grant exclusive franchises that would permit a single company to hold a monopoly of municipal service. All such contracts had to include reservations that gave the city power to regulate franchises, the right to terminate them, and the right to purchase the property of any franchised utility company. To safeguard consumers the charter provided for a commissioner charged with enforcing "the provisions of all public utility grants."²³

The finished charter represented a victory for the moderates on the commission. The extreme reformers, oblivious to political realities, sought to saddle the constitution with provisions that would have antagonized every councilman in the city and would have thereby assured its defeat. Nowhere was the struggle between the moderates and the radicals more clearly evident than in the debate about the size of the council and the manner of electing its members.

The council question was the most explosive issue before the commission. Before it was settled, more than half of the sessions were devoted to some discussion of the problem. The commissioners discussed various plans, listened to numerous witnesses, and received a flood of communications from individuals, political groups and major civic organizations. The issue proved so difficult that the commission studied information from fifty cities that had adopted the commission or small-council form of government. On several occasions serious consideration was given to putting alternative proposals regarding the council on the ballot so the voters could settle the controversial matter for themselves. The intensity of the disagreement about this issue and the underlying fears of major segments of the community are revealed in the charge of one of the commissioners that advocates of a small council elected at large were plotting to "disenfranchise" the foreign-born, particularly those who were Catholic.²⁴

The battle began when Mayo Fesler, secretary of the commission, presented a draft plan of government which provided for a council of twenty-six members elected from the wards. Edward W. Doty, the leading proponent of the small council elected at large, immediately countered with a plan for a five-man council elected at large. This plan was such a drastic change that it never obtained much support, but other advocates of the small council put forward modifications, such as a nine-man council elected on a city-wide basis. During the ensuing weeks there was prolonged debate

²³ PD, April 4, May 3, 4, 1913; *Proposed Charter*, 65-67; *Journal of the First Charter Commission*, May 2, 1913.

²⁴ *Journal of the First Charter Commission*, *passim*; PD, April 13, 1913.

about the advantages and disadvantages of each proposal. The Progressive Constitutional League, flanked by the Chamber of Commerce and the Cleveland Federation of Labor, were the principal organizations fighting for a small council elected at large. Within the commission the five members who had signed the League's pledge were the most persistent supporters of the League's solution of this question. Two other commissioners, Edward M. Williams and Professor A. R. Hatton, were in favor of a smaller council but wanted to retain the ward system of election.²⁵

The small-council advocates argued that the size of the existing City Council, thirty-two members, was inefficient and clumsy. The members, elected from the wards, had a tendency to examine legislation from the viewpoint of their particular wards, losing perspective on the needs of the city as a whole. The existing system perpetuated machine politics and encouraged political log-rolling that hampered the legislative process. Councilmen elected at large would not have to cater to political bosses, whose power and influence would be weakened and eventually destroyed by city-wide elections. Small-council advocates maintained that the changes they proposed would not only simplify legislative functioning and make it more efficient but would also serve to attract the more intelligent candidates who had previously avoided seeking public office because of the nature of ward politics. Implicit in most of their arguments was the desire to destroy the existing political structure in the wards. They felt that the nonpartisan election, which was unanimously adopted by the commission, would fail if the existing system of ward elections were to be retained. While some were motivated by a desire for greater efficiency and simplification in the legislative body, most of them wanted to eliminate the "Czar" Bernstein type of ward politician from City Hall.²⁶

Michael P. Mooney and Daniel E. Morgan were the commissioners who led the fight for retention of a large council elected by wards. In the commission's debates they were joined by Baker and two other commissioners, and in the community they were supported by the leaders of the worried major political parties, the majority of the vexed incumbents on City Council, several of the city's major newspapers, and the influential Cleveland chapter of the National German-American Alliance. There were varied rea-

²⁵ *PD*, February 10, 1912; *CP*, February 12, 1913; *Journal*, February 13, March 7, 15, 18, 29, 1913.

²⁶ *CP*, December 10, 1912; *PD*, February 21, March 8, April 13, 1913; *CL*, February 29, March 7, 8, 1913; *CN*, February 14, 1913. See Howe, *Confessions*, 92-94, for a description of Bernstein and his political methods.

sons for support of a large council elected by wards. Political opportunists joined hands with idealists in the struggle, but the overriding concern was pragmatic. Many commissioners feared that any attempt to make a drastic change in the constituent base of political representatives was sure to defeat the new charter on election day.²⁷

The political parties and the incumbent councilmen declared publicly that they opposed a small council elected at large because the existing system was more practical and provided more representation for their constituents. They were, of course, opposed to any change that would reduce their power and influence and remove many of them from office. They accepted Mayo Fesler's draft of twenty-six council seats but balked at any further reduction.²⁸

Morgan made a strong plea for ward representation, basing his position on both practical and idealistic grounds. He told the commission that he was convinced the citizens of Cleveland wanted to retain the ward-elected councilman—a man known to his people, to whom they could turn for help. Morgan also believed that the ward system had value in itself. It was his conviction that "every reform that [had] been accomplished in the city had its beginnings in the wards." Not only did Morgan have personal experience as a councilman (his own election refuted the claim that the ward system spawned only self-seeking and corruptible politicians), but his former employer, Frederic C. Howe, had begun his effective reform work in 1897 under the ward system.²⁹

It was Michael P. Mooney who launched the most emotional attack on the proposed changes for the council. He charged that those who advocated city-wide elections were seeking to disfranchise a large body of the citizens of Cleveland, especially the foreign-born. He bitterly decried the "frame-up against the Catholics." He pointed out that in spite of the fact that one-third of Cleveland's population was Catholic, no member of that faith could win a position on the Board of Education, whose members were elected at large. He maintained that a large council elected by wards was an absolute necessity for new Americans, who needed the kind of personal contact with municipal government that was provided by the present system.³⁰

²⁷ From February 18, 1913, to April 10, 1913, nearly every meeting of the commissioners received a communication from one of the political clubs urging a large council elected by wards.

²⁸ *Journal of the First Charter Commission*, *passim*.

²⁹ *PD*, March 8, 1913; *CP*, March 8, 1913; *CL*, March 8, 1913.

³⁰ *PD*, April 13, 1913.

Discussion of the issue was also carried on in the newspapers and in other forums. As president of the City Club, Morgan invited his fellow-commissioners to hear D. C. Westenhaver, a law partner of Baker's in earlier years, debate the question with E. A. Foote, another lawyer and an active member of the Chamber of Commerce on February 20, 1913. Westenhaver defended the large council on the grounds that it acted as a popular assembly, checking abuse of executive power and providing for minority representation. He also suggested that the ward system contributed to strong municipal government by creating more interest in civic affairs.³¹

When the commissioners finally voted on the number of councilmen to be elected, Malcolm L. McBride, who had opposed a council elected at large, switched sides to vote in favor of Professor Hatton's proposal for a council of thirteen. Elated by unexpected victory, the advocates of the small council pressed unsuccessfully for reconsideration of city-wide elections of councilmen. Meanwhile their aroused opponents on the commission, alarmed by the rising protest of councilmen and their supporters, began to mount a counterattack. Baker told reporters that the clause providing for a thirteen-man council would spell the charter's defeat. Several newspapers condemned the vote, and a group of Cleveland lawyers, joined by Peter Witt, warned the commissioners that they were sending the entire charter down to defeat. From the Board of Elections came a reminder to the economy-minded commissioners that Hatton's proposal would mean redistricting the city. The last change of ward lines had taken over a year to accomplish—at a cost of \$21,000.³²

But it was angry opposition among city councilmen that had the greatest impact. They "surged up and down the corridors of City Hall," denouncing the proposal to remove over half of them and threatening revenge at the polls. As the storm mounted, Hatton offered to rescind his motion if the sense of the community was against reducing the size of the council, but Doty refused to compromise and insisted that the drafting committee consider putting alternative proposals before the voters. When Hatton did withdraw his plan for a council of thirteen, Doty introduced a revised proposal for a small council elected at large. After prolonged and bitter debate, Doty's measure was defeated, and Morgan's package proposal for a council of twenty-six elected by wards was passed by

³¹ PD, February 21, 1913.

³² *Journal of the First Charter Commission*, March 7, 18, 1913; *CL*, March 8, 16, 19, 1913; *PD*, March 19, 1913.

a vote of eight to five. The suggestion of submitting the council issue to the voters was also turned down.³³

The advocates of the small council elected at large were probably correct in their analysis of the ward system. It did perpetuate a parochial outlook that hampered the legislative process and prevented a more rational approach to city-wide problems. They failed to see, however, that elimination of ward representation would result in a dual alienation that could be equally destructive of good government. Not only would constituents be more removed from their representatives, and therefore from their municipal government, but the councilmen elected at large would lack knowledge and understanding of the numerous nationality groups that were a large and important part of the community.

The commission's struggle to write a new charter for Cleveland involved an attempt to reconcile the public participation of the nineteenth-century town meeting type of government with the more centralized authority that was essential for solving the complex problems of urban society. While on the one hand the commissioners wanted to eliminate the inefficiency, corruption, and parochial self-interest of the political machine, on the other hand they wanted to increase governmental control by the electorate—which that same political machine did indeed represent. To a very large extent these over-all goals were held in common by the members of the charter commission, but as the specific means of reaching them were considered issue by issue, the commissioners' positions were far from unanimous. A review of Morgan's thinking on the most controversial charter items demonstrates how one man brought his own experience, preconceived ideas, and ability to compromise to the commission meetings.³⁴

The time Morgan spent in Goodrich House had broadened the experience of the former councilman from the Twelfth Ward. Morgan considered the ward system of election a necessity for the large population that had recently arrived from Europe. The immigrants needed a representative they could approach without difficulty. The multiple laws and network of bureaucracy of city government were incomprehensible and frightening to poorly educated people, unfamiliar with the language.

As a protégé of A. J. Hirstius and a politician himself, Morgan was well aware of the political obstacles to the passage of a new

³³ *CL*, March 19, 21, 1913; *CP*, April 14, 1913; *PD*, April 13, 1913; *Journal of the First Charter Commission*, March 29, 1913.

³⁴ See Augustus Raymond Hatton's speech, "City Management Government 'In Principle,'" in *Civic Affairs* (Civic League, March, 1916).

charter. The charter commissioners had abolished partisan elections; they had made it more difficult for "the boys to get jobs" by introducing civil service provisions; and they had introduced a strange new method of voting, the preferential ballot. When the commission considered proposals to reduce the size of council by as many as nineteen to twenty-seven seats, Morgan's pragmatic attitude toward politics precluded his support of such drastic reductions. He knew the politicians were dissatisfied with the nonpartisan elections endorsed by the commission. Their unhappiness over the loss of those venerable party symbols, the eagle and the rooster, was not merely nostalgia: the politicians were afraid that the new system would make their control of the elections more difficult, if not impossible. Newton D. Baker had to use all his powers to persuade his party to accept the nonpartisan ballot, but even his oratorical skill could not head off the anger of more than half the city's councilmen, who were fighting for their very survival. It was Morgan's realization of these facts of political life, as much as his idealism, that made him one of the leaders in the fight against the sweeping changes proposed by the Progressive Constitutional League.

Morgan's tendency to examine reforms in terms of cautious political realism was evident in a number of other issues before the charter commissioners. He strongly opposed the preferential voting system which was adopted by the commission to ensure majority rule. He believed that there was great danger that the charter would be defeated because of such a novel device, and he thought that this method of voting was far too complicated for the average citizen to understand. He jokingly suggested "that the charter be printed in Welsh, particularly the sections on preferential voting, as no one would understand it anyway, and the people might as well have a good time guessing what it meant." Morgan's apprehensions were shared by W. Burr Gongwer, a member of the Board of Elections and former secretary to Tom L. Johnson. Gongwer scornfully declared the system was designed to give "high-browed political scientists" a chance to try out "cloister-made notions of political government," and he correctly predicted that the preferential voting method would cause trouble on election day.³⁵

Another aspect of Morgan's pragmatic approach was his commitment to the concept of strong executive power. When Profes-

³⁵ *Journal of the First Charter Commission*, April 10, 11, May 8, 28, 1913; *CL*, April 14, 16, 18, May 23, 1913; *PD*, April 17, May 4, 10, 1913.

sor A. R. Hatton introduced a resolution to give the council absolute authority to investigate the actions of the mayor, Morgan joined with Baker in persuading the commissioners not to adopt the proposal. He was not as successful in his attempts to secure a four-year term for the chief executive. The commission approved a two-year term despite Morgan's contention that a longer period in office would enable the mayor to follow through on his program without worrying about reelection every two years.³⁶

Morgan also worked to ensure that the legislative and administrative branches were not unduly hampered by the safeguards which were intended to maximize the voters' control over elected officials. He opposed efforts by supporters of the Progressive Constitutional League to require only a small percentage of signatures on petitions for nominations, initiative, referendum, and recall. Morgan believed that the requirement of a relatively small number of signatures would tend to encourage frequent and irresponsible use of the safeguards. While he was successful in persuading the commissioners to accept this position, his suggestion that casual candidates be eliminated from the ballot by the requirement of a \$25 candidacy fee was rejected.³⁷

Once the charter was completed the commissioners mounted a campaign to persuade the voters to accept the product of their labor. While all the members of the charter commission took an active part in the month-long drive, the principal burden of the electioneering was carried by Baker, Hatton, Doty, Mooney, and Morgan. The old Johnson circus tent was taken out of storage and pitched early in the summer in scattered sections of the city. Baker and his campaign crew carried their pleas for the charter to club and church groups as well, and to political and civic organizations throughout the community.³⁸

In the new spirit of nonpartisan dedication to municipal government, the commissioners did not hesitate to address any audience, but their most important task was convincing members of their own party that political opponents had not contrived to write a charter that would give unfair advantage to their side. When Mor-

³⁶ *CL*, April 13, 1913; *Journal of the First Charter Commission*, February 28, March 5, 19, 1913; *PD*, April 30, 1913.

³⁷ *Journal of the First Charter Commission*, March 21, 29, 1913; *CL*, March 23, 31, 1913; *PD*, April 13, 1913.

³⁸ *CL*, May 10, 23, June 5, June 12, 1913; *PD*, May 29, June 7, 25, July 1, 1913. Because opponents of the charter charged that the temperance advocates were behind the move for its passage, Baker arranged to meet with eight hundred saloonkeepers to persuade them to use their influence to get the charter passed. This was the first time a mayor of Cleveland had breached middle-class convention to address the politically influential Cuyahoga County Liquor Dealers Association.

gan, Osborn, and Litzler spoke before the Cuyahoga County League of Republican Clubs, they faced three and one-half hours of continual heckling from a group of ward politicians known as "Madison's Forty." This group of relatively obscure Republican partisans found a leader in former Mayor Robert E. McKisson. When Baker was challenged by McKisson to debate the charter, he refused, saying that the purpose of public discussion was enlightenment, which could not be furnished in a debate with the former mayor. Dismissing as ridiculous McKisson's charge that the new charter would make the mayor's office more powerful than an absolute monarchy, Baker countercharged that "Madison's Forty" secured financial support from Samuel Scovil of the Cleveland Electric Illuminating Company, who knew the charter's public franchise clause would put an end to the buccaneering of the utility companies.³⁹

While some Republican politicians openly fought the charter, the Democratic ward leaders were hardly enthusiastic. When Baker asked a Democratic ward meeting to put "patriotism before partisanship," he received an endorsement of the charter, but the party faithful were not enthusiastic about "voting for their funeral." In effect neither the Republican nor the Democratic leadership on the charter commission secured active support from their ward and precinct leaders, but they were able to neutralize what could have been disastrous opposition from party regulars.⁴⁰

On election day, July 1, 1913, the charter was passed by a two-to-one majority, but only one-third of the electorate went to the polls. Although Baker praised the work of his party's organization in supporting the charter, the Democratic *Plain Dealer* noted that it was in the Republican wards that the charter won its largest vote, and the paper praised the hard work of the Bull Moose organization.⁴¹

The reformers had hardly had time to celebrate their victory when the attorney general of Ohio ruled that the charter provisions which eliminated partisan primaries and elections and introduced the preferential voting system were unconstitutional. Although Morgan had feared that these measures would be challenged and had voted against the new method of voting, he joined

³⁹ *CL*, June 12, 19, 27, 1913; *PD*, June 18, 20, 28, 1913; *CN*, June 27, 1913; *CP*, June 30, 1913.

⁴⁰ *PD*, May 4, 27, July 2, 1913.

⁴¹ *PD*, July 2, 1913. See E. W. Doty's article, "Preferential Ballot in Cleveland," *The Public*, XVI (August 22, 1913), 797, for the writer's assertion that the charter was passed because the voters favored the preferential ballot.

Baker, Hatton, and Mooney in mapping a legal campaign to reverse the attorney general's decision. Morgan believed that the people were entitled to a defense of their mandate. Newton D. Baker appealed directly to the Ohio supreme court, and in what the *National Civic Review* called "a notable decision" the court upheld the disputed provisions of the new charter.⁴²

A year later opponents of nonpartisan elections secured enough signatures to place on the ballot an amendment to strike this feature out of the charter. Morgan was appointed vice-president of the charter defense committee. At a meeting at the City Club he debated the issue with C. E. Ruthenburg, secretary of the Socialist party, which had opposed the charter from its inception. Morgan argued that nonpartisan municipal government had eliminated graft and corruption. In supporting the proposed amendment Ruthenburg astutely pointed out that the nonpartisan provision "eliminates principles and throws emphasis on the personality of the candidates, thus introducing false issues in election campaigns." The voters of Cleveland defeated the proposed amendment, and the basic structure of the charter remained unchanged until the city adopted the city-manager plan of government in 1921.⁴³

⁴² *CP*, July 7, August 26, 1913; *CL*, August 16, 1913; *National Civic Review*, III (1913), 116-18; *Fitzgerald v. City of Cleveland*, 88 Ohio 338 (1913).

⁴³ *CL*, August 6, 1914.

CHAPTER V



"PRO BONO PUBLICO"

THOUGH MORGAN was expected to be an active supporter of the Progressive party's mayoral candidate during the fall election in 1913, he apparently did little electioneering that year. In fact for the next fifteen years Morgan limited his partisan political activity to endorsing fellow Republicans. His withdrawal first became evident when the Progressive party gathered in Columbus for their state convention. Morgan, who had been one of the foremost Progressive leaders in the 1912 election, was not even a delegate from Cuyahoga County in 1914. He had returned to the fold of the regular Republican party by 1916, but his political activity, even two decades later, retained the stamp of progressive Republicanism instead of the flatulence of the Harding era or the crabbed resentment of the Liberty Leaguers.¹

Why did Morgan leave the political arena after having played an increasingly prominent role following his election to the city council five years earlier? One can only surmise. If his political ambition had been satisfied when he ran for city solicitor in 1911, he would have been the logical Republican candidate for mayor in ensuing elections, but the setback of his defeat in 1911 was reinforced by his part in the formation of the splinter Progressive party, which failed to supplant the Taft Republicans either locally or nationally. Being well-grounded in ward politics, Morgan was

¹ CN, July 31, 1913, October 13, 1916; PD, January 2, 1914.

enough of a political realist to recognize that the Progressive party had little future after its defeat in 1912. A nascent political party can gain impetus from identification with a set of principles and an eager desire to do battle; but the sustained party strength that is essential for success at the polls requires a network of local party units to supplement idealism with offices and jobs for workers in the political vineyards. While Morgan was in accord with the general aims of the progressive Republicans, he did not belong to what Theodore Roosevelt described as the lunatic fringe of the Bull Moose movement; he was no Amos Pinchot in temperament.

Morgan's political inactivity might also be attributed to other factors: although he had an independent source of income, he was not a wealthy man. His law practice must have suffered during his years of political activity, and like many other men in public service he may have decided to return to more profitable pursuits. The end of his service on the Cleveland Charter Commission and the failure of the Progressive party made 1913 a logical time for Morgan to resume the endeavors of private life. Within a few years he joined the law firm of Henderson, Quail, and Siddall and became a director of several real estate companies and of a Canadian lumber company. His personal life became more complicated as well when he married his first wife, Ella A. Matthews, in 1915.²

Ella Matthews, who was in her early thirties when she married Morgan, was intensely involved in the search for the perfectionist goals of progressive reform. In the words of Morgan's closest friends, she was "an idealist" and "an uplifter" who brought "a well-trained and methodical mind" to bear on the social problems in which she was interested. Born in Chester, Illinois, in 1881, she was graduated from the University of Michigan, where she specialized in history and Greek. She taught in high schools in California, Delaware, and Wisconsin for five years but interrupted her teaching career in 1907 for a year's study of domestic science at Drexel Institute in Philadelphia. When the routine of classwork became dull and uninteresting, she found stimulation studying under the well-known sociologist, E. A. Ross, during summer sessions at the University of Wisconsin. The ideas of the social evolutionists made an impact on her last year of teaching and influenced her later decision to study social work. She used articles from the

² *Directory of Directors of the State of Ohio* (Cleveland: Penton Press Company, 1915). Richard L. Mather wrote in the *Cleveland Press* (Leavell Papers, undated clipping, probably fall, 1929) that Morgan had left political life in order to devote all his time to law until he was assured of sufficient income to re-enter politics.

magazine *The Survey* as a basis for classroom discussion in order to relate her history courses to contemporary American problems. Believing that young people needed instruction in citizenship, she outlined a new course to acquaint students with the development of society so that they would be prepared for the responsibility of intelligent citizenship.³

In 1910 Ella Matthews left teaching to train for social work with the Associated Charities of Chicago. After a year's apprenticeship she became secretary of the Associated Charities of Madison, Wisconsin. There she plunged into the assorted responsibilities of her job with enthusiasm and intensity, but the heavy workload and long hours proved too much for her health; within a year she resigned to rest her "tired nerves." The following fall she returned to the field of social work for further studies at Chicago's School of Civics and Philanthropy. Although she was interested in slum problems and expressed an ambition to become the manager of a model tenement housing project, her energies were diverted to political reform by her association with Jane Addams' Municipal Citizenship Committee. This reform group was then in the midst of an attempt to wrest control of the city away from the machine politicians. During the spring primary in 1914 Ella Matthews worked as a poll watcher in Chicago's famous First Ward, where party stalwarts such as John (Bathhouse) Coughlin and Michael (Hinky Dinky) Kenna had their own kind of social work and political leadership.⁴

While she was in Chicago Ella Matthews joined the women's suffrage movement, which was gaining momentum in many parts of the country. She attracted the attention of suffrage leaders in Chicago, who offered her a position as organizer of suffrage societies and clubs throughout the state of Illinois. She was so successful that when the Cleveland Suffrage Association called upon the Illinois group for assistance in obtaining an able organizer, Ella Matthews was highly recommended for the position.

She came to Cleveland in June of 1914, and for the next five months she made speeches and organized support in the wards and precincts in an attempt to persuade the male voters of Ohio that

³ This account of Ella Matthews Morgan's life is based primarily on letters written by her friends to her infant daughter, Nancy Olwen Morgan. When Ella Matthews Morgan died in 1923, her mother, Mrs. Estelle Matthews, asked all of Ella's friends to write letters about her life and contributions to society. The letters were to be given to Mrs. Morgan's daughter when she became twenty years of age (Leavelle Papers).

⁴ H. D. Lasswell gives an interesting account of Coughlin's and Kenna's method of controlling the voters with the aid of their own "social service organization" ("Chicago's Old First Ward," *National Civic Review*, XII [March, 1923]), 127-31.

they should support a state amendment to give women the vote. But the suffrage amendment lost, for it had become entangled in the prohibition question, and the powerful liquor lobby was aroused in support of midwest conservatism as a result. Ella Matthews' disappointment at the election returns was assuaged by friendships she had made in Cleveland with Law Director John N. Stockwell and his wife, the Walter L. Florys, John D. Fackler, and Daniel Morgan. She decided to remain in the city, and in January, 1915, she was appointed Director of the Vocational Guidance Bureau, a division of the city's newly established Public Employment Office. She remained in this position until late March, when she resigned to prepare for her marriage to Daniel Morgan on April 22, 1915.⁵

Mutual friends had quietly encouraged the friendship that developed between the reserved bachelor in his late thirties and the energetic and forceful social reformer who was a few years his junior. It was a successful marriage. Mrs. Morgan joined her husband on the executive board of Consumers League, and she was again active in the local suffrage campaign in 1916. But in 1917 the ill health that had interrupted her career on several occasions in the past forced her retirement from all social and civic activities. She entered a sanatorium in Asheville, North Carolina, for several months, and although the period of rest and care arrested the threat of tuberculosis, the medical director of the sanatorium told her husband that his wife's nervous condition was still serious. He advised Morgan that it would take "very careful psychological handling" on the part of her husband as well as her doctor "to get her into good shape. . . ." While the nervous condition gradually improved, continued ill health and several miscarriages made it impossible for her to resume her work in civic affairs. Finally in 1923 her long-delayed hopes for parenthood were realized with the birth of a baby girl, but three weeks later Ella Matthews Morgan died at the age of forty-two.⁶

Morgan married again in 1926. His second wife was the daughter of Webb C. Ball, a leading Cleveland jeweler. Wilma Irene

⁵ PD, June 20, July 11, October 4, 1914, undated clipping (E. E. Morgan Papers); Virginia Clark Abbott, *The History of Woman Suffrage and the League of Women Voters in Cuyahoga County: 1911-1945* (Cleveland: The William Feather Company, 1949), 26-42.

⁶ Information provided in an interview with E. E. Morgan, January 11, 1963; The Consumers League of Ohio, *Bulletin* (June, 1916); letters from Dr. Charles L. Minor, Asheville, N. Carolina, to DEM, April 19, 1917, May 15, 1917 (Leavelle Papers); letter from Murtelle M. Canavan to Nancy Olwen Morgan, undated (Leavelle Papers); letter from Mrs. Walter Flory to Nancy Olwen Morgan, April 5, 1924 (Leavelle Papers).

Ball had taught school for several years after her graduation from the College for Women of Western Reserve University. Like Morgan's first wife, she was interested in the women's suffrage movement and other reforms. She had been active in the Consumers League, holding successive positions as board member, executive secretary, and president of the League. During her tenure as secretary and president she directed early attempts to obtain laws for minimum wages for women and protection of children in industry. In later years she campaigned and lobbied with Elizabeth S. Magee, secretary of the Consumers League.⁷

Wilma Ball was an introspective person who cared little for the hurly-burly of politics, but her sensitivity to injustice compelled her to join the social protest movements of her time. More seriously interested in the fine arts, she studied at the Cleveland Institute of Art and at art schools in New York City. She was an active member of the Novel Club of Cleveland, to which she contributed many papers analyzing the nature of creativity in the arts. In later years this "complex and contemplative person" turned to the philosophy of the Quaker religion for its emphasis upon the power of love and understanding. She joined the Cleveland Friend's Meeting and served as clerk of the meeting for many years.⁸

Although Morgan was not politically active from 1913 to 1928, he continued to work for various civic and reform organizations. He was also appointed to one public office during this period. During the early days of the first World War, Governor James M. Cox appointed Morgan to the Cuyahoga County Selective Service Board. Otherwise, he served the community through his active membership in the Cleveland Chamber of Commerce, the City Club of Cleveland, the Consumers League of Ohio, the Legal Aid Society, and the Citizens League of Cleveland.⁹

In the Chamber of Commerce Morgan served as chairman of the legislative committee from 1911 to 1917. As the chamber's authority and chief spokesman on legislative matters, he helped to secure its support for the home-rule amendment of 1912, the sub-

⁷ PD, February 2, 1930; The Consumers League of Ohio, *Bulletin* (1915-1926), also March 7, 1955; information provided in an interview with Elizabeth S. Magee, March 19, 1963.

⁸ Information provided in an interview with Elizabeth S. Magee, March 19, 1963; "Tribute of the Novel Club of Cleveland" (unpublished paper, February 16, 1955) (Leavelle Papers). For further evidence of her contemplative nature, see undated, handwritten notes enclosed in her marriage certificate (Leavelle Papers).

⁹ PD, January 14, 1930. During Morgan's campaign for the Republican nomination for governor in 1934 a political advisor suggested that he capitalize on his wartime service in order to win the veteran's vote. Morgan, who had more political sense than the advisor, never mentioned his wartime service.

sequent home-rule charter of 1913, and a proposed constitutional amendment intended to make it easier for the central city to annex its suburban areas. When the Sixty-second Congress passed a joint resolution that exempted American coastwise shipping from paying tolls on the Panama Canal, Morgan was a member of the special committee of Chamber members who studied the question. They found the resolution in violation of American treaties with Great Britain and recommended its repeal in favor of a resolution establishing equality for all ships that used the Canal. In 1915 Morgan was one of the local representatives on the national Chamber of Commerce's committee to secure legislation to establish a permanent nonpartisan tariff commission. He last participated actively with the Chamber of Commerce in the early 1920's, when he served on Chamber committees considering the problem of financing city government.¹⁰

In 1912 Morgan served as the first president of the City Club of Cleveland, which he had helped to found. During his term of office he played an important part in creating the City Club's unique role as "a clearing house of ideas" for the important issues facing the community and the nation. While Morgan was president, the club provided a forum for the proposed home-rule charter and the suffragette movement. The members of the City Club did not confine their interest solely to social and political problems; they sought to promote Cleveland's cultural life, as well, for they had a vision of the city as a great metropolis, a twentieth-century Athens on the shore of Lake Erie. When Mayor Newton D. Baker attempted to establish a municipal symphony orchestra, Morgan proposed that the City Club appoint a committee to assist in the management, control and development of the project, and he was also active in the Club's unsuccessful attempt to provide the city with a resident opera company. As Cleveland neared the hundredth anniversary of its incorporation as a village in 1814, Morgan sought to stimulate civic pride in the accomplishments of the city by promoting a comprehensive survey of Cleveland's development.¹¹

When the City Club outgrew its quarters in Weber's restaurant and moved to more spacious rooms in the Hollenden Hotel, late in September of 1916, Morgan gave the dedication speech. In-

¹⁰ The Cleveland Chamber of Commerce, *Yearbook, 1911-1917; The Public Square*, I, 1, 2 (November, 1915); The Cleveland Chamber of Commerce, *Yearbook, 1920-1927*.

¹¹ "Minutes of the City Club of Cleveland," June 14, October 30, 1912, September 20, 1913, April 18, 1914; Campbell, *Freedom's Forum*, 21-33.

troduced by the current president as the City Club's "George Washington," Morgan spoke on the accomplishments of the previous four years—the numerous speakers who had addressed themselves to current problems, the debates between candidates for public office, the publishers' book fairs, the proposal for classes in municipal administration to be given in the club's rooms by professors from Western Reserve University, and the many other activities that had contributed to the pursuit of good citizenship and municipal excellence. He expressed confidence that the City Club's excellent record of past performance would continue in the future.¹²

The basic assumption of the men who founded the City Club was a belief that man was a rational being whose ability to reason gave him the power to solve the problems facing mankind. They believed that if men discussed problems together they could lessen prejudice, promote better understanding, and achieve closer cooperation between individuals and organizations so that their community would be a better place in which to live. But when the United States entered the first World War, even the City Club members ceased to reason together and hear "men of every party and belief" according to the precepts of their creed. With the single exception of a speaking engagement by Roger N. Baldwin, who in May, 1917, defended the right of socialists and humanitarians to be conscientious objectors, no dissenter or critic of the war was heard from the forum for the duration of the conflict. But in 1919 the intolerance and heightened sense of nationalism that the war had made respectable were loosened upon native dissenters, critics of the status quo, and foreign-born members of the community—and many members of the City Club were profoundly disturbed. In Cleveland, where the foreign-born and their children made up nearly 75 per cent of the population, the wave of anti-foreign feeling that swept the country was especially disturbing. Judge Bradley Hull and Rabbi Abba Hillel Silver, members of the City Club, were alarmed by the reckless condemnation of "foreigners" by so-called 100 per cent American patriots whose actions were intimidating and alienating minority groups in Cleveland. Hull and Silver felt that the only ones who would benefit from such tactics were the left-wing agitators who welcomed civic tension as proof of the need for revolutionary action. To meet the problem they proposed that the City Club sponsor a program of extension forums in school auditoriums and other

¹² *PD*, September 22, 1916.

halls so that Clevelanders could discuss the problems that the nation faced in those difficult post-war years. Morgan, who was a member of the public affairs committee, endorsed the idea and accepted membership in the special forum extension committee that the City Club formed. During the early months of 1919 and the following winter Morgan joined other speakers in the program of talks and debates about current issues.¹³

The first community forums were so successful that the Club decided to continue them and broaden their appeal by holding a series of summer meetings at the spot on Public Square that Tom L. Johnson had dedicated to free speech. Determined to impress upon citizens of Cleveland that dissent and criticism were inherent parts of the American way of life, the City Club opened its summer forums in 1920 with a flourish of bugles, an address of welcome by the mayor of the city, and a talk on the constitutional guarantees of civil liberties. Subsequent speakers addressed their audiences on such topics as foreign affairs, Americanism, justice for immigrants and Negroes, and minimum wages for women. Morgan spoke on two occasions: in 1920 he addressed the forum on the reasons for the current high cost of living, and in 1922 he talked and answered questions about "America and the Inter-Allied Debt." At a time when most Americans were in full agreement with Calvin Coolidge's laconic statement, "they hired the money, didn't they?" Morgan offered a more intelligent appraisal of the situation. Explaining that the European countries did not have a sufficient supply of gold for full payment, he advocated a partial cancellation of the Allied debt to the United States and a policy of American aid for the reconstruction of European economic resources. He answered the charge that Europeans should pay their debts with goods, if necessary, by pointing out that such an unrealistic policy would only cause economic dislocation in the United States. Morgan urged consideration for the existing German government, saying that if it were forced out of office, the alternatives for the German people were a restoration of the monarchy or the rise of a Bolshevik state.¹⁴

In 1924 the City Club directors decided that the idea of free speech had been firmly reestablished in the community. They discontinued their extension forums until such time as it should

¹³ Campbell, *Freedom's Forum*, 65-67; John M. Gaus, "A Municipal Program for Educating Immigrants in Citizenship," *National Civic Review*, XVII (May, 1918), 237; "Minutes of the City Club," November 13, 1918, March 31, 1919; *The City*, January 14, 1920; *PD*, January 19, 1920.

¹⁴ Campbell, *Freedom's Forum*, 68; *PD*, July 11, 1920, August 12, 1922.

again "become necessary to foster a similar movement to preserve the free-speech-assemblage privilege." Morgan recalled the events of this period when he spoke to the City Club on October 10, 1942, during the second World War. He urged members to maintain their forum for the vigorous promotion of free speech so that in the post-war years men could solve their problems without violence.¹⁵

Morgan's concern for justice and his interest in underprivileged members of the community were reflected in his long association with the social settlement movement and the civic organizations that rose out of it. In 1914 he became a trustee of Goodrich House, a position he held continuously until 1935, when he was made a lifelong trustee in honor of his services. His early work at Goodrich House brought him into contact with the Consumers League, of which he became a trustee in 1916. He worked actively with the League in its efforts to protect the consumer and abolish child labor. When the League succeeded in bringing before Cleveland's City Council the possible banning of the sale of newspapers by children in city streets, Morgan spoke in favor of the proposal and organized a citizens' committee to obtain the support of councilmen opposed to the legislation. During his term as a state senator Morgan sponsored a League bill designed to discourage the use of child labor in factories; it required employers to pay extra compensation to illegally employed children who were injured while they were working. Although Morgan resigned his position as trustee of the Consumers League when he became City Manager of Cleveland in 1930, he remained sympathetic to its endeavors.¹⁶

During the 1930's and 1940's the Consumers League turned to Morgan as an influential Republican and a sympathetic friend for help in gaining support for social welfare legislation. Morgan was in substantial agreement with the League's efforts to secure unemployment insurance legislation, minimum wage laws, and civil rights measures. When Congress was discussing an aspect of the Fair Labor Standards Act, the secretary of the League, Elizabeth S. Magee, traveled to Washington with Wilma Ball Morgan to persuade Representative George Bender "through Morgan" to sup-

¹⁵ *The City*, June 11, 1924, October 14, 1942.

¹⁶ Consumers League of Ohio, Membership Records; information provided in an interview with Elizabeth S. Magee, March 19, 1963; Consumers League of Ohio, *Bulletin* (February, 1925); *Bulletin of the 88th General Assembly: Regular Session, 1929-1930*.

port the League position on the legislation before Congress. In 1945 Miss Magee again came to Morgan for advice on how to approach Representative Clarence E. Brown of Blanchester, Ohio, a member of the House Rules Committee, about civil rights legislation in which the League was interested. In addition to this kind of tactical support Morgan contributed time and money to the League's membership drives and other activities.¹⁷

Another reform organization that began in Goodrich House was the Legal Aid Society. It was originally started to assist those members of the settlement houses who could not otherwise afford the services of a competent attorney. In 1905 it joined forces with a similar organization founded by B'nai B'rith. Morgan, who had been active in the Goodrich House unit, was elected one of the first trustees of the new body. He remained a trustee until 1923 and again served in the same capacity from 1939 until his death in 1949.¹⁸

After the legal aid advice centers opened, the young lawyers who served them found that many of the problems of their clients were beyond solution. Most of those seeking legal assistance were poorly educated immigrants and migrants who fell prey to smooth-talking salesmen or relentless loan sharks. Members of the Legal Aid Society soon discovered that it was necessary to sponsor basic social reforms. Morgan was a member of the Society's legislative committee, which sponsored reform legislation. The Society drafted and supported state bills to regulate chattel loan companies and pawn shops and to prohibit garnishment of wages.¹⁹

Familiarity with the family problems of their clients led members of the Legal Aid Society to sponsor laws creating a conciliation court, and establishing a Domestic Relations Division to investigate matters pertaining to divorce, alimony, and the custody of minor children. The Society worked in close cooperation with social workers, who in turn provided an important channel of communication with those in need of legal help. It sought many reforms, such as providing a qualified court interpreter for non-English-speaking citizens, curbing the practice of kickbacks to fac-

¹⁷ Information provided in an interview with Elizabeth S. Magee, March 19, 1963; letters from Elizabeth S. Magee to DEM, May 11, 1945, May 13, 1940 (Consumers League Files); letter from Marie R. Wing to DEM, October 4, 1945 (Consumers League Files).

¹⁸ Henry E. Bourne, *The First Four Decades: Goodrich House* (Cleveland: William Feather Company, 1938), *passim*; "Record Book of the Legal Aid Society of Cleveland," March 6, 1906, March 29, 1945.

¹⁹ "Record Book of the Legal Aid Society," January 8, 1907, May 25, 1925.

tory foremen for factory jobs, and preventing excessive funeral charges by undertakers.²⁰

Morgan was also involved in drafting a bill to replace the justice of the peace courts with a municipal court system. The office of justice of the peace, an elected position which had originated in sparsely populated areas, was ill-suited for law enforcement in urban centers. Many reformers protested that some officers "protected" gambling and prostitution establishments while having scant regard for justice. Although the Society's first attempts to reform the system failed, subsequent efforts were more successful. In 1911 the state legislature passed legislation establishing a municipal court system in Cleveland, and in 1912 a constitutional amendment curtailing the prerogatives and jurisdiction of the justice of the peace within the city was adopted.²¹

Morgan's contribution to these reforms demonstrated both his commitment to responsible citizenship and his own approach to social problems. The technique of the organizations with which Morgan worked was to establish an investigating committee to study the problem and to recommend a solution. Such study was followed by a campaign to persuade the appropriate body to take corrective action. This method, which emphasized a rational and pragmatic approach to problems, had become characteristic of Morgan when he was a member of the city council and the Cleveland Charter Commission. It is not surprising that after his withdrawal from politics he decided to apply himself in the same manner to participation in the Civic League of Cleveland, an organization which evaluated political issues and candidates for public office. After several years of service on the legislative committee of the League he was appointed to its board of directors in 1916 and held that position until 1927. As a director he was one of a small group of citizens responsible for screening candidates for local and state offices before they were approved or disapproved by the League. This service was designed to help voters determine the best candidate among the many whose names appeared on the ballot sheet. The board of directors also evaluated such issues as bond levies and charter amendments.²²

²⁰ "Record Book of the Legal Aid Society," January 19, 1909, January 26, 1910, February 20, 1913, January 28, 1914, January 18, 1916.

²¹ "Record Book of the Legal Aid Society," February 6, 1909, May 25, 1925; Hoyt Landon Warner, *Progressivism in Ohio, 1897-1917* (Columbus: Ohio State University Press, 1964), 329-42.

²² Citizens League of Cleveland, "Membership Records." The Citizens League was organized in 1896 as the Municipal Association of Cleveland. In 1913 the name was

In 1919 Morgan was one of the members of the Civic League responsible for the creation of a subsidiary organization, the Municipal Research Bureau of Cleveland. Its stated purpose was "to conduct scientific research studies in the field of municipal government and administration: to cooperate with public officials in the solution of administrative and technical problems; to act as a source of accurate and impartial information to the public upon the conduct of its government." Morgan became the first president of this body and served upon its board of trustees for four years. It was an organization well suited to his conviction that complete and impartial investigation should precede legislation. Under the leadership of a competent director, supported by an investigative staff and technical experts, the Bureau undertook exhaustive studies of local government and suggested corrective improvements. Among the studies made while Morgan was president were the cost of the administration of justice in Cleveland, the cost of public education in various American cities, the financial methods of the city government of Cleveland, the problem of codifying the city's ordinances and removing obsolete laws, the handling and financing of outdoor relief, and policies of the city's engineering department in letting contracts for constructing sewers, highways, and streets. A great amount of publicity attended these studies, which resulted in a number of reforms. The city abolished the practice of concealing the true cost of government by carrying a floating debt and discontinued methods of financing public projects that increased the cost to the taxpayers in the long run. Corrective action was taken to ensure that city officials carried out provisions of the charter which required continuous internal auditing and annual audits by independent accountants.²³

In the parent body Morgan served on a special committee that investigated the election laws of Ohio. This legislation, which had not been recodified since the Australian ballot was adopted in

changed to the Civic League of Cleveland. Ten years later the organization's name was again changed to the Citizens League of Cleveland. For an examination of the organization's role see Elmer Ernest Hilpert, "The Function of the Citizens League in the Government of the City of Cleveland and Cuyahoga County" (unpublished Master's thesis, University of Minnesota, 1931).

²³ The Community Fund of Cleveland, *Campaign Book: 1921*; The Municipal Research Bureau of Cleveland, *Progress Report, Number 2*, February and March, 1921 (Morgan Papers); "Memorandum to the City Council," 1921 (Morgan Papers); "A Report upon Budget Procedure for the City of Cleveland," June, 1921 (Morgan Papers); *National Civic Review*, XIV (February, 1925), 110.

1891, contained about 75,000 words and was "a hodgepodge of duplicating, overlapping, and conflicting provisions" that were outdated and ill equipped to meet the needs of an increasingly urbanized state.²⁴

The Civic League first began to study the problems in 1914, and in 1924 it appointed a committee that worked for six months recodifying, eliminating duplication and obsolete sections, and introducing new reform features. Morgan was appointed to the first study committee and subsequently served as chairman of the 1924 group that produced a new code and pressed for its adoption by the state legislature. He and other League officials traveled repeatedly to Columbus to appear before legislative committees to testify and lobby for their proposals. In 1925 legislators in the Eighty-sixth Assembly introduced an election code bill prepared by the League's committee. Although the initial bill was defeated, the arguments for a new code were so strong that the legislature agreed to establish an Election Law Commission charged with codifying the laws and working out a more economic way of conducting elections. Two years later the special commission issued a proposed reform election law which was reluctantly passed under the governor's threat of calling a special session to handle the matter. While the finished product was similar in form and text to the Citizens League bill, it omitted most of the essential reform provisions. It also contained so many technical errors that Governor A. V. Donahey vetoed the bill. Anticipating that the commission's report would in effect "change the form but not the substance" of the existing code, the League had secured the cooperation of two Cleveland legislators who introduced separate bills in the House and Senate to include essential omissions.²⁵

The bill sponsored by the League included a broad range of reforms. The organization advocated permanent registration for voters in cities instead of the existing system of annual registration. Originally the Morgan committee had recommended permanent registration for all Ohio voters, but the reform was whittled down to optional registration in cities of more than 100,000 because of the entrenched opposition the clause had encountered in the legislature. The League believed that if Cleveland could secure permanent registration the new system would save the taxpayers a considerable amount of money. The annual registration system operated in Cleveland at a cost of more than \$50,000 per

year. In Milwaukee, Wisconsin, the cost under a permanent registration plan was 12.5 cents for each vote cast; in Cleveland it was 49 cents per vote. To produce further reductions in cost the League proposed to reduce the number of precincts and precinct officials by fixing the average number of voters for each polling location at 400. In the three previous general elections the average number of citizens voting in each polling place had been 174 at a cost of \$150 per precinct. The League claimed that if the number of voters per precinct were increased to 400, the number of polling places would be cut in half with an equivalent saving in the cost of elections.²⁶

There were other proposals intended to provide safeguards for democracy in the election code. The League advocated the adoption of a ballot listing all candidates under the office for which they were running. That ballot would replace the party column ballot, which was confusing for "the more intelligent voter who no longer slavishly voted a straight party ticket." Another League proposal was that the law prohibiting any one but representatives of the two major parties from acting as poll watchers be changed so that independent groups could be permitted to station poll watchers in every precinct. To make it easier for candidates who suspected fraud or voting errors to seek redress, the Citizens League demanded a new system of challenging election returns. Under the old law an election had to be contested first through the courts. The League proposed a system which gave any candidate or voter the right to demand a recount for a deposit fee of \$10 per precinct. If *prima-facie* evidence of fraud were discovered in a preliminary inspection of selected precincts, the injured party could seek a complete recount through the courts without having to bear further costs.²⁷

Morgan and his fellow committee members urged the Cuyahoga County representatives and senators to support these measures on the grounds that they would reduce the cost of elections, ensure a fairer count and an easier recount, strengthen party responsibility, and generally make the system of election more responsive to the wishes of the voters. Members of the committee traveled to Columbus to repeat their arguments before state legislators, who listened politely, praised them for their good citizenship, and then forgot about their proposals. The existing system was too satisfactory for party politicians to be destroyed quickly or easily.²⁸

When the next General Assembly met in 1929, Morgan, a newly

²⁴ The Citizens League of Cleveland, *Greater Cleveland*, II (February 10, 1925).

²⁵ *Ibid.*, II, 8 (November 3, 1926), 23 (February 9, 1927), (May 18, 1927); *Ohio State Journal*, April 21, 1929.

²⁶ The Citizens League of Cleveland, *Greater Cleveland*, II (February 9, 1927).

²⁷ *Ibid.*

²⁸ *Ibid.*; *CN*, undated clipping, probably January, 1932 (E. E. Morgan Papers).

elected state senator, played a successful and important part in revising the election code. Some years later he commented on his efforts as a Citizens League member to get the state assembly to change the obsolete election code. Explaining to citizens how their service to government could be more effective if they were active members of a political party, he recalled how "every session we of the Citizens League would go to the legislature, and the legislature would throw our election reform bills into the waste basket." He pointed out that it was not until he became a state senator and a member of the Senate Election Committee that his efforts were successful. Morgan concluded with the lesson he had learned: "So you see that unaided, standing alone one is often powerless, but one becomes effective working through a [political] organization."²⁹

While these thoughts on the need for political participation seem to cast doubt on the effectiveness of groups like the Citizens League, Morgan, who was elected the League's president for 1925-26, offered a defense of the organization in his address to the annual meeting in 1926. He believed that the League's greatest contribution was the "silent influence that it exerted on all the activities in the city and county." Noting that these governmental units had a combined annual budget of \$50,000,000 and employed a large army of elected and appointed public servants, he raised the question: "Do we get value received?" He asserted that "it is a commonplace of human nature that constant oversight—the respect for wholesome criticism when we do wrong and the hope of merited praise when we do right—are among the strongest motive forces directing and controlling human conduct of every kind, and our public officials are only human." Such oversight cannot be supplied by the average citizen immersed in his everyday work: "It can only be supplied by some public spirited organization . . . such as the Citizens League, quietly effective, honestly and tactfully managed, sleeplessly vigilant." He argued that the League was just as effective in giving support to honest and competent officials as it was in preventing the other kind from doing wrong through fear of detection and exposure. The question, "What have you done?" was not a fair criterion of the value of the League: the work of the organization could not be measured by counting its concrete accomplishments, for "the best testimonial is that there is nothing to be done." Morgan concluded by reminding his audience that they "should always bear in mind that

. . . concrete accomplishments (ordinances defeated or the enactment of such things as the reorganization of the Board of Appeals) are not as important or far-reaching as the silent, imponderable, and intangible influence of the League in preventing undesirable legislation and inefficient administration."³⁰

³⁰ The Citizens League of Cleveland, "Annual Report of the President," June 7, 1926 (Morgan Papers).

²⁹ *CN*, undated clipping, probably January, 1932 (E. E. Morgan Papers).

CHAPTER VI



STATE SENATOR

IN 1928 MORGAN LEFT the sidelines of the reform movement to reenter partisan politics as a candidate for the Ohio senate. He told an inquiring reporter that he felt a great urge to return to public life after fifteen years devoted to his private law practice. His decision was made possible by propitious personal and political factors. By 1928 he was a well-established lawyer, and in private life he was free from the burdens of ill health that weighed upon him during the years of his first marriage. He was also stimulated by the growing concern among responsible Republicans about the incompetence of the local, state, and national levels of government.¹

In the early 1920's the Grand Old Party held a near monopoly of political power in the nation. In Washington there was the spectacle of the Harding administration and the unsavory reputation of the "Ohio gang" who followed Harding to the capital. In Cleveland Republicans had held the mayoral seat and controlled the City Council since 1916. In 1922 the three-term mayoralty of Harry L. Davis, who was aptly described as "a politician of small caliber," gave way to the bizarre administration of former police chief Fred Kohler. Kohler, whose propensity for painting the city's property with his favorite colors, orange and black, was matched by a fondness for blue language, won recognition for his well-publicized economies in government. When public services deteri-

orated as a result of his retrenchments, Clevelanders applauded his departure in 1924.²

It was during these same years that an independent study revealed a deplorable situation in the administration of justice in Cuyahoga County and the city of Cleveland. So exceptional were the circumstances that a grand jury called for the dismissal of the city's police commissioner and the county prosecutor.³

At the state capital the legislature was dominated by the lobbyists of the Anti-Saloon League and constantly pressured by nativist groups like the Ku Klux Klan. The rural members of the legislature, who dominated the proceedings, had little understanding of urban problems and tended to be suspicious of proposals by city legislators. Cleveland did not add to its luster by the representatives it sent to Columbus: the flamboyant and often irresponsible George H. Bender was one of the city's leading state senators.⁴

In 1922 a group of Cleveland businessmen came together in an attempt to improve the quality of the city's state representatives. Chester C. Bolton, member of a prominent Cleveland family, met with Republican party boss Maurice Maschke to discuss the situation and seek remedial measures. Maschke sympathetically agreed to the need for electing "honest, personally disinterested, capable younger men, preferably with solid business backgrounds and, of course, sound Republican principles." But Maschke asserted that this kind of person regarded politics as "dirty" business. He cited the fact that fourteen businessmen to whom he had offered nominations from safe Republican districts had refused because of private business pressures.⁵

Nevertheless, the new cooperation between the group of inter-

² Warner, *Progressivism in Ohio*, 442; Louis B. Seltzer, *The Years Were Good* (Cleveland: World Publishing Company, 1956), 143-44; L. E. Carter, "Cleveland Ends Year with Cash Balance—A Rare Experience for Ohio Cities," *National Civic Review*, XII (March, 1923), 154; "Questionable Economics in Municipal Government," *National Civic Review*, XII (April, 1923), 207-8.

³ Lorin Peterson, *The Day of the Mugwump* (New York: Random House, 1961), 227-28. The deplorable state of affairs in the administration of justice led to the famous survey by Dean Roscoe Pound and Professor Felix Frankfurter of Harvard Law School. Raymond Moley, then a director of the Cleveland Foundation, initiated the survey, thereby launching himself on the national scene. For information about the survey and its background see Nathaniel R. Howard's *Trust for All Time* (Cleveland: Cleveland Foundation, 1963), 26-32.

⁴ Eugene H. Roseboom and Francis P. Weisenburger, *A History of Ohio* (Columbus: Ohio State Archaeology and Historical Society, 1953), 345, 353.

⁵ David Loth, *A Long Way Forward: The Biography of Congresswoman Frances P. Bolton* (New York: Longmans, Green and Company, 1957), 118-19; information provided in an interview with Associate Justice Harold H. Burton, April 2, 1963. Burton told the author that he had secured election to the Ohio House of Representatives in 1928 as a result of this cooperation between the businessmen's group and Maschke.

¹ CL, undated clipping (E. E. Morgan Papers).

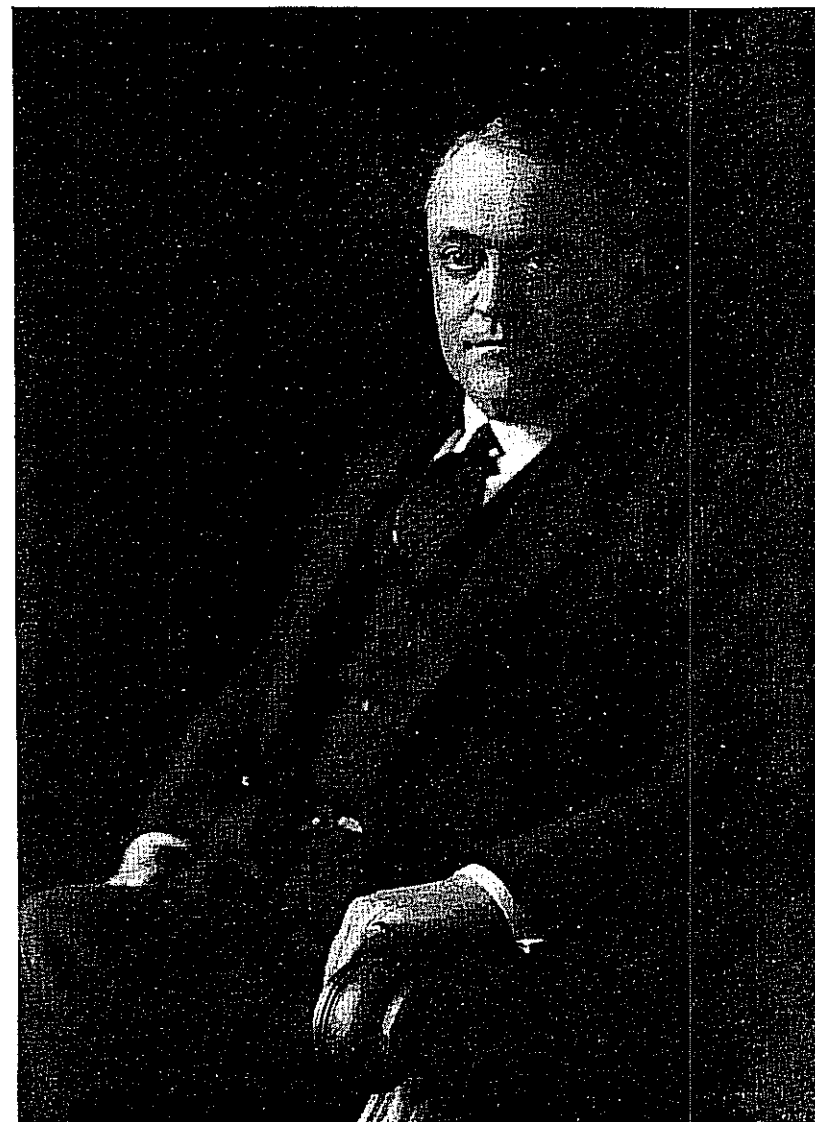
ested businessmen and Maschke resulted in the selection of a number of young men and women of "solid business background" and "sound Republican principles" who ran for state office and were elected. Prominent among these new Republican candidates who entered politics as state representatives were David S. Ingalls, who became Hoover's assistant secretary of the navy for aeronautics; Harold H. Burton, who became a United States senator and a Supreme Court justice; and Chester C. Bolton, who became a United States congressman.⁶

In 1928 the unexpected death of the United States senator from Ohio, Frank B. Willis, set off a chain of succession that placed Daniel E. Morgan in the Ohio senate the following year. When Willis died, Congressman Theodore E. Burton decided to run for the national Senate vacancy. The next move in this game of political musical chairs came when State Senator Bolton announced his candidacy for Burton's seat in Congress. Looking for a prominent candidate to succeed Bolton, party leaders and the businessmen's group persuaded Morgan to run for the vacancy in the state senate.⁷

Morgan scarcely needed the enthusiastic endorsement he received from the Citizens League. After winning an easy victory in the Republican primary in August, he became a part of the Republican avalanche that swept to victory throughout the nation in the general election of November, 1928.⁸

For the first time in the history of the Ohio senate the Republicans held every seat, while there were only 11 Democrats among the 133 members of the state's lower house. Furthermore, all statewide offices in Ohio were filled by Republicans.⁹

During the first few months of Morgan's term in office it appeared that his activities would be as obscure as those of most new members of the state legislature. His fellow Cleveland, Senator George H. Bender, was seldom out of the headlines, for his flamboyant verbal battles with the Anti-Saloon League and a fist fight with a lobbyist attracted dramatic newspaper coverage. Morgan's press coverage included only the report of his appointment to the bank and loan associations, commerce and industry, elections and federal relations, highway and automotive, judiciary, and taxation committees. But in the latter part of the legislative



City Manager, 1930-31.

⁶ Information provided in an interview with Harold H. Burton, April 2, 1963.

⁷ Loth, *Long Way Forward*, 158; *PD*, August 28, 1934.

⁸ The Citizens League of Cleveland, *Greater Cleveland*, III (August 8, 1928); *PD*, August 15, November 7, 1928.

⁹ *Ohio State Journal*, January 6, 1929.



Judge Morgan in 1947.

session newspapermen began to recall that Morgan had attended every committee hearing on important legislation and had studied assiduously the bills proposed by his fellow lawmakers.¹⁰

Early in February, 1929, Morgan placed nearly a dozen bills in the senate hopper. All but two of these measures were eventually passed and enacted into law. One of the two defeated measures would have permitted authorized healers of the Christian Science Church to charge fees "for services in curing the sick, sinning, and suffering." Under the existing General Code of Ohio such fees were prohibited.¹¹

Morgan introduced this controversial legislation at the request of a Christian Scientist friend. In his opening remarks on the bill before the senate's Health Committee he pointed out that the existing law did permit gratuities to be given to Christian Science healers and that prohibiting payment for the same services seemed unfair. During the committee hearing the measure faced the combined opposition of a number of Protestant clergymen and representatives of the medical profession, who charged that the bill was a menace to public safety and would open the door for charlatans and fakirs. After showing that other states permitted the licensing of Christian Science healers, Morgan presented carefully organized testimony of several practitioners who told of healing broken bones without treatment by doctors or hospitals. This argument was effective with rural legislators familiar with such occurrences on the farm; but when one of the witnesses went on to speak of curing somewhat more sophisticated ailments by faith, credence verged to disbelief. Committee members were ultimately convinced that the charge of charlatanism was indeed true and they failed to take action on the legislation. A more tolerant legislature twenty years later enacted legislation similar to that Morgan favored.¹²

Morgan's more successful proposals included a number of reform measures. He sponsored five bills providing for juvenile court buildings, the appointment of referees and probation officers for juvenile courts, and the authority for judges in juvenile courts to require mental and physical examinations for juvenile delinquents and their parents. As a member of the Judiciary Committee he gave full support to a measure to abolish the practice of "salary-buying," a method of loaning money to workers that was devel-

¹⁰ *Ohio State Journal*, March 21, 1929; *CP*, March 18, 1929.

¹¹ *Bulletin of the 88th General Assembly of Ohio: Regular Session 1929-30*, *passim*; *Ohio State Journal*, January 30, February 8, 19, 6, 1929.

¹² *Ohio State Journal*, February 13, 28, 1929.

oped by some unscrupulous companies to evade the state's limitation on interest charges. The loaning agent "bought salaries" from workers, especially railroad employees who had steady jobs, and then lent them cash on the security of their salaries at rates that often went as high as 240 per cent per annum. Morgan was the author of a proposal to require sellers of caustic soda or lye to label their products as poisonous. The measure passed in the senate but was trapped in a house committee.¹³

Morgan's most significant effort in consumer legislation was his support of a bill repealing the Pence Law, which permitted public utility corporations to collect increased rates, under bond, in advance of a final rating decision by the state's Public Utilities Commission. While in theory the consumer received a rebate if the Commission did not approve the increased rate, many customers never in fact got their money back if the companies were denied the right to impose higher rates. Frequently the companies did not post sufficient bond, or customers were ignorant of their right to a rebate. The Pence Law, which the companies sponsored on the grounds that the long delay between a rate application and a final decision by the Public Utilities Commission was an economic hardship for them, had been considered unsatisfactory for some time. In 1927 an effort to repeal the measure had been blocked by a combination of the private utilities and the Anti-Saloon League on the basis that it "was not in the public interest" to repeal the law. During the 1928 election campaign the Republican candidate for governor, Myers Y. Cooper, had urged the law's repeal.¹⁴

But in addition to repealing the Pence Law, the administration-backed Carpenter bill stipulated plans for reorganization of the internal structure of the Public Utilities Commission. Under the proposed reorganization a new division of investigation was established under the supervision of an official appointed by the gover-

¹³ *Ohio State Journal*, April 5, 1929; The Citizens League of Cleveland, *Greater Cleveland*, IV (March 28, 1929); *Ohio State Journal*, February 19, 21, March 8, April 4, 1929. In the Morgan Papers there is a letter from Dan K. Martin, secretary of the Ohio State Medical Association, to the secretary of the Cleveland Academy of Medicine (April 9, 1929), in which he comments favorably on Morgan for his efforts to secure passage of the caustic soda bill. He describes Morgan as the "outstanding new member in the entire legislature . . . aside from his foolish ideas in sponsoring the Christian Science bill." For a discussion of the "salary-buying" bill and its history, see *Bureau News* (Columbus Better Business Bureau, February, 1929).

¹⁴ Harvey Walker, *Constructive Government in Ohio: The Story of the Administration of Governor Myers Y. Cooper, 1929-1931* (Columbus: Ohio State University Press, 1948), 108; *Ohio State Journal*, January 8, 9, 1929.

nor. The advocates of this new arrangement claimed that it would enable the commission to speed up the examination of claims for increased rates, thus eliminating the objections of the private utility companies to repeal of the Pence Law. The proposal to reorganize the commission aroused the suspicion of several legislators and newspapermen, who charged that the Carpenter bill was a "ripper" measure designed to throw all existing employees of the commission into the unclassified civil service, where they would be at the mercy of the administration. Opponents of the legislation feared that the proposed reorganization and the creation of a new position of superintendent were the first steps in the formation of a new political machine designed to enhance the political ambitions of Governor Cooper. The bill faced considerable opposition when it was debated by the state senators, who figuratively stumbled over each other seeking to add amendments that would make the measure acceptable. In the midst of this legislative confusion Morgan suggested qualifying the Carpenter bill to ensure that none of those presently employed by the Public Utilities Commission under civil service classification could be discharged. The adoption of Morgan's simple amendment delighted those who feared that the bill was a "ripper" measure. They praised Morgan as a man who had come to Columbus as "a man of parts" and had "lived up to his reputation."¹⁵

It was his ability for such effective legislative action that brought men from both sides of the assembly to seek his advice when matters of importance were being considered. A political commentator for the *Ohio State Journal* wrote that Morgan's influence rose because "his keen eyes and mind perceived the details of proposed legislation, detecting flaws no others had seen and prescribing changes to cover the objections or, in the extreme, fighting the bills to a finish." It was unusual for a newcomer to receive such unstinted praise. It did not matter that the Cleveland was a fellow Republican, for all representatives of the party from the city of Cleveland were branded "Maschke-Republicans" and viewed with suspicion. Downstate Republicans regarded Maschke's control of the party in Cleveland with mixed emotions. They envied the master politician's skill, but they felt morally superior because their communities were not dominated by political machines. During the meeting of the Eighty-eighth Assembly

¹⁵ Walker, *Constructive Government*, 108-11; *Ohio State Journal*, February 5, 10, 22, 1929; *The Gongwer Service: Information Pertinent to Legislative Activities*, XX 120, 122; *Jackson Sun-Journal*, March 26, 1929; *CP*, March 18, 1929.

Cleveland representatives were embarrassed at the middle of the session by detailed newspaper accounts of fraud and political corruption ensnaring prominent Republicans at home.¹⁶

Despite such prejudices Morgan emerged as a leader in the state senate because his intelligent, industrious work was coupled with a quiet manner that earned him the respect and admiration of his fellow legislators. Philip W. Porter, political correspondent for the *Plain Dealer*, defined his effectiveness: "He knew law, he was not a braggard, or a know-it-all, [and] he could speak impressively and convincingly. . . ." Porter described a meeting of the Judiciary Committee, which was considering a revision of the corporation code—a dull and dreary subject for the legislators involved. Most committee members—so as not to appear ignorant by asking questions—were prepared to vote for the changes recommended by the Ohio State Bar Association; but Morgan, unlike most of his colleagues, had read the proposed bill. Suddenly he interjected with a protest:

Now I don't think one provision here is sound. . . . You provide that directors of a corporation may, by internal reorganization, change the purpose of the corporation. . . . Why this is serious! Suppose a company were organized to sell boots and shoes and its purpose was changed to sell fountain pens or real estate, don't you suppose the stockholders ought to feel a little uneasy? I think the minority stockholders ought to be protected against such a procedure.¹⁷

The embarrassed representatives of the Ohio Bar Association quickly assured Morgan that they "meant nothing subversive" and admitted the need for changing some of the particulars of the proposed legislation.

A similar situation occurred during the senate debate on the Cramer-Gillen habitual criminal bill, which proposed that persons convicted of the same crime more than once should receive the maximum penalty provided under law and that a person convicted of four successive felonies should be subject to a mandatory life sentence. The bill was written in close cooperation with the Ohio Bar Association, in response to increased public demands for action against the rising crime rate. The measure had passed the lower house without difficulty and had received its final reading on the senate floor when Morgan arose to speak: "Gentlemen, it

seems to me by this bill you are about to repeal, unwittingly, the law which provides the death penalty for first degree murder." The senators started with amazement. With newspapers and constituents screaming for stiffer criminal sentencing, no one wanted to be associated with legislation terminating the controversial death sentence. The bill was quickly returned to committee.¹⁸

Morgan, who doubted the efficacy of life imprisonment of the habitual criminal, sought to amend the Cramer-Gillen bill to permit the State Clemency Board to parole those convicted under the act if the Board thought that such a reprieve was warranted. His amendment was quickly rejected, and one legislator asserted that Morgan's proposal was equivalent to "an apology to the underworld."¹⁹

Morgan's willingness to take unpopular positions was evident on other occasions. He unsuccessfully opposed measures sponsored by George Bender to make it mandatory for cities to levy taxes, the receipts from which would provide pensions for policemen, firemen, and sanitary officers. Although he was not opposed to the pension plans as such, he believed that the proposed legislation ran contrary to the hard-won right of home rule for municipalities. Morgan's position was hazardous, for the policemen's and firemen's organizations in Cleveland were potent political groups and were lobbying vigorously for passage of the pension bills.²⁰

Morgan did not hesitate to take his stand against the Ku Klux Klan and nativist groups that backed the Clark anti-alien bill to prohibit the employment of alien laborers in public work projects. Vigorous lobbyists threatened reprisals at the polls, but the bill was defeated by the slim margin of one vote.²¹

Morgan's voting record reflected his concern with the urban point of view. He opposed a driver's license fee bill backed by rural legislators, reasoning that the legislation would also increase the authority of the justices of the peace to revoke the driver's license. Along with other representatives from urban areas he successfully fought such an increase in the power of the justices of the peace, who had earned a reputation for abusing their authority in order to enrich themselves and their communities at the expense of the traveling public. Antagonism between the rural and the urban interest was also evident in the debate over a measure to

¹⁸ *Ohio State Journal*, January 8, March 13, 1929; *PD*, March 16, 1930.

¹⁹ *Ohio State Journal*, February 13, 1929.

²⁰ *Ibid.*, March 7, 1929; The Citizens League of Cleveland, *Greater Cleveland*, IV (May 24, 1929).

²¹ *Ohio State Journal*, March 20, 1929.

¹⁶ *Ohio State Journal*, April 10, February 24, 1929; letter from DEM to James E. Kinnison, February 13, 1934 (Morgan Papers).

¹⁷ *PD*, March 16, 1930.

increase the state gasoline tax by one cent per gallon. This proposed increase, the second in four years, was opposed by urban representatives on the grounds that the highways built out of gasoline tax funds were of little benefit to the city people, who paid the larger share of the tax.²²

Although he cooperated with the Republican administration on most occasions, the fact that his party controlled the executive did not deter Morgan from carefully examining the bills that the governor proposed—or from seeking to amend or defeat them if, in his judgment, they were not satisfactory. A case in point was the governor's proposal for a new five-million-dollar state building. Intoxicated with the prosperity of the 1920's, most legislators never questioned the expense involved, but Morgan and two other senators strongly objected that it would be better to extend the existing buildings.²³

Morgan's most important clash with the administration came during discussions of the new election code for which he had pressed so hard as a private citizen working through the Citizens League. Demands for reform of the code had been strengthened by disclosure of frauds in the Cleveland Republican primary election in August, 1928. Even as the Eighty-eighth Assembly met to discuss their legislative program, the attorney general of Ohio was investigating voting irregularities in Cleveland, and before the legislators went home several precinct workers were sent to prison. At the same time other political scandals began to capture newspaper headlines. Thomas Fleming, city councilman and comptroller of the Negro vote for Maurice Maschke, was sent to prison for bribery. He was soon joined by Liston G. Schooley, the powerful Republican councilman, and his son, who had been involved in land purchase scandals in Cleveland. The ensuing uproar led to widespread condemnation of the type of political leadership that Maurice Maschke seemed to represent. A Columbus political writer bluntly warned representatives from Cleveland that they had better initiate election reforms or it would be a long time before a Clevelander was elected to state office.²⁴

The Citizens League of Cleveland came to the legislature with a draft for a reform bill, which Senator Paul M. Herbert of Colum-

²² *Ibid.*, February 27, April 7, 1929.

²³ *Ohio State Journal*, March 15, 1929.

²⁴ Mayo Fesler, "Cleveland Election Frauds," *National Civic Review*, XVIII (April, 1929), 277; R. O. Huus and D. I. Cline, "Election Fraud and Councilmanic Scandals Stir Cleveland," *National Civic Review*, XVIII (May, 1929), 289-94; *Ohio State Journal*, February 24, 1929.

bus submitted to the senate for consideration. Herbert's bill, along with others, was referred to a special sub-committee of the senate's election committee. Although Herbert was the sub-committee's chairman and the second committee member, Senator Clifford E. Martin, was himself the author of another election code bill, it was Morgan, the third member of the committee, who was the chief architect of the bill that finally emerged from their deliberations. Karl B. Pauly of the *Ohio State Journal* wrote that "the time he [Morgan] lent to the shaping of the Herbert-Martin bill recodifying the election laws would mount into weeks, if the hours were added up." Morgan closeted himself in one of the statehouse smoker rooms. Sometimes other members of the sub-committee were with him but more often he was the only member present. He worked closely with the state's chief election officer, Secretary of State Clarence J. Brown; he consulted Mayo Fesler, executive secretary of the Citizens League, and representatives of the Ohio League of Women Voters; he listened to the suggestions of a large number of persons from all sections of the state.²⁵

The task of mastering the many aspects of the old code and the new proposals was complicated by the desire of many legislators to include provisions that would benefit them in their home districts. As weeks of study slipped by, the legislative leaders began to press to bring the measure to the senate floor for a vote so that the assembly could adjourn by early April; but Morgan refused to be pushed into hasty action. On one occasion the committee was divided over the question of using policemen to conduct an annual check on the registered voters' list in order to prevent voting frauds; the senate floor leader, whose presence was intended to pressure the committee to report a bill out, tired of the arguments and suggested that the police provision be omitted as impractical. Morgan protested: "How do we know it is not practical? I may not vote for it finally, but I'd like to hear from some police chiefs and safety directors first. Until it's proven we can't do it, let's assume that it can be done!" Morgan received the support of his colleagues, who continued their investigation. When the work was finally completed, the parent committee received a 154-page bill.²⁶

The Election Committee, under pressure to hasten their action, was prepared to report the measure to the floor without having

²⁵ The Citizens League of Cleveland, *Greater Cleveland*, IV (March 28, 1929); *Ohio State Journal*, January 6, April 10, 1929.

²⁶ Mayo Fesler, "New Election Code for Ohio," *National Civic Review*, XVIII (June, 1929), 427-28; *Ohio State Journal*, March 7, 1929; PD, March 16, 1930.

time to read it when Secretary of State Brown appeared to deliver an unexpected attack on the measure. He protested that what was needed was a few new sections in the election code, not a completely new bill. Visibly upset, Senator Herbert asked Brown to point out the particular features that he found objectionable. To the committee's amazement Brown said he could not cite specific points because he had not studied the new bill. After questioning him further to no avail, Herbert threw up his hands in disgust and angrily exclaimed that if the chief election officer of the state condemned the work without reading it, he was ready to quit.²⁷

At this point Morgan interjected, "Well, I'm not!" Soon he was engaged in an acrimonious debate with Brown. The session grew so heated that several members of the parent committee fled the room to escape what a reporter called "the stormiest session of all committee hearings in that Assembly." Morgan and his associates stood their ground. When order was finally restored, the bill was reported to the floor and eventually became the law of the state. In recognition of Morgan's contribution, Senator Herbert requested that the bill be called the Herbert-Morgan Act.²⁸

The new election code was "one of the best in the nation," Mayo Fesler wrote in the *National Civic Review*. The Citizens League's long and arduous campaign for election reform had been crowned with success, he said, despite the opposition of political bosses and their allies in local boards of election. Strangely, he failed to give Morgan credit for his part in the making of the new election code, but newspapers throughout the state made up for this omission. The political correspondents were lavish in their praise of Morgan's contribution and acknowledged that he had emerged as one of the few outstanding leaders in that session of the assembly. Some predicted that he would become the new floor leader of the senate if he were reelected. In his former home town of Oak Hill the local newspaper made a morality tale out of his success and predicted that he would soon grace "the august halls" of the United States Senate.²⁹

Not everyone greeted the new election code with enthusiasm. Some politicians charged that while only two reforms were de-

²⁷ *Ohio State Journal*, March 7, 1929.

²⁸ *Ibid.*; The Citizens League of Cleveland, *Greater Cleveland*, IV (April 10, 1929).

²⁹ Fesler, "New Election Code"; "New Election Laws a Reality," *Cleveland Town Topics*, LXXV (April 27, 1929); *Ohio State Journal*, April 10, 1929; *CP*, March 18, 1929; *Cincinnati Sunday Inquirer* quoted in the *Oak Hill Press*, undated clipping (E. E. Morgan Papers); *Oak Hill Press*, undated clippings (E. E. Morgan Papers).

manded of the assembly—permanent registration and an easier method of recount—the authors had "juggled" the entire code. These critics concentrated their fire, however, upon only one aspect of the new law. With cries of "tyranny," they claimed that the provision which defined a political party for the purposes of the act "provides for assassination and permanent expulsion from the ballot of minority parties. . . ." The section in question stated "that any party casting less than ten percent of the total vote at an election shall cease to be a party."³⁰

Morgan answered this charge by replying that there was nothing in the new code to make it more difficult for a minority party to get its ticket on the ballot. He pointed out that under the old law political parties "authorized to make nominations at a party primary must have polled at the last general election ten percent of the total vote cast for governor." If a party did not fulfill this requirement it could not utilize the services of the state election system to hold primary elections, but there was nothing to prevent individual members from running for office if they secured a number of signatures on petitions equivalent to at least 1 per cent of the number of votes cast in the preceding election. Morgan went on to note that under the old code there had been no provision for permitting a newly formed party to hold party primaries. This omission was corrected by including in the definition of a political party eligible for the primary any group able to secure a number of petition signatures equivalent to 15 per cent of the votes cast in the last election. Morgan asserted that the only reason it would be more difficult for minority parties to get on the ballot was that the increased size of the voting population in the area would automatically necessitate a larger number of signatures on petitions.³¹

Such an unimpassioned, point-by-point response was characteristic of Morgan, but when the new election code was attacked on constitutional grounds by Emmett L. Bennett, his response was laced with anger and thinly disguised sarcasm. Bennett, a member of the department of political science at the University of Cincinnati and a former employee of the Civic League of Cleveland, wrote an article entitled "Should Constitutions be Forgotten?" in the *Ohio Law Bulletin and Reporter*.³² Morgan's reply took the form

³⁰ *PD*, September 15, 1929.

³¹ *Ibid.*

³² Vol. 30, pp. 127-44 (September 2, 1929).

of another article in the same journal.³³ After noting that Bennett had never testified on the election bill, although he had frequently been in Columbus during the hearings, Morgan revealed that he had personally asked Bennett for his assistance in drafting the bill. Bennett had replied that he could not help without receiving "substantial compensation," the funds for which were unfortunately unavailable. Acknowledging that this observation did not answer Mr. Bennett's criticisms, Morgan went on to write a twenty-page rebuttal, flailing Bennett's knowledge of the law and his narrow view of constitutional development. In a trenchant and detailed argument Morgan answered Bennett's contention that the new law invaded individual rights. Bennett had argued that the provision requiring that petitions be signed by registered voters was unconstitutional because the state constitution held that petitions such as initiative and referendum could be signed by electors. His position was that the right to sign a petition was a constitutional right granted to all who qualified to vote, not just to those who were registered. To buttress his case Bennett had cited a common pleas court decision made sometime before the Ohio constitutional convention of 1912. He asserted that this decision, "fresh in the memory of the members of the constitutional convention," remained the law because the convention did not change the "constitution as expounded" in that common pleas court decision.

Asserting that it was extremely unlikely that many members of the constitutional convention had ever heard of the lower-court case, Morgan went on to demonstrate that the case was not pertinent to Bennett's claim that all electors were constitutionally qualified to sign petitions. He cited the relevant facts in another court decision to prove that for the purpose of petitions "electors" meant "registered voters" in communities requiring registration as a qualification for voting. Morgan assured his readers that the constitutionality of requiring that petitions be signed by registered voters was carefully considered in the election committee hearings, and he pointed out that the provision was included in order to prevent the filing of fraudulent petitions. Citing recent experiences in Cleveland, where numerous initiative and referendum petitions had been found to be filled with names obtained

³³ "The Constitution Was Not Forgotten," *Ohio Law Bulletin and Reporter*, Vol. 30, pp. 466-85 (November 25, 1929). Morgan wrote this article because he felt that Bennett gave such a one-sided view of the court cases that "it would be easy enough for the impression to get abroad that important provisions of the new election code are unconstitutional, and that would be an unhappy result for many reasons" (letter from DEM to Senator Paul M. Herbert, September 12, 1929 [Morgan Papers]).

from telephone books or city directories, he argued that the high cost of checking for fraud seemed to justify an effort to curtail such abuses. The registration requirement was designed to allow officials to determine the validity of petitions quickly, accurately, and at small expense. Morgan concluded this section of his article with the comment that to regard the election bill as a violation of constitutional rights and "monstrous," as Bennett had done, was "in the style of an eighteenth-century pamphleteer and not a twentieth-century political scientist."

Despite such criticism of Morgan's position on the election code, there was no doubt that he had created a favorable impression both in the state capital and in Cleveland. The favorable publicity he received as a state senator attracted the attention of political leaders in both cities. He was mentioned as a likely candidate for the United States Senate or the House of Representatives, and Governor Cooper offered him a position on the politically important state Public Utilities Commission. Because of obligations to the partners in his law firm, he regretfully refused the position on the commission. Internal developments in the political life of Cleveland led him to resign his senate seat on January 28, 1930.³⁴

Although Morgan never returned to the Ohio legislature, he indirectly continued his service there by consulting frequently with members of both houses about the business before the assembly. Perhaps Morgan's most significant contribution to the state, apart from the election code, came in 1932, when the state passed the first public housing law ever enacted in the United States. This act, which authorized the creation of a semi-private Public Housing Corporation, was designed to help eliminate slums by building low-cost housing for families with limited incomes. Ernest J. Bohn, a young Cleveland city councilman, had originated the idea in council and had worked with the spirit of an evangelist to enlist widespread community support for the idea.³⁵

³⁴ *CP*, undated clipping (Leavelle Papers); letters from DEM to Governor Myers Y. Cooper, November 11, 1929, February 28, 1930 (Morgan Papers). Actually, by July, 1929, Morgan had decided not to run again for state senator. He revealed this information in correspondence with the president of the Cleveland-based oil company in which he had stock. Morgan had been concerned about the possibility of a conflict of interest arising out of his ownership of oil stock at a time when, as a state senator, he would have to vote on a number of measures dealing with the oil industry. He decided to sell the stock (letters from DEM to Burt Zimmerman, May 24, July 5, 1929 [Morgan Papers]).

³⁵ Numerous letters and drafts of state bills, 1932-36 (Morgan Papers); *PD*, October 5, 1932; *CP*, October 4, 1932. A good example of Morgan's interest in and influence on legislation after he ceased to be a member of the State Senate is his participation in the movement to adopt a unicameral legislature for Ohio in

To create an effective instrument of action in this pioneer battle for urban renewal it was necessary to secure legislation at the state level. Bohn led the fight for passage of the public housing law and Morgan was one of his most effective supporters in persuading legislative committees to approve the proposed legislation. Working closely with Bohn on drafting the bill, Morgan was the author of the controversial section providing the Public Housing Corporation with the right of eminent domain that was essential to the concept of low-cost housing. Had this section of the bill failed, the whole project would have been blocked by the initial cost of land. Supporters of this bill knew from past experience that unless they had the authority to acquire land at reasonable prices, the cost of purchasing slum properties would prohibit low-cost housing.³⁶

It was a difficult task to persuade the legislature to give the right of eminent domain to a private corporation, no matter how desirable the end. In the previous assembly, during the spring of 1929, Western Reserve University had tried to secure this right to facilitate their program of expansion. Despite the pleas of university representatives, who explained that their building program was being halted by property owners who demanded exorbitant prices, the legislators refused to grant the right of eminent domain to the university on the grounds that such legislation would invade the property rights of the individual.³⁷

But in 1932 the Eighty-ninth Assembly was persuaded by Bohn and Morgan to grant the right of eminent domain to the Public Housing Corporation. Dale Cox, a columnist for the Democratic *Plain Dealer*, wrote that "Bohn and Morgan (both Republicans) had made possible one of the most progressive steps in social legislation the state has ever taken." Cox singled out Morgan for his

1935-36. This movement was started by Professor Harvey Walker, Emmett L. Bennett, Charles P. Taft, and Mayo Fesler as a result of the failure of the state legislature and Governor Martin L. Davey to agree on legislation during the crucial years of the depression. Walker frequently consulted with Morgan on a proposal to amend the constitution by the initiative process. Bennett, whom Morgan had criticized so vigorously over the new election code, wrote to Walker that it was "highly important to have Morgan's support" if they were to be successful in their efforts. (Letter from Walker to DEM, December 28, 1935, January 9, 17, February 12, 1936; letters from DEM to Walker, January 6, 20, 1936 [in this letter there is an interesting discussion about the rivalry between Bennett and Fesler—rivalry which led Fesler to reject the amendment drafted by Bennett], February 5, 1936; letter from DEM to Fesler, January 6, 1936; letter from Fesler to DEM, January 14, 1936 [Morgan Papers]).

³⁶ PD, October 5, 1932; *Ohio State Journal*, March 2, 1929.

³⁷ *Ohio State Journal*, March 2, 1929.

role in the achievement: "Never was the social vision and the practical political judgment and capacity of Daniel E. Morgan shown to better advantage than in the victory of the state housing act. . . ." ³⁸

³⁸ PD, October 5, 1932; information provided in an interview with Ernest J. Bohn, October 6, 1964. Bohn told the author that Morgan had raised the question of the need for low-cost housing during his campaign for mayor in January, 1932, and that he continued to press for adoption of such a project to demonstrate that his proposal was not just an election stunt. However, according to Bohn, this statehouse bill of 1932 was not successful because it lacked provisions for tax exemption for investors. Bohn then pressed for the enactment of a new housing bill that contained this provision, and he was successful in 1934. Morgan, who had some reservations about the tax exemption aspect of the legislation, did not participate in the work on the second bill.