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THE CIVIC REVIVAL IN OHIO
THE FIGHT AGAINST PRIVILEGE IN CLEVELAND AND TOLEDO,
1899-1912

DISSERTATION
Presented in Partial Fulfillment of the Requirements for the Degree of Doctor
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by
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Approved by:

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INTRODUCTION

THE CIVIC REVIVAL IN OHIO
INTRODUCTION

THE CIVIC REVIVAL IN OHIO

In the year 1897 the people of Toledo, Ohio chose as the mayor of their city a man named Samuel M. Jones. He was a manufacturer of oil well appliances who in the middle of life had begun to read and wonder about the ethical and economic problems of human existence. His conduct embarrassed some of his fellow towns-men because both in public and private life he was willing to translate the abstractions of Christian philosophy into homely practice. Jones' most marked personal characteristics were an almost overpowering feeling of kinship with the rest of humanity and a direct, unsophisticated habit of mind which made it possible for him to infuse commonplace events with a spiritual significance. It did not seem incongruous to him that his belief in the brotherhood of man and the eight hour day should be voiced in the same poem nor that in another poem he should treat the right to work as a corollary of the Golden Rule. Jones was more fortunate than many lovers of humanity for while he necessarily made many political enemies and was continually reviled
as a humbug and a hypocrite he nevertheless convinced the mass of Toledoans of his sincerity. They responded loyally in every crisis, re-electing him mayor in 1899, 1901 and 1903, each time against the opposition of the major and minor political organizations, the preachers, the reformers, the business associations, the newspapers, and the orthodox Socialists.

Jones died in 1904. A year later one of his disciples, Brand Whitleck, succeeded to the mayoralty and retained that office until 1913. Whitleck was a young attorney and novelist who was to achieve international recognition as the American Minister to Belgium during the first World War. His friendship with Jones left a deep impress on his life, but even before coming under the Mayor's influence, Whitleck had been exposed to a variety of social environments which in themselves were enough to produce an unusual type of politician. He had grown up in Methodist parsonages in a succession of small towns in Northern Ohio; he had been a newspaper reporter in Chicago during one of the more flamboyant periods of that city's history; later he had known and admired John Peter Altgeld and had held a political job during the latter's term as Governor of Illinois. Long before he became mayor, he had begun to feel a distaste for politics. Though a lawyer, or perhaps because of it, he had acquired
a distrust for statutes. He was convinced that in every case, mercy was a more rational ideal than justice. By the time of his first election he had published two novels and was working on a third. Already he had begun to want to give up everything else and devote himself seriously to a literary career.

While Jones and Whitlock were revolutionizing the theory and practice of politics in Toledo a still more commanding figure rose to dominate the political life of the neighboring city of Cleveland. Tom L. Johnson, mayor of Cleveland from 1901 to 1909, was the son of a former slave owner. Wealthy before he was out of his twenties, Johnson was on the road to becoming a millionaire when his interest was dramatically diverted from money-making to the social philosophy of Henry George. Though himself a successful street railway operator, Johnson never lost an opportunity to point out the virtues of public ownership of public utilities. Similarly, although at one time prominently identified with an important steel enterprise, he was a vociferous free trader. By 1901 he had divested himself of all his business holdings and henceforth directed his energies exclusively to politics. As Mayor of Cleveland he led the citizens of that city in one of the twentieth century's most interesting experiments in democracy. The qualities
of resourcefulness and leadership which he displayed in his fight to build what he called "a city on a hill" entitles him to rank as one of the outstanding statesmen of the last fifty years.

Closely identified with Johnson in his work in Cleveland were Newton D. Baker and Frederic C. Howe. The former was a brilliant attorney who served as City Solicitor under Johnson and was elected mayor after Johnson's death. Like Whitlock, he won national prominence during the administration of Woodrow Wilson. Howe was a serious young reformer who was converted into a radical by association with Johnson. His career makes an attractive study because it is the best documented illustration we have of the evolution of an Eastern intellectual liberal, schooled in civil service and tariff reform, into a middle-western democrat.

The purpose of this essay is to describe the political movement evoked by the ideas and personalities of these men and the issues which they brought before the people of their respective cities. The movement has been called the "Civic Revival" because it represents the re-awakening of faith in cities as positive agents of civilization. Specifically it marks a revival of hope in the possibility of achieving democracy in an urban environment.
after a long period in which the problems wrought by city and industrial growth had seemed so complex that many Americans despaired of a democratic solution to them. Thomas Jefferson was but one of a succession of philosophers and statesmen who looked upon democracy as the peculiar property of an agrarian people.

The rising interest in civic affairs in the early nineteen-hundreds was not confined to the cities of Cleveland and Toledo nor even to the State of Ohio. Indeed this period is known as an era of municipal reform. The "Civic Revival" which forms the subject of this study, however, was not a typical municipal reform movement. Unlike so many other contemporary movements, the Civic Revival was not a short-lived uprising of the people of the two cities against notoriously corrupt administrations. The aim of its leaders was not to "throw the rascals out" by electing the other party to office. Certainly it was not an attempt by good government groups to give the cities involved a businessman's government. While the movement introduced many reforms which made the politics of the two cities cleaner and the administration of their affairs more efficient, its main impulse was not toward reform. From a political standpoint the Civic Revival was not primarily an effort to secure "good government" but rather one to regain self-government.
For this reason "The Civic Revival in Ohio" is essentially a study of political personalities, issues, philosophy, and techniques. But as it will be abundantly emphasized in succeeding chapters the leaders of the Civic Revival were interested in such political measures as municipal home rule, the destruction of party rule, and the democratization of state and local government through the use of direct legislation, not as ends in themselves, but only as means by which a definite social program could be realized. As it happened the Civic Revivalists never won the complete political control over all the agencies of government which was necessary for them to put their program into effect. Consequently this essay is a study of conflict rather than of achievement. Its aim is to show in as concrete a way as possible what the Civic Revivalists were fighting for, what they fought against, and how the fight was carried on.

The Civic Revival occurred during the period of American history which is known as the Progressive Era. Although the period was characterized by a sensible awareness of the need for improving the political methods of democracy, it was a time when the basic premises of American political philosophy were accepted with more
enthusiasm and less questioning than ever before or, perhaps, since. Because the leaders of the Civic Revival believed so thoroughly in the promise of America's future and were so confident of the ability of the individual average man to determine his own economic and political destiny, the writer's original intention was to present the Civic Revival as the urban phase of the national Progressive Movement. As his research progressed, however, he became more and more impressed by the features which distinguished the Cleveland and Toledo movements from the numerous other local, state and national reform and trust-busting activities which were taking place at the same time. He began to believe that in this particular instance it was the features which made the movement unique instead of typical that made it worth study. Consequently in writing the dissertation the author has emphasized the elements which separated the Civic Revival from the other progressive movements of the time rather than those which connected it to them.

The majority of the other uplift movements occurring simultaneously with the Civic Revival were political manifestations of the reform or (as one of the leaders of the Civic Revival phrased it) the "evangelical" psychology. Their aim, reduced to its lowest common denominator, was simply to make people be good. Their program was to
induce upright men to unite into a militant political force, secure the passage of good laws, enforce them rigidly, and put the bad people (i.e. the law breakers) into jail. The Civic Revival was also an attempt to improve men's characters but unlike most of the reform movements contemporary with it, it was animated by an economic rather than moralistic approach to the problem. Leaders like Golden Rule Jones and Tom Johnson believed that unwholesome social conditions and not wicked or weak men and women should be the target of the true reformer's zeal. They thought that humans grew better from the inside out instead of vice versa; therefore they had no interest in using coercive laws or revolutionary force to impose a higher standard of conduct on society. What they did hope to do was to rid society of two factors which they felt made the normal development of an individual's personality much harder to achieve than it should be.

These two factors were privilege and poverty. To the Civic Revivalists they were inseparably linked, for, as they saw it, privilege was the cause of poverty and poverty was the social condition out of which ignorance, despair, crime, and vicious habits grew. According to their definition, privilege was akin to monopoly. Our
present economic system offers a prize to men for being unscrupulous, they said. That prize is privilege. Privilege is the right acquired or protected by law of doing business under more favorable terms than those enjoyed by the rest of the people. It is the economic advantage private individuals derive from such benefits as protective tariffs, franchise grants and tax exemptions, or from the private enjoyment of the socially-created values of land, natural resources, and public utilities. Frederic C. Howe called privilege the art of getting something for nothing, of gaining wealth without labor.

The Civic Revivalists were disturbed by privilege, not just because they believed it unjust that a few men should profit at the expense of the rest of society, but because they thought that no matter in what way privilege was expressed, its economic result was always the same: Privilege is a means of siphoning off, or taking wealth, they said, but not of producing it. It is destructive rather than creative in its results for it blocks the normal avenues by which wealth is produced. Its result is poverty—not the material poorness of the philosopher or the pioneer farmer—but the enforced sordid destitution of the slums and tenant farms.

The Civic Revivalists were aroused because they thought that privilege, far from being a necessary or
natural phenomenon of social development, was an artificial, abnormal condition. They were worried because they thought that ultimate control of politics, as of nearly every other phase of American life, was passing into the hands of a small group of men who used their wealth and social prestige to win new privileges which would in turn bring them still more wealth and power.

It was not a part of the Civic Revivalists' program to punish men either because they had succeeded or failed under the existing system. They hoped instead to establish in their cities a new privilege-free system, in which the granting to all of equal access to the natural opportunities of the community would end involuntary poverty; in which the wealth created by the mere presence of large numbers of people in a limited area would be taken by the city and used for the benefit of all its citizens; and in which each individual, corrupted neither by privilege nor poverty, would be able to devote his best and sincerest efforts to the development of his own and his city's personality.

How the Civic Revivalists tried to take down the prize of privilege and what they did toward the realization of the new system in Cleveland and Toledo is the subject of this study. The fight against privilege has
been made the theme of the essay for two reasons. In the first place, the concept of privilege (more than the accident that they took place at the same time and in the same state) is the consideration that makes it possible to treat the Cleveland and Toledo movements as one. The second reason is simply that it appears to the writer that the fact that the Civic Revival was a conscious battle against privilege is what makes this segment of local history important and worth more than casual attention. The concept of privilege is perhaps the most important recent American contribution to political philosophy. If for no other reason, it has significance to the student as an example of an economic interpretation of politics developed independently of Marxian influences. The concept has a practical as well as an academic interest today since it offers a rational explanation of social problems at a time when war conditions suggest the possibility of a resurgence of the barren evangelical psychology.

For these reasons the writer has allowed the idea of privilege to determine the organization of the paper. The first section describes the personalities of the leaders of the movement and attempts to show how four of them came to understand privilege. The second section presents the philosophy of the Civic Revival. Its
purpose is to define the term "privilege," to explore the influence of the single tax theories of Henry George on the movement, and to explain the attitude of the Civic Revivalists toward home rule, direct legislation, and municipal ownership of public utilities. The central and most significant portion of the dissertation contains several examples of how the Civic Revivalists fought privilege. This has been done not by emphasizing electoral campaigns, but by discussing the street railway controversy in Cleveland, Tom Johnson's fight for tax equality, and the gas and ice monopoly cases in Toledo. In this section the writer has also placed a chapter on the political techniques of the Civic Revival and one entitled "How Privilege Fights." The last section of the study describes some of the results of the movement. Its most important results were admittedly intangible in nature: civic enthusiasm, humanitarianism, and the development of an enlightened social curiosity. Nevertheless an attempt has been made to present these results in a graphic way through a discussion of the park popularization policy in Cleveland, the Civic Center movement, Cooley Farms, and other efforts undertaken by the Civic Revivalists to make their cities human.
In presenting the Civic Revival it has not been the author's intent to draw up a balance sheet of the virtues and deficiencies of the movement. His aim has been objective in the sense that a sincere effort has been made to comprehend what the Civic Revivalists were thinking and trying to do and to write understandingly of their program. The approach cannot claim to be dispassionate, for from the start the writer liked the men he was writing about and found their ideas stimulating.

The study of a ten-year period in the political history of two middle-western cities may not strike the casual reader as a subject of absorbing interest. Yet this conscious effort to make democracy work in an urban, industrialized society excited great optimism and enthusiasm among those who were engaged in it. They were conscious of the importance of their work and proud of their responsibility. The leaders of the movement liked to think that out of their efforts on behalf of the people, and even more out of the efforts of the people themselves in uniting against the enemies to their sovereignty, Cleveland and Toledo had emerged as real cities where before there had been only a lot of people living around factories. To those who took part in the Civic Revival, it was a tremendous experience. Years afterward
Brand Whitlock, loaded with honors for his work as American Minister to Belgium during the first World War, would recall his career as mayor of Toledo as the most satisfying period of his life. In the midst of a lifetime devoted to liberal causes, Frederic C. Howe would remember his participation in the Civic Revival as the crusade of his youth. The writer has been sensible of this spirit, and it is his hope that something of the Civic Revivalists' optimism and enthusiasm has been carried over into the writing of the paper.
SECTION I

THE LEADERS OF THE CIVIC REVIVAL
SECTION I. THE LEADERS OF THE CIVIC REVIVAL

INTRODUCTION

One of the most important aims of the Civic Revival was to make cities human. Therefore we must make our study of this movement as human as we can. We must try to understand the influences which made the chief figures of the movement the kind of men they were when they came into political leadership in their respective cities. The men to whom we shall devote the greatest space in this section are Samuel M. Jones, Tom. L. Johnson, Frederic G. Howe, and Brand Whitlock. Others who made important contributions to the civic revival were Newton D. Baker, Peter Witt, Edward W. Bemis, Harris R. Cooley, and Herbert S. Bigelow. Jones and Johnson were businessmen; Howe, Whitlock, and Baker were lawyers; Cooley and Bigelow were ministers. Thus the leaders of the Civic Revival were drawn from classes which do not ordinarily support radical programs for the improvement of society. These men differed from each other in important respects, but they were alike in possessing one quality not often
found in municipal reformers: each one of them had a conscious philosophy of life and government. Furthermore, as a group, their social beliefs were harmonious; they were in general agreement both as to the cause of municipal corruption and as to its cure. It is for this reason, as much as because they occurred at approximately the same time and in the same state, that we are justified in considering the Cleveland and Toledo movement as parts of a larger one to which we have given the name, the Civic Revival.

Jones apparently derived his philosophy from a kind of social (as contrasted to a religious) experience. Johnson and Bigelow got theirs primarily from Henry George. Whitlock obtained his from his association with men like Altgeld and Jones, from his experiences as a lawyer and reporter, and from the wide reading which encouraged his native compassion. Howe, Baker, and the other figures in the Cleveland movement got their inspiration primarily from Johnson. Witt had been a Populist; Cooley put into action the teaching of the Social Gospel. The presence of a life concept gave these men the vision, idealism and courage they needed to sustain them in their long fight. Most of all it gave them purpose: they knew what they wanted to do. The possession of an underlying
philosophy did not make them dogmatic. Instead it provided them with a foundation which made their experiences meaningful to them and which made them all the more receptive to new ideas.

What makes a radical? Why are some men dissatisfied with the comfortable assumptions their fellows accept? Why did Whitlock seek four terms as Mayor when, to put it mildly, politics distressed him? How did it happen that Newton D. Baker, a scholarly and fastidious practitioner of the most conservative of the professions, became, for a time, a dogged battler against the interests most lawyers defend? Something happens to some men which makes them feel the injustice of existing conditions more keenly than others. Something gives them a clue to what is wrong. Something else gives them an idea of what society should be like. And something makes them feel most at peace with themselves when they are fighting hardest to make this vision come true. We propose to examine the personal history of a few of the leaders of our movement in an attempt to discover what it was that made them radicals, or, as the single taxers used to say, how they came to "see the cat."
CHAPTER 1

SAMUEL M. JONES: THE MAN WITHOUT A PARTY

(Tune: "Battle Cry of Freedom")

I'm a man without a party, a free untramelled soul,
Striving for liberty and freedom;
An undivided portion within the human whole,
Striving for liberty and freedom.

-- Samuel M. Jones

Samuel Milton Jones, mayor of Toledo from 1897 to 1904 and the first of the Civic Revivalists, was born in Wales in 1846. His family immigrated to America when he was three years old and settled in western New York. At ten he was "hired out" to a farmer for three dollars a month. At fourteen he was working twelve hours a day in a saw mill. A little later he got a job on a Black River steamboat, and when about nineteen, excited by stories of high wages, he went to the Pennsylvania oil regions. This was to be Jones' home for twenty years. After the death of his first wife he moved to Lima, Ohio where new oil fields were being opened. He leased land, drilled wells, and was one of the incorporators of the Ohio Oil Company which was later absorbed by Standard Oil.
In 1892 he remarried and moved to Toledo. Meanwhile he had been working on improvements in oil well appliances and in 1894 organized the Acme Company to manufacture the steel sucker rods which he had invented. Three years later Jones was nominated for mayor by the Republican party. He won the nomination because three other men were fighting for it. Two of them hated the third so much that they withdrew from the race and gave their combined support to Jones. At this time Jones had been a resident of Toledo for only about four years. As an employer his labor policies had attracted considerable local attention. He was considered an orthodox party man with some mild eccentricities which it was hoped would attract the labor vote to the Republican ticket. In a normally Republican city he was elected by the comparatively narrow margin of 534 votes.\footnote{The chief source of material on Jones' life up to 1899 is the autobiography which forms the first chapter of his book, \textit{The New Right}.}

The man who became mayor of Toledo under such ironic conditions was destined to dominate Toledo politics for seven years. His ideas, turned into issues by his attempt to apply them to specific conditions, were to be the fundamental ones in Toledo for almost another decade.
Out of his reflections upon certain of his experiences he had already constructed a fairly definite social philosophy. His political theory was not yet definitely formulated, but the events of his first term would crystallize into a political philosophy attitudes which were already a part of his personality.

Jones' experiences were not unique, but his reactions to them were, at the very least, unusual. As a young man working (usually out of work) in the oil fields of Pennsylvania, he and some friends discovered that the planks on a certain bridge were in such bad condition that the bridge was all but impassible. Appropriating some boards from an abandoned oil derrick Jones and his companions repaired the bridge, built a toll gate, and began to charge the teamsters who used the bridge ten cents. At first the teamsters were glad to pay the toll. At length, however, they joined forces and demanded a free bridge. Jones and his friends were forced to give way, but not before they had collected about twenty-seven dollars as their reward for the use of some other men's lumber and two hours of their own labor. "And I presume that we would have been taking toll to this day had not the teamsters asserted their rights...," he wrote.² The moral Jones drew from this episode was

²Ibid., 52-53.
"combine and stop injustice." Most business men of his day would have said: "This shows how anybody who has initiative can get ahead no matter how hard times are."

Jones' experience with the Standard Oil Company was typical of what happened when independent operators were confronted by the trust: The Ohio Oil Company was forced to sell out and Jones' attempt to interest Standard in the improved sucker rods he had invented was unsuccessful. These events were instructive rather than embittering to him. Looking back upon them several years later Jones said that from the Standard Oil Company he had learned that competition leads inevitably to monopoly. The methods of Standard Oil were simply the methods of business. It had succeeded in mastering the game all business tries to play. Instead of passing laws to prevent the consolidation of business, he said, the public should assume the ownership and operation of all the trusts. Then the savings made possible by the trust (which savings he regarded as social products) would be distributed for the benefit of all of the people. 3

Without a doubt the event which had the greatest influence on Jones' later career was the opening of the Acme Sucker Rod Company in Toledo in the depression year

3Ibid., 57-61.
of 1894. The experience gained from this venture shocked him into a realization of the problems of the city worker. While the factory building was being made ready for occupation, hordes of men swooped down on Jones, begging him for a chance to work, a chance to do anything no matter how low the pay. For several years, according to his son Paul, he had been distressed by the labor strife of the early eighteen-nineties. He had reasoned that the cause of it was low wages; if workers were paid better they would not strike and then there would be no violence. Now he began to see that there were social problems which involved deeper issues than wages. He never recovered from the sense of shame and degradation, the feeling of physical nausea, which overwhelmed him at the thought of men eager to work but denied the right to do so through no fault of their own.

Jones was forty-eight years old when the opening of his factory called his attention to social problems. His awakening was not accompanied by a revelation of what he should do about the conditions which disturbed him. He had to work out the answers for himself. The remaining ten years of his life were devoted first to an attempt

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4 Interview with Paul Jones, March 27, 1942.

5 For Jones' own account of his experience see The New Right, 61 et seq.
to find a satisfactory personal solution to the economic and moral problems of the modern industrial world, and second, to a conscientious experiment in putting his convictions into effect in his daily life.

In this quest he got some help from books. One of the first things he read was an essay by George D. Herron, the Iowa Christian philosopher, called "The Philosophy of the Lord's Prayer." Herron's argument that if we call God "Our father" then we must treat all men as "our brothers" made a deep impression upon Jones. He had always enjoyed poetry and now he began to read more deeply in what Brand Whitlock called "the literature that dealt fundamentally with life." He came to love especially the works of Whitman, Emerson and Tolstoi. From them he gained many ideas and appropriated phrases he liked to quote. It appears, however, that consciously or unconsciously what he was looking for in them was an expression of the thoughts which were already forming in his mind. His reading buttressed his thinking rather than made it. Despite the influence men like Herron and Eugene V. Debs may have had on Jones, he seems to have

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6Jones discusses the effect upon him of this essay, ibid., 400.
7Introduction to Samuel M. Jones, Letters of Labor and Love.
8In a Socialist Party broadside Debs claimed that a speech he delivered in Toledo in 1895 was chiefly
reached his philosophical conclusions mainly by a process of observation, reflection, and feeling rather than by consciously adopting a ready-made social program.

A question which must be answered is why it was that Jones' experiences and readings made such a deep impression upon him. Other men have had experiences similar to his and have read the same books without being impelled to do the things he did. The answer, or as close as we can come to it, is that Jones had in a very real and literal sense a social conscience. Jones was not a reformer. A year before he died he wrote: "I have never had a program; I have never planned a campaign to reform society, the city or the world... I have simply tried to keep at peace with the eternal hammering within my breast." Jones was a religious man. Just as simply as a child he wanted to be good. The strongest religious belief he had was a faith in people and a feeling of kinship with them. He differed from most pious men in refusing to separate humanity into categories of good and bad. We are all people, he would say, just people: all good, all bad, all alike and all different. We are responsible for starting Jones on his career of agitation for better social conditions. Eugene V. Debs, Mayor Jones and "All the People."

not equal in strength, in wisdom, in hereditary advantages or in social opportunities. But we are equal in the sense that we are all brothers and all dependent upon each other; all contributing something to society and all bearing a responsibility for society's failures and injustices. To Jones, not the value of land alone, but our whole civilization was a social product. Even the most original inventor builds upon the work of other experimentors; even the most radical thinker uses the ideas and language of other men. Perhaps the chief reason why the Golden Rule appealed so strongly to him was because of its social implications. There must be "others" as well as "you." For one with such a conviction of the brotherhood of man it was as impossible to live placidly in an inharmonious world as it would be for a sensitive man to live happily in a wrangling family.

In order to keep at peace with himself Jones adopted the labor policy at the Acme Sucker Rod Company which won him his nickname, "Golden Rule." He had the Commandment printed on a piece of tin and hung it up as the only rule of the factory. The eight-hour work day was established. A minimum wage of two dollars a day was paid employees. Each employee received a week's vacation with pay and at Christmas time was given a bonus amounting to five per cent of his year's wages. He encouraged his
employees to join a union both for the practical benefit he felt they would derive from membership in it and because he favored all organizations which made men brothers rather than competitors. In order to bring the men into closer relations with each other and with himself Jones had low cost meals served in a dining room operated by the company. He insisted that making men was as important a part of the company's work as making money. Next to the shop was an acre tract of ground called Golden Rule Park. On Sunday afternoons in the summer Jones, his employees, and other interested people would gather here for discussion and music. Jones looked upon the park, and upon Golden Rule Hall, later constructed across the street from the shop, as forums where the workers and the public could discuss social problems. To an interviewer he tried to express "how much like men it makes us feel" to think that part of our time is spent in learning how to help each other rather than in complete devotion to the business of making a

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10 A typical program included music by the Golden Rule Band and the Golden Rule Singing Club; an address, "The Church of Yesterday and the Church of Tomorrow," by Charles Ferguson; and the participation of the audience in the singing of two of Jones' "Freedom Songs": "Freedom Day" and "Promise." Golden Rule Park Program, Sunday, May 17, 1903 (Jones Family Scrapbooks).
living. 11

Jones was always careful to point out that the Acme Company's labor policy was not adopted because of his philanthropic interest in the working men. It was an earnest expression of his belief in the social origin of the wealth produced by his factory, and a recognition, on his part, of the injustice of the existing wage system. 12 As Jones saw it, the wage system was unjust because the employees of the Acme Company did not receive the full value of the labor they put into the sucker rods produced by the factory. They got the value of their labor, minus the company's profit. 13 Under present conditions, said Jones, the only purpose for which any factory is operated is to make money out of labor; when a shop is unable to make money out of a man's labor, that man is fired. 14 All he was doing, Jones insisted, was adopting expedients to distribute the wealth created by his employees a little more equitably than was done in most factories. He saw no hope of a really fair distribution as long as


12 See *Letters of Labor and Love*, 91-98 for Jones' discussion of the labor policy of the Acme Company and his reasons for adopting it.

13 Jones' theory of wages is most clearly stated in *The New Right*, 210.

14 Ibid., 158.
society retained the system of competition and private ownership of industry (i.e. as long as the employer's profit was extorted from the value of the employee's labor).

From first to last, the social problem which most interested Jones was unemployment. It had a special significance to him because he felt work was necessary to the proper development of personality. He was as truly sorry for the idle rich as for the unemployed poor. Furthermore, he had convinced himself that the right to work was as much a natural right of man as the right to breathe. But to him the right to work encompassed more than mere employment—more than slavish toil at a monotonous task. It meant the right to do honest work, useful work, work to which the individual was suited, and the right to receive full pay for the labor expended. It meant the chance to do artistic work, the kind of work William Morris had in mind when he said, "Art is the expression of man's joy in labor."  

Jones was distressed by the way unemployment was forcing men into poverty and crime. The right to self support seemed to him an especially acute problem in a

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15 The "New Right" of which Jones wrote was the right to work. *Ibid.*, 115-161.

16 *Ibid.*, 150. This was one of Jones' favorite quotations.
democracy. Without that all of our boasted liberties are a myth, he said, and he was not sanguine of the possibility of long retaining other individual rights in a country where the overwhelming majority of people had no legal claim to a livelihood.

It was typical of Jones that he did not point to any individual or classes as the cause of unemployment. As an employer, as mayor, and as an open-eyed man Jones was constantly confronted by unemployment. But unlike many men less familiar with the realities of the problem than he, Jones declined to put the blame on the unemployed. They are shiftless; they are lazy; they drink; they don't want to work. None of these worn cliches convinced him. There is something wrong, he agreed, but it is something deeper than the frailties of the poor. He did not blame machinery. Machines have added speed, intensity and discomfort to production so that many factory jobs are equivalent to imprisonment at hard labor, but they are not the cause of unemployment. In his opinion the chief cause of the most pressing problem of our time was the competitive system. This system has failed, Jones would say, for it has not given men jobs, adequate pay, or reasonable hours of work. It has failed because it is not geared to satisfy the needs of society but only to
fill the pockets of a few individuals. He hated it because he saw in it a denial of brotherhood. It makes our lives a scramble for money, said Jones; it makes the strong exploit the weak and the weak kick the weaker. The more he thought about it the more convinced he became that the competitive system must be replaced by one of cooperation. Jones did not think this an impossible thing to hope for. In his own lifetime he had seen men accomplish such wonderful things for themselves that he was sure they could do even more wonderful things for each other. Enthusiastically he noted "the larger recognition of social obligation that is coming to us, and coming with whirlwind speed in these closing years of the nineteenth century." He believed that with the help of this awakening spirit the substitution of the cooperative for the competitive society could be brought about by combining political action with the personal regeneration of the individual--i.e. by a program of legislation and education. In the meantime, while working for the fundamental reform, Jones recommended some immediate steps to combat unemployment: divide the day

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\(^{17}\)Ibid., 142. Jones quotes a sentence to this effect which he attributes to Alfred Russel Wallace.

\(^{18}\)Ibid., 150.
into eight-hour shifts, thus making more jobs available and organize a public works program to bring together idle men and idle capital.

His annual message to the Council for the year 1898 reveals that by the middle of his first term as mayor, Jones had arrived at some conclusions regarding the function of government, and that he was ready to propose measures to carry out his theories. As indicated above, he believed that the state \( i.e. \) any political unit to which he habitually referred as "all of the people," was the agency through which social reforms should be effected. He believed this to be true because he felt the state was the only organization of which every person was a part; it was the only instrument through which men could express their love and concern for all their fellows. Jones' political ideal was

\[19\] Over the entrance to Jones' factory was a sign bearing this message:
"Every man who is willing to work has a right to live Divide up the day and give him a chance."
One of his most popular songs was entitled "Divide the Day." Words and music to it may be found in Toledo Saturday Night, May 13, 1899.

\[20\] Toledo, Annual Statement . . . and Reports of the Various Departments for the Year Ending April 1st, 1898, 13-38. (Hereafter cited as Toledo, Annual Statement, with year.) There is a brief, understanding statement of Jones' political beliefs in Ernest Crosby, Golden Rule Jones, Mayor of Toledo, 43-48.
Whitman's "land of comrades." He liked to picture the ideal state as similar to the ideal family. We should notice, however, that the thing which attracted Jones to the family as the pattern for the state was not its disciplinary aspects--the stern father keeping turbulent children in check by meting out just punishments--but the equality that members of a well-knit family share. He liked the all-for-one, one-for-all spirit which common interests and common ownership of the things necessary for life promotes within a family group. He wanted the citizens of Toledo to be members of a family which owned the things necessary for its life, and which did things for its members. In the city-family of which he dreamed no members would make money at the expense of others, and all members would contribute something more to the city's life than their mere presence and the payment of taxes.

In order to bring this ideal nearer to actuality, Jones, in his message of 1898 presented an ambitious program of civic improvement for the consideration of the council. He proposed the erection of a city hall; increased appropriations for streets and parks; the establishment of public baths, playgrounds, kindergartens, and better

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21 For an example of Jones' analogy of the family and the state see Letters of Labor and Love, 32-33.
market facilities. He recommended the adoption of the merit system in all city departments. More threatening to certain interests within the city and the Republican party were Jones' proposals that the city should own and operate its own gas and electric lighting plants; that the contract system of carrying on public work should be replaced by a policy of direct employment of labor for these projects by the city; and that no grants of new or extensions of old franchises should be made to private companies without the approval of the voters. Jones' humane attitude toward city problems is shown by his recommendation in the message that the city's licensing laws should be revised. He thought it both unnecessary and undesirable that Toledo should obtain revenue by forcing the poor to surrender to the city, in the form of license fees, a part of the money they scraped together from such activities as peddling and junk collecting. It is plain that Jones was already acting upon the ideas that he was later (in his book, The New Right, for example) to express in words: politics is the science of doing good through government; governments exist to serve people, not to rule them; and the function of government is to even up social inequalities rather than to create distinctions by granting privileges to some men.
Jones' idea that government exists to serve rather than to rule was not revolutionary. It was precisely what the politicians and business men of Toledo believed. But they believed in it like the religious revivalist whom they imported to stir up moral indignation against Jones believed in the Golden Rule—"up to a certain point." They believed government existed to serve them and to rule the people. As mayor, Jones made a conscientious effort to administer the affairs of Toledo in such a way that the interests of all the inhabitants, or, when this was impossible, the interests of the city as a whole would be protected. This was the fundamental issue between Jones and his opponents: Who shall the government of Toledo serve, all of the people of Toledo or certain groups of Toledoans? When the party leaders began to realize that this man whom they had elected was really sincere in the things he said, and that he really did look upon himself as "the Mayor for all the people" it was clear to them that they must get rid of him. Jones was no man to have in office when the street railway company wanted its franchises renewed and when the contract for lighting the streets was soon to expire. At the
Republican city convention in 1899 Jones was denied re-
nomination. His party irregularity was held against him
by many delegates, and the votes of others, who had pro-
fessed to support him, were quite openly bought. Jones
had earlier warned that he would not consider himself
bound by the action of this convention, which he believed
had been elected in an irregular manner. He immediately
issued an announcement of his independent candidacy for
reelection to the mayoralty. In this document he re-
iterated the promise he had previously made that he would
oppose all grants of new franchises or extensions of
existing ones and that he would work for public ownership
of all public utilities.

Independency was thrust upon Jones, but he accepted
it as gladly as if the choice had been his own. "I am a
man without a party, a free untrammeled soul, owing
allegiance to nothing less and determined to serve noth-
ing less than the whole human family, rejecting none,
excluding none, permitting and inviting all. I believe

22 The Convention is described by Jones in The New
Right, 89-91. See also Johnson, Toledo's Non-Partisan
Movement, 12; the Toledo Blade, March 4, 5, 1899, and the
Toledo Bee, March 4, 5, 1899.

23 Reprinted in Toledo Saturday Night, April 22, 1899.

24 Toledo Bee, February 18, 1899.
in the absolute . . . unity of the entire race. . . . "

It was as an advocate of absolute non-partisanism in all politics that he won his widest fame. He ran for Governor of Ohio in 1899 as an independent and his later mayoralty victories were scored as an independent candidate. In 1900 he declined the Democratic nomination for Representative to Congress from his district and he steadfastly refused to organize an independent third party in Toledo. One party is as bad as another, was his attitude. He disliked parties not only because of the use to which they were put by privilege-seeking business men, but also because, by their very nature, they were representatives of only part of the people. He wanted to serve all. He opposed them, too, because he felt they robbed men of their intellectual freedom by blinding them with prejudice and bias. He came to look upon the non-partisan as playing the same rule in politics that the non-resistant plays in war: the only way to stop war is for individuals to stop fighting, he said; the only way to get rid of the curse of partyism is to renounce parties. Jones believed that partisanship would linger longest in national elections. He was convinced that it was already


26 For Jones' mature reflections on political parties see his article, "The Non-Partisan in Politics."
disappearing from municipal politics and he always insisted that his victories in Toledo were not personal triumphs but were evidences of a popular discontent with parties; they were object lessons in what the people could do when they really wanted to discard, not only the boss and the machine, but the whole institution of Party.

The acceptance of non-partisanism marks the beginning of a shift of emphasis in Jones' philosophy. Here-tofore he had been primarily interested in the ills of society. Now he began to devote more thought to how the individual (and he meant Jones as much as anybody) could make himself a better person. He had always recognized the necessity for this. On the fence at Golden Rule Park he had painted a line from his favorite poet, Walt Whitman: "Produce great persons—the rest follows." In the last two or three years of his life, without giving up his earlier collectivism, he stressed this individualistic, passive aspect of his thinking more than formerly. The magazine articles which he wrote emphasizing the duty of every man to improve himself and his right to do nothing contrary to what his heart told him was good presumably reached a larger audience than his book, The New Right, which was published in 1899. It was these articles

27 "Mayor's Message," Annual Statement, 1901, 16.
along with his championing of the idea of non-partisanism in politics, which made him known as a philosophical anarchist.

Although he did not lose his faith in people Jones began to doubt whether, in the long run, government could be much better or worse than the average citizen. He retained his belief in municipal ownership and continued to advocate the submission of franchise grants to popular referendum, but he wryly acknowledged that in a city of thieves municipal ownership of public utilities would not produce a righteous social order. Our politics will not improve radically until our personal ideals are raised to a higher plane. Certainly, he said, there will be little improvement as long as our criterion of success is the possession of things. He did not forget his hatred of the competitive system but he realized more keenly than before the impossibility of establishing a co-operative system until education and evolution had produced co-operative citizens.  

These conclusions were not induced by any bitterness or disillusion on Jones' part. They were not stale.

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28 This trend of Jones' thought is well illustrated in the following articles: "Patience and Education the Demands of the Hour," The Arena, XXV, 544-546 (May 1901) and "The Way to Purify Politics," The Independent, LIV, 512-513 (February 27, 1902).
platitudes mouthed by a dispirited old man. They deserve our consideration because they were the sincere reflections of a man matured by work, experience, reading and thought. Jones knew more about people, more about politics, and more about business than most men. He had read, seen, done, and thought more than most. It is significant that nearly all of the leaders of the Civic Revival, travelling by different roads, arrived finally at the same conclusion as Jones. When you put your faith in individual men rather than in God, supermen, or classes, the inevitable deduction is that society will improve only as the average man becomes better. The Civic Revivalist pointed out that "the system" (Jones called it "competition") makes it hard for people to be good. Jones is important to us because he provides an example of the kind of man we will all have to become before the co-operative state is a reality.
CHAPTER 2

REFORMED BUSINESS-MAN: TOM L. JOHNSON

Of all the leaders of the Civic Revival none had a clearer mental picture of his goal than did Tom. L. Johnson, and none had a more definite program for achieving it. If there can be said to be any tragedy in a life dominated by a courageous struggle to realize an ideal it was, in Johnson's case, that he was never allowed to apply to the problems of the city the remedy which he felt was fundamental to their solution. A man who liked directness, he had to work indirectly; a man who was convinced that there could be no compromise with privilege, he had to accept, in the biggest fight of his life, a so-called victory which involved just such a compromise. Johnson was indebted to Henry George for both his goal and his program but the ability, conviction, and resourcefulness with which he pursued his ideal were his own. He was not an original thinker although he accepted new ideas as eagerly as most men hold on to old ones.¹ He had a

¹Cf. the characterization of Johnson in Frederic C. Howe, The Confessions of a Reformer, 127-129.
beautiful vision of a gleaming "city on a hill." Primarily, however, he was an active man. He was interested in physics and mathematics but his hobby was inventing things, not studying pure science. He liked big things. When he read, it was books like Gibbon's *Decline and Fall*. In politics, if he is remembered at all, it will be because, as one of his greatest admirers expressed it, "Tom Johnson first projected in deeds what other men only dreamed or wished or wrote or thought." 

Early in 1900 rumors began to circulate in Cleveland that one of that city's most picturesque characters was planning to return to Cleveland to re-establish a permanent residence there. Tom Johnson, the traction magnate, the stock manipulator, the steel man, the ex-Congressman, the single taxer, was coming home. The new rumors supplanted earlier newspaper talk that Johnson and his brother were forming a syndicate to operate the street railways of Honolulu. It was generally believed that Johnson's return was prompted by a desire to re-enter politics but no one knew whether it was his old seat in Congress or

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2Lincoln Steffens to Tom. L. Johnson, October 23, 1908. *The Letters of Lincoln Steffens*, edited by Ella Winter and Granville Hicks, I, 206. If we are to judge by the opinions expressed in his letters, the only other contemporary figure for whom Steffens has as much respect as he did for Johnson was Nikolai Lenin.
the mayoralty that he sought. The newspapers agreed that his immediate object was election as a delegate to the National Democratic Convention to be held that summer in Kansas City. At any rate his election as a delegate to the convention was secured by one of his political lieutenants on April 18, 1900.

Many people then felt toward Johnson as they were to feel all during his later political career. He was "a mysterious man," "an enigma." It was not that his political views were unknown (for he had made them clear in his two terms in Congress and by his support of Henry George in the latter's two campaigns for mayor of New York City), but that they were inexplicable. How could the president of a street railway company believe in municipal ownership? How could a steel manufacturer advocate free trade? Or, conversely, how could a sincere opponent of monopoly conscientiously allow himself to make money out of the practices he condemned? Such a man must be a demagogue. Johnson was never able to convince these people of what his friends called his "larger morality." One of his supporters commented rather bitterly on how "puzzlingly funny" it was that men who were the prey

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3See the newspaper opinions of Johnson reprinted in The Public, XIV, 673-768 (July 21, 1911), especially the quotation from The Palladium (New Haven), April 13, 1911 on page 704.
of every get-rich-quick concern and confidence game, men who believed without question whatever their newspapers or party leaders told them became suddenly skeptical and very wise whenever the sincerity of Tom Johnson was discussed. They were simply unable to understand a man so emancipated that he did not feel obliged to make excuses for the way he made his money.

Johnson announced his retirement from business at the Jackson Day Dinner held in Cleveland early in January 1901. At the same time he disclaimed any interest in political office. Nevertheless, about a month later, on the night of February 6, 1901, a delegation of fifty prominent Democrats called on Johnson at his home. They brought with them a petition, which bore upward of 15,000 names, asking him to become a candidate for mayor. Johnson then consented. He was unopposed at the Democratic primaries and at the election on April 1 received over 6000 more votes than his opponent.

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4. Joseph Dana Miller, "President Roosevelt and Mayor Johnson as Typical Representatives of Opposing Political Ideals," The Arena, XXX, 146-151 (August 1903), 150.

5. Cleveland Leader, January 9, 1901.

6. Plain Dealer, February 7, 1901.

7. Cleveland Leader, April 2, 1901.
The very first thing he did as mayor was to break a tradition. It was customary for newly-elected officials to wait for two or three weeks after the election before qualifying for office. Fearing that the incumbent mayor would give his consent to an ordinance signing away the city's rights to a strip of lakefront land, Johnson had previously obtained an injunction preventing him from acting on this issue. On April 4, immediately after the Board of Elections had completed its official count of the votes, he took the oath of office. There were then just thirty-seven minutes before the injunction was to expire. With this dramatic step Johnson began the first of his four terms. In hardly more than a year his activities had become so menacing to privilege that in order to stop him his enemies had to overthrow the government not only of Cleveland, but of every city in Ohio.

Johnson was no more of a reformer than was Jones. When serious young Fred Howe, who thought politics should be a crusade against politicians and spoilsmen, first saw him he was disappointed. Johnson was not the kind of businessman Howe counted on to redeem politics. He was

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8Tom L. Johnson, My Story, edited by Elizabeth J. Hauser, 117.
not indignant enough.\footnote{Confessions of a Reformer, 89–90.} Probably the most conspicuous thing about Johnson's personality was his attractiveness to people. There was a charm about this unafraid, happy kind of man that made people like him. Thirty years after his death a friend remembers the combination of delicacy and gusto with which he would devour a huge Sunday morning breakfast.\footnote{Interview with Peter Witt, March 24, 1942.} A generous man was Johnson, but greedy, too. Greedy for work, greedy for affection, and greedy for accomplishment.

Brand Whitlock wrote a short story called "The Gold Brick." The central figure was the mayor of a large city. After a hectic campaign he is asked: "Is there anything better in life than to know you have done a good thing, and done it well?" "Yes, just one," the mayor replies. "To have a few friends who understand."\footnote{The American Magazine, LXVII, 42–51 (November 1908).}

Johnson had that kind of friends. During his nine years as mayor there gathered around him a group of talented young men of whom Newton D. Baker, Frederick Howe, and Peter Witt are only the best known. Their relations with him were not those of courtiers, not even those of disciples. They were fellow-workers who had caught his
enthusiasm for making Cleveland a city on a hill. Because Johnsen was such a good companion the work they did with him was fun. More than that, he made them feel that it was valuable work. In after years nearly all of Johnson's associates remembered their service with him as the most important period of their lives. The personal charm of Tom Johnson is a very important factor in the history of the Civic Revival. It helps to explain the spirit which dominated the Cleveland movement as long as he lived. It inspired men in other cities to take up the fight against privilege and, it seems hardly necessary to say, it attracted many people to the movement who might have been unaffected by intellectual appeals.

Charm alone did not make Tom Johnson one of the outstanding political leaders of the twentieth century. He had in addition a quality which we will call intellectual integrity. Neither success nor defeat could distort his honest way of looking at things. When he arrived at a decision his mind was convinced by the facts in the case, not duped by his own rationalizations. When it had been proved to his satisfaction that the Henry George philosophy was true, he accepted it wholeheartedly even though it meant that he must give up his old ideas

\[12\] For a discussion of Johnson's relations with his friends see Howe, *Confessions*, 127-128.
and admit that his business was wrong. He did more than just accept it, however. He began to work for it. Critics have asked, "If Johnson was convinced that the business in which he was engaged was immoral, why didn't he get out of it immediately?" The answer is that he was not concerned with his personal goodness or badness. He did not have Jones' troubled heart. What he was interested in was advancing the single tax movement. Henry George showed him how he could help the cause by making money. Without defending his economic activities he continued them as long as they were useful to the movement to which his energies were dedicated. When he was ready—that is, when he thought he had enough money to last him the rest of his life and to enable him to devote himself solely to politics,—he retired. Johnson's mind had a kind of literalness that went beyond mere unreasoning optimism. He looked at things straight and what he saw was the important thing, the constructive thing, the thing one could build upon. When he was a little boy, he didn't cry when his toy animals were knocked over—there were two still standing. On election night in 1909 when it was plain that he had been defeated for re-election he waited up until early in the morning to see how his candidates for the Board of Quadrennial Appraisers had made out. Four out of five of them were elected. To him that
was the important thing about the election.  

Johnson realized something of what was in store for him when he became mayor of Cleveland. Shortly before the election Fred Howe asked him why he didn't break with the discredited politicians who were connected with his campaign. If he did, Howe was sure that the respectable voters would flock to his support. "Your good people will never vote for me," Johnson told Howe. "No matter what I do, they will oppose me. This fight cuts too deep. It hurts too many interests and disturbs too many opinions. The only people who will follow me are the poor and the politicians who will follow them." Before the fight was over Johnson had lost his money and ruined his health. But he was no martyr. He did what he wanted to do and what, being the kind of man he was, he had to do. When he left office in 1910 he could truthfully say of the years of his mayoralty: "I have had more of misfortune in those nine years than in any other period of my life. As that is true, it is also true that I have had more of joy. In those nine years I have given the biggest and

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13 For an account of Johnson's reaction to this election see Elizabeth Hauser, "The Last Chapter" in Johnson, My Story, 296.

14 This is a paraphrase of a conversation quoted in Howe, Confessions, 98.
best part of me. I have served the people of Cleveland the best I knew how. 15

Johnson was forty-seven years old when he became mayor of Cleveland. He had been a money-making business-man, and was recognized as a leading exponent of the single tax. His only previous political experience had been his two terms in Congress. That within a short time after becoming mayor he was able to establish a reputation as the foremost municipal executive in American history was typical of his career. Johnson caught on fast. He was born in Kentucky in 1854. His father, a slave-holder who owned a cotton plantation in Arkansas, took part in the Civil War. At the close of the war the penniless family was stranded in Staunton, Virginia. Tom, aged eleven, worked out a deal with the conductor of the one-train-a-day which entered the town: the conductor sold papers only to Tom; Tom sold them for as much as he could get. He made eighty-eight dollars out of this monopoly. With the money so obtained the Johnson family was enabled to move back to Louisville. At the age of fifteen he entered the street railway business as

15 Quoted in Cleveland Plain Dealer, January 2, 1910.
an office boy. 16 Within a year he had been made Secretary of the company which employed him. At twenty-two he was married, was a successful inventor, 17 and had purchased the majority interest in the Indianapolis street railway system. To make this last enterprise pay he had not only to rejuvenate the run-down property but also to fight William H. English, the most important political figure in the city and one of the most powerful financially. English, from whom Johnson had bought his interest in the company, used his wide influence to embarrass the company in every way possible. It was apparently his hope that Johnson would be unable to meet his financial obligations and that the road would consequently revert to his control. But Johnson, working with another group of bankers, was successful in this contest and was eventually able to buy English's minority stock.

In 1879, just ten years after his entry into the street railway business, Johnson was bidding against Mark Hanna for franchises in Cleveland. Johnson counted his relations with Hanna as among the most influential

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16 The following account of Johnson's business career is based upon the early chapters of My Story.

17 Of the first coin fare box in use in the United States.
experiences of his life, for from Hanna he learned the connection between business and politics. He had bought a small street car line on the West Side of Cleveland which he began to operate with nineteen mules and four second-hand cars. His first important struggle with Hanna was caused by his attempt to obtain the right (or privilege, as he would later call it) to extend this line to the Public Square. When this had been won, the issue between the men shifted to Johnson's effort to secure East Side lines which, by connecting with his older West Side ones, would enable him to offer the riders through service. In 1893 Johnson's Cleveland lines consolidated with two other important street car systems there. The resulting company controlled sixty per cent of the Cleveland street railway business. Johnson sold his interest in this company in 1894 and 1895 "and never afterwards had any pecuniary connections with street railroads" in Cleveland. At this time Johnson had, or later acquired, interests in street railway systems in Detroit, Brooklyn and St. Louis. As a

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19 This company was popularly known as the "Big Con." About a month later Hanna secured control of the remaining Cleveland street railway systems. The public and the newspapers promptly dubbed this the "Little Con." In 1903 the two companies merged to form the Cleveland Electric Railway Company, or, the "Con-Con."

street railway magnate Johnson seems to have made as much money out of stock manipulation as he did out of the actual operation of the lines under his control. He would engineer the consolidation of several street railway systems into one large company which would be capitalized at a much higher figure than the sum of the capitalizations of the constituent companies. Then Johnson would sell out his interest in the new company at a large profit.

In the late 1880's Johnson branched out into the steel business. Just before the Johnstown flood he helped to organize a steel rail-mill in that city. During the flood Johnson was made administrator of the three million dollar charity fund contributed by the American people to the relief of Johnstown. This was an experience, he stated later, which made him aware of the dangers of charity and doubtful of its efficacy as a solution to fundamental wrongs. Several years later, at about the same time that Jones was opening the Acme Sucker Rod Company in Toledo, Johnson built the Lorain Steel Company at Lorain, Ohio. He was thus one of the

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21Howe, Confessions, 87.

22This is what he did in the Cleveland deal mentioned above.

23Johnson, My Story, 40-44.
first steel producers to realize, and to act upon his realization, that the most economical point for the production of steel was shifting from the Pittsburgh area to the lake shore. In both their Johnstown and Lorain ventures Johnson and his associates purchased large tracts of land around the sites of their mills so that they would be able to profit from the increased land values which would result from the growing up of communities around the mills. In other words, they were acting upon the single tax theory.

Johnson was at the height of his enjoyment of his business career when the incident occurred which was to change his outlook on life. One day in 1883 while riding a train between Indianapolis and Cleveland he read a book by Henry George. The book was a cheap edition of *Social Problems*. Johnson followed this up with *Progress and Poverty*. What he read disturbed him. It sounded true but he didn't want to believe it. Then Johnson did an amusing and typical thing: he took *Progress and Poverty* to his lawyer, told him to read it, and to find out what was the matter with it. When the lawyer's objections to George's reasoning failed to satisfy him, Johnson confessed himself a convert to a philosophy which was as yet unnamed. At his first opportunity he went to see George in Brooklyn.
Out of their first meeting stemmed a friendship which lasted as long as George lived. This was Johnson's richest experience. From the beginning, his relations with George were those of pupil and teacher. At their first interview Johnson found himself telling George the story of his life. "I can't write and I can't speak," he said, "but I can make money. Can a man help who can just make money?" George sensibly replied that there was room in the movement for a money-maker, but instead of pressing this point told Johnson that, having never tried, he didn't know that he couldn't write or speak effectively. He urged Johnson to enter politics. Johnson disregarded the latter suggestion for the time being. His initial contribution to the propagation of George's ideas was to buy two hundred copies of the philosopher's latest book, *Protection or Free Trade*. He sent one to every clergyman and lawyer in Cleveland. He gave financial support to all of George's political campaigns and later contributed heavily to single tax publications such as the *Cleveland Recorder* and to *The Public*.25

24Ibid., 51.

His first political speech was made in 1888 during George's campaign for Secretary of State in New York. In the same year he was nominated for Representative to Congress by the Democrats of the twenty-first Ohio district. According to Johnson's account the nomination came to him unsolicited. He had never voted before. Unsuccessful in this election he was nominated again in 1890, and this time defeated his Republican opponent, Theodore Burton. He was re-elected in 1892 but in the election of 1894 lost to Burton. Johnson, whose informal style of speaking contrasted with the turbid "bloviating" then in vogue, was at his best in answering questions and in handling hecklers. In the mid-nineties, after he had taken charge of the question period at a single tax meeting, George told him: "I can go now. There is someone else to answer the questions."27

George was with Johnson much of the time the latter was in Congress. During his first term Johnson was a member of the Committee on the District of Columbia. He secured the passage of a resolution authorizing an

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26To "bloviate" was an expression coined by Warren G. Harding to describe his own style of flowery oratory. Samuel Hopkins Adams, The Incredible Era (Houghton Mifflin Company, Boston, 1939), 35.

27Johnson, My Story, 54.
investigation of the assessment of land values in the District of Columbia and was named chairman of the investigating committee. The report of this committee was an examination of the taxing methods employed in the District. It brought to light a staggering under-assessment of real estate for tax purposes. It revealed also that while residential property was being assessed at from seventy to eighty per cent of its market value, land held for speculative purposes (i.e. vacant lots) and valuable business property was assessed at as little as ten per cent of its market value. Although representing a district supposedly strongly in favor of a protective tariff, Johnson advocated free trade in and out of Congress. In the spring of 1892 he was one of the six men who succeeded in having George's Protection or Free Trade read into the Congressional Record in its entirety. Over a million copies of this were then printed and distributed as campaign material under congressional frank. At the Democratic National Convention in 1892 Johnson was instrumental in getting the minority report on the tariff plan, an endorsement of free trade, adopted on the floor of the convention.

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While in Congress Johnson was able to say, "As far as I am personally concerned I am a thorough-going monopolist, and would be willing, outside of this Hall, to take advantage of any of the bad laws that you put upon the statute books; but I will not defend them here." His business activities in the later 1890's, however, brought his principles and practices more and more into conflict. After his defeat for re-election to Congress in 1894, Johnson took over the management of the Detroit street car lines. At this time Hazen S. Pingree, the Governor of Michigan and former mayor of Detroit, was attempting to establish a municipally-controlled street railway in Detroit. Johnson credited Pingree with impressing upon him the practicability of the three-cent fare. He claimed that he did nothing to hinder Pingree's low-fare road except to make his own line better than it. Johnson's company eventually bought out the three-cent-fare road Pingree had hoped to make the nucleus of a municipal system. Later, however, he cooperated with Pingree in an attempt to sell the whole street railway system of Detroit to the city. This effort failed because of the opposition of important citizens of Detroit to Pingree and popular distrust of

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Johnson's traction interests in Brooklyn gave him a glimpse of a city-owned street car line in operation. He saw enough to convince him of the practical possibilities of municipal ownership and operation of municipal transportation facilities. This was a theory in which he had believed at least since his Johnstown days. Johnson had already liquidated his Cleveland street railway owning and in 1898 he began to withdraw entirely from the transportation business. Shortly afterward he sold his steel interests. By 1901, as we have seen, his retirement from business was complete. He was now ready to devote himself to politics with the advancement of the single tax and the principle of municipal ownership of public utilities as his chief objectives. In February 1901, before his nomination for mayor, he proposed to build a street car line in Columbus which would operate at a three-cent fare, and under close municipal supervision, but his offer was rejected by the city council.

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30 Johnson recounts his Detroit experience in My Story, 91-97.
31 Carl Lorenz, Tom L. Johnson, Mayor of Cleveland, 9.
32 The Cleveland Leader, February 3, 5, 1901.
Youth, vigor, personal attractiveness—Johnson brought all these characteristics to the movement he headed in Cleveland. In him were combined the idealism of a radical democrat, the conviction of a man who has found a philosophy which satisfies him intellectually and spiritually, and the sheer ability which we associate with the successful business executive. Business had given him practice in handling big things, big sums, and big ideas. In conflicts with business rivals like English and Hanna he developed the extraordinary resourcefulness which was to be such a valuable asset to the Civic Revival in Cleveland. He learned from the inside how privilege fights and for what. And he learned, too, that while privilege may be an evil influence it need not be composed of evil men. Henry George made Johnson a radical by showing him that poverty is social in its origin rather than individual. From him Johnson learned that there is more real satisfaction in fighting for just social conditions than there is in the most complete personal success. Every idea that Johnson took from George seemed confirmed to him by his own later experiences in business and politics.
Johnson was unique in one respect: his ability to combine principle with expediency. His goal was the abolition of privilege and poverty through the use of the single tax, free trade, municipal ownership of all public utilities, home rule for cities, and direct legislation. He kept this goal squarely before him and never pretended that he was or would be satisfied with any accomplishment less than its achievement. But to obtain it he would use any weapons at hand. To get closer to it he would work for any immediately attainable reforms. If he could not at first get the single tax adopted he would take tax revision; if state laws denied the city the right to own its utilities he would take municipal control of utilities until the laws had been changed. Meantime he would work for home rule which would enable the city not only to devise its own form of taxation but also to own its street railways, electric light and power stations, and gas plants. Johnson did not look upon these expedients as compromises. Neither were they victories. They were simply steps forward towards the end he had in view. He was more interested in definite accomplishment (not for himself, but for the cause he served) than in consistency of dogma. Johnson's resiliency, his ability to take
advantage of the current situation to make such gains as were immediately possible without once losing sight of his ultimate object is what makes him the leading spirit in the Civic Revival and, in the writer's opinion, one of the foremost political leaders in the Progressive period. Johnson was laying the foundations. He knew what he hoped the completed structure of his city on a hill would look like and he was ready to take—and did take—bold steps to finish it. If he was not satisfied with the slow progress he had made, he was not disheartened by its slowness. He had faith in the ability of the people of Cleveland to complete the work they had begun under his leadership. We must keep this in mind when we say that Tom Johnson failed to achieve his goal. If he failed, the failure is not his alone.
CHAPTER 3

HONEST MAN'S STORY: FREDERIC C. HOWE


To the writer, one of the most engaging figures of the Civic Revival is Frederic C. Howe. Howe was one of the young men who gathered around Johnson while the latter was mayor of Cleveland. He was elected to the Cleveland City Council as a Republican in 1901, but even before the election took place he had been won over by Johnson. Howe did valuable work for the Civic Revival as one of the originators of the Cleveland Group Plan, as a Councilman, and as a member of the State Senate and of the Cleveland Tax Commission, but his claim to rank as one of the leaders of the movement is derived more from his writings than because of his accomplishments in these positions. In numerous magazine articles he explained to outsiders what Johnson was
doing in Cleveland;\(^1\) in *The City, The Hope of Democracy*, he presented the most complete picture of the aims of the Civic Revival; and in his autobiography, *The Confessions of a Reformer*, he expressed the spirit of the movement.

*The Confessions of a Reformer* set the pattern for the large number of "personal histories" which have been written in the last fifteen years. These books are valuable to the historian because they are frank records of how some interesting men and women of the twentieth century grappled with problems which seemed important to them and their contemporaries. Howe's book, however, has an importance quite aside from its value as an historical source. It is an inspiring illustration of how much an open-eyed and open-minded man can learn from experience. Howe thought the most important tendency in his life was his gradual divergence from the "evangelistic psychology" he had absorbed during his childhood and youth in Meadville, Pennsylvania. Broadly speaking, his development consisted in the sloughing off of one authority after another until at last he wonderfully realized that he could be his own authority.

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\(^1\)See, for example, "Cleveland--A City 'Finding Itself'," *The World's Work*, VI, 3988-3999 (October 1903).
He didn't need any others. His is the story of the emancipation of a mind.

The evangelistic psychology Howe referred to is the spirit which puts the blame for social ills upon personal causes—the ignorance and depravity of the poor and the indifference and wickedness of the rich. Howe looked upon it as the characteristic influence of his generation.² It is the reform attitude in politics, the missionary spirit in diplomacy. It produces statesmen—moralists like Bryan, Theodore Roosevelt, and Wilson. Prohibition, anti-trust laws, teaching the Latin Americans to elect good men are all part of it. Pass laws; enforce the laws; punish the bad people; MAKE PEOPLE BE GOOD—this is its program.

Howe, like Johnson, Jones, and Whitlock, was induced by his experiences to shake off the evangelistic psychology and to replace it with a conviction that it was not men who were at fault, but the conditions under which they lived. It is not people who need to be reformed, but the system which must be changed so that they will have a chance to be good.³ This was the

²For Howe's discussion of the evangelistic psychology see Confessions of a Reformer, 17, 130-131.
³This does not mean that the Civic Revivalists overlooked the necessity for the personal regeneration
motivating belief of the Civic Revival. Its attack was on conditions, not men. That attitude is what distinguishes it from the national Progressive Movement which, for the most part, was a manifestation of the traditional reliance upon the evangelistic psychology.

In Meadville and at the small denominational college which Howe unenthusiastically attended the authorities were the Methodist Church, the Republican party, and the neighbors. Howe's training as a graduate student at Johns Hopkins University in the early eighteen-nineties released him from these limitations, giving him in their stead a new set of ready-made standards. These were the standards of his professors. Of the professors Albert Shaw stirred Howe's imagination more than the others. He lectured on municipal government and revealed to Howe the vision of an orderly city that was managed as a big business enterprise. It owned its own street car lines and gas and light plants and made a success out of operating them. It was governed with efficiency and economy by trained public servants and by business
men who had given up their business interests to serve the city. With this ideal in mind, Howe's program on leaving Johns Hopkins included war on the political bosses, the substitution of trained men for spoilsmen in the administration of city affairs; and the awakening of business-men to their responsibilities in municipal politics. He thought the trusts should be curbed or destroyed and that cities should either own the public utilities or regulate them in the interest of the public. Howe was later inclined to smile at the naivete of some features of this program but we should notice that through Albert Shaw, who represents the late nineteenth century concern with municipal problems, Howe had acquired an interest in cities which he never lost and a dream of what they could be like which was to serve as his inspiration for many years. When Howe looked back at his career at Johns Hopkins the thing which seemed important to him was that while there he had done no creative thinking of his own. He had merely accepted what the professors said. When we look at this period of his life, however, the thing for us to emphasize is simply that there was a change in his manner of

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4In this and the following paragraphs, except where otherwise stated, I am following the account of Howe's development as presented in The Confessions of a Reformer.
thinking as a result of his graduate work. He gave up old prejudices and took on new ideas. That is, he learned something. Maybe he had to unlearn much of it later, but at Johns Hopkins the foundation, at least, was laid for the rational approach to life which was to make it possible for him to keep on learning after he left the university.

In the year and a half he spent in New York City after receiving his degree Howe lost one long-accepted idea and gained a new conception of the role of government. To one of his background it seemed obvious that the saloon was the root of New York's political evils. Eager to be a reformer, Howe volunteered as one of Dr. Charles Henry Parkhurst's agents in the vice crusade then being waged by that clergyman. He was to check up on the observance by saloons of laws relating to closing hours, Sunday sales, sales to women, and the alliance of saloons with houses of prostitution. The way to end evils was to enforce the laws. Howe tried to be a conscientious investigator but within a short time the thing that began to impress him was the kindly side of the saloon. It was the poor man's club, the only escape the tenement dweller had from his drab existence. Out of the things he saw in saloons and from his talks with
bar-keepers came Howe's conviction that the evil was not inherent in saloons, but was the result of tax laws. In order to pay the taxes imposed upon him by the city and state in the guise of license fees the saloon-keeper either had to break the closing and other regulatory laws or go broke. If he decided to disregard the laws he had to corrupt the police. After considerable deliberation Howe wrote a letter of resignation to Doctor Parkhurst in which he explained the problem as he saw it: the fault was in the laws—not the saloons. This was Howe's first break with authority. He was giving up an idea he had himself decided was false.

Howe had come to New York hoping to obtain a position as an editorial writer on a newspaper. Rebuffed in this, he began to study law and found a job in a law office. It was typical of him that he crowded a two-year law course into one. Much of his work consisted of collecting unpaid bills on the lower East Side. Here he was introduced to a new theory of politics. Previously politics had appealed to him as an opportunity for disinterested service. His highest ideal had been the scholar in politics. The scholar and the enlightened business man, wanting nothing for themselves, working only for the goal of good, clean, efficient, and
economical government, would redeem the state. On the East Side Howe met people who thought politics meant getting something out of the government for themselves and their friends. Gradually Howe began to admit to himself that these people had a contribution to make to American political theory. Their highest civic ideal was loyalty to the boss. To them government was the boss, the district leader, the policeman, and the police court judge. But they had made the state human and they had done it by wanting things. They wanted parks and playgrounds, of course. They wanted cheap utilities, too. More than that they wanted, and they had got for themselves, a government that helped them in their daily lives. Their boss-dominated government, like the saloon, had a kindly side. It helped them when they were sick, it helped them when they were out of a job, and it helped them when they were in trouble with the law. Their lives were richer for the kind of government they had. Richer and happier than they would have been if their government, instead of being human, had been only business-like.

Howe was admitted to the Ohio Bar in 1894 and began to practice in Cleveland. That is, he sat around
the outer office of the Garfield brothers' law firm doing whatever unimportant tasks were occasionally assigned to him. He was uninterested in his work, ill at ease in the apartment he shared with five other young men. At night, convinced that he was a failure, he would climb nine flights of stairs and sit moodily at a window overlooking Lake Erie. An opportunity to live at a newly-opened settlement house in the slums gave him a temporary sense of responsibility. He was made a trustee of the Charity Organization Society, a supposedly scientific approach to the charity problem. Donors to the society were given cards which they gave to people who applied to them for help. The applicants then took the cards to the offices of the society where their cases were investigated by social workers. One day Howe received a letter from Dr. Louis Bryant Tuckerman in which the Charity Organization Society and its methods were severely criticized. Tuckerman, a Cleveland minister and physician, was one of the forerunners of the Civic Revival. He was one of the directing influences in the life of Peter Witt. In his letter to Howe he argued that love and brotherhood were two things which could not be insitutionalized. "If Christ applied to your society for aid," he told Howe, "he would be
turned away as a 'vagrant without visible means of support.' Your society is not interested in charity. If it were it would fight for abolition of the twelve-hour day, for higher wages, and for industrial compensation. It is interested only in getting the wreckage off the streets." Howe found himself in agreement with what the Doctor wrote. Tuckerman had expressed for him his own discontent with the Society. Like Elizabeth Ward, a character in one of Whitlock's novels, he had begun to feel that organized charities were organized "not to help the poor but to help the rich forget the poor." What little zeal he had been able to muster up for social work left him. "I ceased attending meetings of the trustees; then I resigned, and soon after left the settlement."6

It remained for Tom Johnson to deliver the crucial blow to the evangelistic psychology which, until his association with Johnson, had made Howe a reformer rather than a radical. After leaving the settlement house Howe had gone to live at the University Club. He found a friend in Morris Black, another young attorney whose idealism received little chance for expression in the

5The Turn of the Balance, 291.
6Confessions of a Reformer, 79.
law. Together they began to work on a plan for the grouping of Cleveland's public buildings into the kind of civic center they had both admired in European cities. Black ran for the city Council and in a spirited campaign upset the candidate of the district boss. Howe became Secretary of the Municipal Association, a political reform league. He attacked the corruption of the administration of Mayor McKisson and during the Farley administration wrote a pamphlet urging the defeat of an ordinance granting the street railway companies an extension of their franchises.

Howe was thirty-four years old when he met Johnson. He had been persuaded by a delegation of citizens that it was his duty to accept the Republican nomination for Councilman from his district. During his campaign Howe stressed the need for civil service reform, called upon the voters to purge the Council of its known grafters, and continued his opposition to the street-railway franchises. Occasionally he dropped in on meetings at which Johnson spoke. He was attracted by the man, half-convinced by what he said, and often resentful of his disdain for Howe's kind of reform. At length he called on Johnson at his office. They began to talk about Progress and Poverty. Howe had read the book in his student days. What he read had then seemed to be true
but he had supposed that there must be something wrong with it. Johnson told Howe the story of his conversion to the philosophy of Henry George. He told him how he thought the single tax could be used to rid the city of the twin evils of poverty and privilege. Poverty is what makes poor men "bad." Privilege is what makes "good" men corrupt government. The fight should not be against badness but against the conditions which make goodness impossible. Howe was not ordinarily an impulsive man but something about Johnson appealed so strongly to him that his usual caution was thrust aside. "I think I will withdraw from the Republican ticket and come and support you," he found himself saying. "You can do things I never could do."7 Johnson told him to get elected as a Republican. Parties didn't matter. Howe left the conference a believer in Johnson and in his program. In the years that followed he became one of Johnson's intimate friends and one of his most understanding co-workers. As Johnson was a different man because he had known Henry George, so Howe was a different man because he had known Tom Johnson.

At the outset Howe did not realize the full implications of the ideas he had gained from Johnson. He did

7Confessions of a Reformer, 98-99.
not realize how far his renunciation of the self-imposed duty of reforming men for the goal of improving social conditions would take him from his accepted principles of political science. His experiences in the Cleveland Council (1901-1903) revealed to him that the business-men he had chided for their indifference to politics were in politics; as a member of the Ohio Senate (1905-1907) he was confirmed in his dawning conviction that ours is a business-man's government rather than one representative of the people as a whole. Service in the Council and the Senate made plain to Howe the fact of business domination of government, but his understanding of the why of the business man's attitude toward government had to wait until he understood business itself.

While a member of the Cleveland Council Howe introduced an ordinance granting a franchise to a natural gas company which was prepared to provide gas for light and fuel at a rate fifty cents less per thousand cubic feet than that charged by the artificial gas company then serving the city. The ordinance provoked bitter hostility. To its opponents the fact that its passage would mean a great saving to three hundred thousand consumers was a much less important consideration than that it would threaten the investment of the old company and
possibly hurt the coal business. Howe's friends at the University Club and in his office building were not outraged at the revelation that the old company had resorted to bribery in an attempt to defeat the ordinance. Bribery was not nice but sometimes, as in the present case where an investment of thirteen million dollars was at stake, it was necessary. Howe said the inability of a private gas company to carry on its business without corrupting government was the best argument he had ever heard for municipal ownership of public utilities. To his shame and surprise he learned that the old gas company had contributed to his own campaign fund and that its employees had worked for his election. Because he was a member of a firm of corporation attorneys it had been mistakenly assumed that Howe knew the facts of political life.

Howe learned how complete was the control of business over government during his term in the State Senate. The legislature of which he was a member seemed to have more than the usual quota of men of intelligence and liberal sympathies. It had capable leadership. The relations between the two houses were reasonably harmonious. It had the support of popular and press opinion.

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8Ibid., 101-107.
Yet, in spite of all of these initial advantages it secured the passage of only a fragment of its progressive program. The reason for its failure, Howe came to believe, was simply that the machinery of government was controlled by a small group of business-men instead of by the public. The real government was something outside of the Constitution he had been taught to revere. The real government was the system by which business-men controlled the political parties and through them the personnel of executive offices, legislative assemblies, courts, administrative boards, and law enforcement agencies.

While Howe was becoming aware of the business man’s activity in government he was also observing his attitude toward government. He learned much about the latter problem from studying the career of Mark Hanna. In him Howe saw the aims and ideals of business-men in general writ large. Business is the only important thing. The state exists for business. All men and measures are judged by their effect upon business. The business-man has much the same attitude toward government as the people of New York’s East Side: Government is something through which you get what you want and protect what you have. You get what you want from the boss; you pay for it through campaign contributions (only occasionally is
bribery necessary); and you protect what you have by your prerogative of dictating nominations and platforms.

This was the way the kind of men Howe had once been anxious to see take an active part in government actually felt about politics. Because he was a logical and methodical man Howe was not content to leave the problem there. He felt a real urge to know why some of our most vigorous and practically talented men were a force for evil rather than good in politics. He did not quarrel with their desire to make use of the government for he, too, felt the function of government was to be useful to its citizens. He did dislike, however, the use to which they meant to put it. It was not the enactment of measures which would make life better for all men that they wanted, but only the passage of laws which would make their own profits larger and safer. Yet Howe remembered that not all business-men were active in legislative halls and council chambers. His own experience seemed to indicate that the most active were the railways, the public utility companies, and the banks (which were interested in the first two). They had something concrete to get; there was something about their business which linked it to politics.

The concept of privilege and an understanding of the source of wealth—both of which he drew from the
revived interest in the single tax philosophy which association with Johnson had given him--helped him to see what they wanted and why their demands were immoral. Great wealth, the big money, he came to believe, is not obtained by observing the kind of copy-book maxims ("take care of the pennies and the dollars will take care of themselves") which he had learned in his youth. Nobody gets very rich by saving his wages and paying bills promptly. Only a few men make much money out of competitive industry. Wealth is produced by society's needs; the way to get really rich is to invest your money in a field which will give you a grip on something everybody needs or must use: land, natural resources, transportation facilities, or an accumulation of capital. The right of supplying, or of enjoying the financial benefits produced by supplying these common needs is conferred upon some individuals by law. It is in order to secure or protect these monopolistic privileges (which give their possessors an unfair advantage in the economic struggle) that some business men use the government. That is why some of our best men are a force for evil in politics. Their private economic interests are at war with the best interests of society. It explains why some businesses are more directly concerned with politics than
are others. Not "business," not "big business," not "the corporations," but privileged business corrupts politics.

Howe wrote a straight-faced little book called *Confessions of a Monopolist* (1906) to illustrate the connection between privileged business and politics. It purported to be the autobiography of a man (who might be patterned after Mark Hanna) who grew rich out of land holdings, street railway interests, coal mines, and banking enterprises. His two principles of conduct were "Make society work for you," and "Make a business of politics." Like Hanna, he was compelled to go into politics to protect his financial interests. He became boss of his city, then of the state, and finally, while the newspapers hailed him as an example of the kind of business-man who would redeem politics, he was elected to the United States Senate.

To Howe, the political scientist, the immediate problem was one of political sovereignty. The effective control of government must be wrested from the hands of a small group of business-men and restored to the people. After a characteristic period of study and self-examination Howe listed the means by which he thought this could be obtained: nomination by petition rather
than by conventions; the short ballot; the initiative and referendum on the Constitution, state laws, and city ordinances; the recall of all elective officials including judges; complete home rule for cities; a one-house legislature; and the abolition of judicial review of legislation. 9

These were typical ideas of the Progressive Era. Noting their preoccupation with such reforms present-day critics condemn the Progressives for having offered only insipid political remedies for disorders that were primarily economic in nature. At least in the case of the Civic Revivalists this is not a valid criticism. Howe's proposals were not remedies or ends in themselves. They were methods by which it was believed government could be made simpler, more workable, more responsive to public opinion—means by which the people could reassert their control over their government. Howe, Whitlock, Jones, and Johnson knew, and knew a long time ago, that our problems were basically economic. Like us, they had two possible ways of attacking them: by violence or by peaceable political action. It did not occur to them to use any but the latter alternative. Consequently they saw that the breaking of the grip of

9Ibid., 177-178.
privilege on the political life of the state had to be accomplished before the problems could be solved in a way advantageous to the people. The failure of the Legislature in which Howe served and the difficulties Johnson encountered in Cleveland showed the impossibility of carrying through fundamental economic reforms by political action until the friends of reform had gained control of the political agencies which had the power to nullify them. Howe believed that once the government was made actually representative of the people, the extension of its functions (by municipal ownership of public utilities, for example) would make it so important in their daily lives that the voters would take an intelligent interest in it. Once divested of their privileges (by such devices as the appropriation by the state of the economic rent of land) capable men, whose interests had formerly kept them at odds with the city, would be able to devote their best talents to its improvement.

In *The City, the Hope of Democracy*, Howe stated the ideas about government with which he was left after he had rid himself of his earlier preconceptions. The core which had been uncovered by his process of unlearning was to be the foundation for his later development:
Democracy has not failed—it has never been tried. Having lost the business-man as an ideal, Howe had found the people. We will see below that eventually Howe's attitude toward competition (for in 1905 the abolition of privilege meant to him the restoration of competition) was altered but he never lost the faith in the people which had been aroused in him by his participation in the Civic Revival. He never gave up the belief that the cure for the ills of democracy lay in more democracy. The title of his book, *The City, the Hope of Democracy*, is illustrative of the change in his approach to life which had been produced by this new faith. He wrote no longer of the problems with which the city presents democracy, but of the opportunity it offers for democracy's achievement.
"One cannot, day after day, beat against the old and solid and impregnable walls of human institutions without becoming sore and sick in one's soul." --Brand Whitlock, Forty Years of It, 123.

Brand Whitlock was the man chosen to lead the Civic Revival in Toledo following the death of Samuel M. Jones in the summer of 1904. Jones had been such a thorough-going non-partisan that he had opposed all attempts to found a third (i.e. Jones) party in Toledo. He believed that his own political career demonstrated that whenever the people really wished to do so they could nominate their own candidates by petition and secure their election by independent voting. But while Jones had been three times re-elected to the mayoralty nearly all the other city offices remained securely in the hands of the Republican machine. After Jones's death the Toledo street railway company became more insistent than ever in its demand for a renewal of its franchises. The Republican organization, whose chairman was the attorney
for the company, worked openly to obtain the renewal. Many former Jones supporters now became convinced that the independent voters must unite into some kind of a political organization if they wished to prevent an unfair settlement of the franchise question. Out of this resolution came the formation of the Independent party. Whitlock, a young attorney and novelist whose friendship with Jones had brought him some political prominence, was the choice of the new party for its first candidate for mayor. He was elected to the office in November 1905.¹

Whitlock’s immediate tasks were to defeat the determined efforts of the city’s over-capitalized street railway company to secure a long-term, high fare franchise and to prevent the Toledo Independent Movement from degenerating into a vice crusade. He had never before held an important executive position; he did not have a great personal love for the city of Toledo; his chief interest was not in politics. Nevertheless, by the time he became mayor, Whitlock had already formed

¹The year 1905 was one of Progressive victories in such boss-ridden cities as Cincinnati and Philadelphia. It was in this year that Wisconsin sent the elder La Follette to the U. S. Senate.
some strong opinions in regard to municipal government and he had thoughtfully considered the attitude of society toward the criminal. In Lincoln Steffens' opinion the conclusions he had reached on these problems by 1905 made him "the most advanced leader in American politics." These ideas were to guide Whitlock's policy as mayor. He had acquired them from his experiences as a reporter and lawyer, from his reading, and from his friendships with men like Jones and John P. Altgeld. He thought that society often makes criminals by its relentless hostility to men convicted of even the most minor offenses. Often the original offense which condemns a man to a life of crime consists of nothing more than being poor. He thought "the sovereignty of the people" was a myth. Ours may be a representative government, he would have said, but it is not representative of the people. Our cities are ruled by political machines whose chief concern is party advantage. Party advantage is ordinarily better served by catering to the interests of privilege than by protecting and advancing the interests of the people. As a means of reviving popular self-government in cities Whitlock recommended non-partisan municipal elections, home rule for cities, and

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municipal ownership of public utilities.

Like Howe, who was two years his senior, Whitlock came from a religious, middle class, Republican family. He was born in 1889 in Urbana, Ohio, where his father was the principal of the high school and later the minister of the Methodist church. His boyhood was spent in the various small towns of northwestern Ohio, to pastorates in which his father was assigned by the annual conference of his church. Whitlock's first break with family orthodoxy was accomplished at the age of eighteen when he was converted to the Democratic party and the principle of free trade by the Ohio Congressman, Frank Hunt Hurd. To his straight-laced family Hurd seemed only a slightly less demoralizing influence than Robert Ingersoll; and free trade appeared not far removed from atheism. Several years later Hurd helped Whitlock obtain a position as a reporter on the Chicago Herald, then the great Democratic newspaper of the Northwest.

The Chicago of the late eighteen-eighties and early nineties held for Whitlock the same mixture of fascination and repulsion that it did for other middle-westerners of his generation. Years after leaving the city he could

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3Brand Whitlock, Forty Years of It, 29-32.
close his eyes and see the sweep of its skyline around the cold lake. The noises of Toledo were to him an echo of the roar of Chicago—"that typical city roar. . . the outcry of mankind and brutekind under the stress and strain of modern commercial life. . . ." His work on the Herald introduced Whitlock to witty and tough-minded young men like Finley Peter Dunne and Charles Seymour. Just as Howe was giving up the provincialism of Meadville for the intellectualism of Johns Hopkins, so Whitlock, at about the same time, was discarding the mores of the parsonage in the bohemian atmosphere of the Whitechapel Club, and taking on sophistication in midnight conversations with his worldly new friends. The cynicism which Whitlock's work and friends in Chicago developed in him was the kind which more often than not goes hand in hand with idealism. It is an attitude of distrust for the motives of the most respected members of society and of contempt for their hypocrisy. It need not shatter ideals, and often, as in Whitlock's case, only accentuates a fundamental sympathy for the cause of

4Whitlock describes his attitude toward Chicago in a letter to Octavia Roberts, August 2, 1898, Allan Nevins, editor, The Letters of Brand Whitlock, 16-17. (Hereafter cited as Nevins, ed., Letters.)

5For a discussion of the Whitechapel Club and its effect on its members see Elmer Ellis, Mr. Dooley's America, a Life of Finley Peter Dunne, 48 et seq.
humanity in general.

A friendly article Whitlock wrote about John P. Altgeld during the latter's campaign for Governor of Illinois in 1892 brought him to Altgeld's attention. After Altgeld's election Whitlock accepted a clerkship in the office of the Secretary of State. Viewed from the standpoint of their contributions to his later development the four years Whitlock spent in Springfield while holding this position were to be the most educational of his life. Perhaps the hurt caused by the death of his first wife just before he went to Springfield made him particularly sensitive to the influences of these years. They were years of experience and participation in study, friendship, politics, and love. During them Whitlock changed his profession and laid the foundation for his later career. Above all they were years of sympathetic association with a great man in a time of industrial and political strife.

Whitlock's relations with Altgeld encouraged his humanitarian sympathies while hastening his disillusionment with politics. His attitude toward crime and punishment, the role of the government in labor disputes, and the activity of business-men in government, which had been partly formed by his observations as a political
reporter, was made definite by his active participation in the events of Altgeld's administration. It was Whitlock whom Altgeld asked to make out the pardons for the three remaining Haymarket anarchists. A year before the great railroad strike of 1887 Whitlock accompanied the Governor on a trip to investigate a strike on the drainage canal. In *Forty Years of It* Whitlock recalled that in labor disorders his sympathies by impulse had always been on the side of the strikers. Altgeld did not make Whitlock's attitude toward labor but the fact that he looked at the labor violence of the eighteen-nineties from the viewpoint of the Altgeld administration had the effect of keeping him sympathetic to the workers.

Because of his personal and official relations with the Governor Whitlock was emotionally and intellectually prepared to understand the systematic opposition to Altgeld of the conservative classes during his administration and in the campaign of 1896. He was of the opinion that his veto of the so-called monopoly bills was a more acute reason for this hostility than

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was its pretended cause, the pardon of the anarchists. 7
Whitlock long remembered the scenes in the legislature
on the closing night of the 1895 session when the public
utility lobby made a desperate but unsuccessful attempt
to pass a bill authorizing the consolidation (i.e. monop-
olization) of the Chicago gas companies over the Gover-
nor's veto. 8 In 1911 Whitlock wrote Vachel Lindsay that
he considered Altgeld "the biggest radical of our time." 9
Altgeld had almost certainly been referred to by such a
phrase many times before but Whitlock was perhaps the
first man to use it with the intention of paying a
tribute to a great leader. To him Altgeld was big not
only because he had such a sympathy for the underdog but
also because he had an intelligent comprehension of the
social injustices which produced underdogs and a firm
resolution to put an end to them.

Because we are interested in Whitlock as one of the
leaders of the Civic Revival it is his association with

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7Forty Years of It, 100. Altgeld's veto of the
monopoly bill is an important document in the study of
the Civic Revival. See John P. Altgeld, Live Questions,
940.

8Whitlock gives a memorable description of this
scene in Forty Years of It, 97-98. Cf. Howe's equally
graphic account of the last night of a session of the
Ohio legislature, Confessions of a Reformer, 115-116.

Lindsay's poem about Altgeld, "The Eagle That Is For-
gotten," is dated 1913.
Altgeld that we rightly stress as the most significant aspect of his Springfield years. Meanwhile other events were occurring which were to affect his personal life and literary career. While in Springfield Whitlock began to take a more than dilettante interest in literature. He was an avid reader of the novels of Howells, Hardy, Tolstoy and Meredith which were then being published. He wrote, rewrote, revised, and tore up stories of his own composition. In Octavia Roberts he found a congenial friend with whom he could discuss the books he was reading and to whom he could express his personal literary ambitions. The law studies he pursued in the office of Senator John M. Palmer were apparently undertaken in the hope that the legal profession would afford more leisure for serious writing than had journalism.

Whitlock's marriage to Ella Brainerd, the sister of his first wife, came in the midst of these happy years. There is no mention of her in his book of reminiscenses, Forty Years of It, and perhaps because he was so seldom separated from her, there are no letters addressed to her in his printed correspondence. No reader of these letters, however, can leave them without having glimpsed occasional vignettes of "Nell" happily sketched for us by her husband. We see Nell having a
good time in a cloudburst; Nell laughing at the Supreme Court Justices; and Nell, growing older, ruing the day she had worked for woman suffrage. The portrait we get when we put all the sketches together is one of an understanding woman, full alike of sympathy and raillery, and indispensable to her husband's comfort and peace of mind.

Whitlock left Springfield early in 1897. After some indecision and not without considerable misgivings he chose Toledo as a more promising city than Chicago in which to attempt to build up a law practice. He entered the legal profession for reasons of convenience rather than love, for his chief interest was in literature. At least in the early years of his practice in Toledo the expectation that law would provide ample opportunity for writing was realized. While he sat in his office waiting for clients to search him out Whitlock wrote his first important novel, The 13th District, a story of Illinois politics.

To the practice of law Whitlock brought a mind quick to see injustice and a heart ready to feel it. By temperament he was as little suited to law as he was to politics. Although a bookish man he was not an intellectual one and while cultured and well read his education,
largely self-acquired, was not of the sort to give him either a reverence for law or an appreciation of the philosophical and historical bases of its institutions. On the other hand, all the influences which he had felt since adolescence acted to make him impatient with the absurdity and cruelty of legal procedure and precedent. In such a doctrine as "proximate cause" a scholar would see tradition, and a shyster or a corporation lawyer would see a loophole. Whitlock saw only human suffering denied relief because of a senseless technicality.

What interest Whitlock had in his profession was confined to its most human branch—criminal law. Just as it was his emotional belief in Jones which later carried him into politics, so it was his emotional sympathy for criminals which dominated his legal career. He eventually established his legal reputation by acting as counsel for the defense in several widely-discussed murder trials. His concern for criminals went back at least as far as his Chicago days. The total effect of his experiences there had been to lessen his regard for respectable people and to deepen his pity for unfortunate ones. Observation of the haphazard working of the police courts in Chicago made him doubt the justice of the treatment of criminals. A discussion of the execution of the anarchists opened his eyes to the possibility
that an unjust thing could be done in a legal way. In Springfield his work with Altgeld and a long-remembered conversation with Clarence Darrow convinced him that society more often makes people do bad things than God does. By bringing him into intimate contact with many kinds of criminals his law practice in Toledo made him feel the human-ness of criminals. Whitlock believed that when you understand a thief or a murderer, when you have heard him laugh and talk and cry, he ceases to be a "criminal" to you and becomes simply a man or woman who has done something wrong.

If we say that Whitlock was sentimental about criminals, we must remember that he actually knew a great number of people who were in trouble with the law and, knowing them, felt that they were not very different from you and me. Whitlock could not forget that when criminals are executed or imprisoned it is humans who are being killed and denied liberty, not a separate and exotic species of beings. He did not deny the existence of a class which makes its living by habitual disobedience to law but his theory was that society is partially responsible for the creation of this class. Our economic system does not provide opportunity for all of its members; our courts punish people for poverty (as when a
man is sentenced to the workhouse for "vagrancy" or for inability to pay a fine); and by our hostility toward anyone once convicted of any offense we make it impossible for him to be anything but a criminal.

An unfortunate experience Whitlock met with early in his legal career climaxed his growing disbelief in the possibility of securing justice by legal action. One day a pretty German girl came into his office with a sad tale of her husband's neglect. Whitlock had the husband imprisoned for non-support. Then he helped the girl obtain a divorce. The very day after the divorce was awarded she married a man who had been one of the chief witnesses against the husband in his trial for non-support. Their affair, discovered by the first husband, had been the blow which so upset him that he started to drink and failed to provide for his family. Whitlock, who had been unaware of this angle of the case, began to wonder if all our attempts to do justice are not as futile as this particularly clumsy attempt to find a humane solution to a very human problem through recourse to a bored judge, wrangling lawyers, dusty law books, and listless jurors. He resolved never again to prosecute anyone for anything. In the gentle writings

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10 Whitlock recalls this domestic tragi-comedy in Forty Years of It, 105-109.
of William Dean Howells he had already discovered an appealing suggestion that, where humans are concerned, the humble goal of mercy is a wiser end to aim at than the stern one of justice.

In fact it seems best to be very careful how we try to do justice in this world, and mostly to leave retribution of all kinds to God, who really knows about things; and content ourselves as much as possible with mercy, whose mistakes are not as irreparable.

He made this sentiment the theme of his most ambitious novel, The Turn of the Balance.

The Turn of the Balance tells the story of Archie Koerner, one of the weak products of our social system. Archie returned to his home city after service in the Spanish-American War. Without education and unprepared for any trade, he found it impossible to obtain work. After the excitement of army life the atmosphere of his home seemed dull. Looking for excitement he fell in with a gang of petty thieves. Soon he had been convicted of a minor theft and was sentenced to the workhouse for a year. Upon his release Archie discovered that society did not look upon his crime as paid for but that the stigma of ex-convict made all respectable men avoid him.

The only people who befriended him and treated him

11William Dean Howells, A Boy's Town (Harper & Brothers, publishers, New York, c1890), 74.
naturally were criminals. With all honest ways to make a living seemingly closed to him (for remember, Archie was weak), he drifted into a career of crime. Eventually he killed a policeman whose persecution of him literally drove him to it. For this murder he was executed.

Whitlock told a friend that *The Turn of the Balance* represented ten years of suffering for criminals on his part, and that it took four years to plan and two and one-half years to write it.\(^{12}\) He intended it to be an indictment of the conventional attitude toward criminals. He hoped to show in a specific case just how society can make a criminal. He believed, perhaps, that the query raised in the last chapter, "does the one crime consist in being poor?" might make people realize how much like ordinary mortals criminals are. How bruising to him, then, must have been the reception of the book. Some critics found fault with it because the story was depressing; others, equally oblivious to the points Whitlock had tried so hard to make clear, saw in it only a routine protest against injustice in the administration of criminal law; and at least one reviewer attempted to judge the book on the basis of whether or not the

pictures of prison life found in it were accurate.\(^{13}\)

This is an example of the kind of misunderstanding which sometimes deflated Whitlock's idealism and eventually made him despair of the possibility of any rapid improvement in the human race.

No matter how disillusioned Whitlock might become about mankind in general he never lost his sympathy for criminals. In 1904 Ohio passed an act drafted by Whitlock which provided for the establishment of juvenile courts.\(^{14}\) He hoped that out of the juvenile courts would evolve courts for grown-up delinquents for, as he wrote Judge Ben Linsey, "I think that most of the so-called criminals are merely grown-up children."\(^{15}\)

For years he carried on what he called a guerilla warfare against capital punishment. One of the Constitutional amendments submitted to the Ohio electorate in 1912 provided for the abolition of capital punishment. Although the amendment was not ratified, Whitlock had the satisfaction of seeing it approved by a three to one.

\(^{13}\) On the whole the book drew a favorable, if not very understanding, press. See Whitlock's defense of the book in a letter to Laurence Chambers, March 15, 1907, Nevins, ed., Letters, 69-76.

\(^{14}\) Whitlock states that he drafted the act in a letter to William Allen White, April 8, 1908, ibid., 91.

\(^{15}\) June 3, 1907, ibid., 79.
vote in his county, Lucas. It was characteristic of him that one of the few compensations he found for the unpleasant aspects of his duties as mayor was the increased prestige his official position gave his numerous letters requesting clemency for prisoners in whose cases he was interested.

If Whitlock's relations with Altgeld were the most important influences in shaping his attitude toward criminal, industrial, and political problems in his youth, his friendship with Samuel M. Jones was of equal importance in determining the path he would follow in his early maturity. Jones' personal example and the appeal of his political and social philosophy revived Whitlock's interest in politics; a feeling of compulsion to carry on the work Jones had begun swept Whitlock into an active role in politics; and the conviction he had in the truth of the ideas Jones had fought for kept Whitlock fighting for them after his every other impulse made him long to quit. The two men met when Jones strode

\[16\] For Whitlock's attitude toward capital punishment see his letters to William C. Bobbs, February 1, 1906, ibid., 49; M. P. Christensen, October 1, 1912, ibid., 155. Also see his pamphlet, \textit{Thou Shalt Not Kill}.

into Whitlock's office and asked him to speak at one of the Sunday afternoon meetings in Golden Rule Park. Their common sympathy for criminals was what brought them together but they soon discovered they shared the same attitude toward many other questions. In particular they had a liking for the same kind of books and both liked to talk about what they had read. Jones was reading Tolstoy; Whitlock was reading the other great Russians. Both were enthusiastic about Whitman. Jones, older but more exuberant than Whitlock would call him up to read lines which he thought especially good.

His friendship with the mayor occasionally enabled Whitlock to put some of his liberal ideas into practice. When the police court judge was out of town Jones would depute Whitlock to act in his place. On such occasions Jones and Whitlock could usually find some excuse to let the culprits go free. It really did no harm, Whitlock dryly observed, because everybody they let go was usually back in court again in a few days. They also worked out a plan to insure careful trials for persons charged with minor offenses who under ordinary circumstances would not have been able to afford legal advice. Jones paid the expenses incident to their trials (such as stenographer's fees) and Whitlock took care of their cases in court. For instance Whitlock would demand a
jury trial for a girl arrested as a street-walker. When her case was given as much attention as that customarily lavished on the defense of a well-to-do person, convictions were not so frequent or easy and Whitlock noticed that the police became a little more careful in the matter of arrests. One thing the activities of Jones and Whitlock accomplished was the breaking up of the practice of indiscriminate arrests for "suspicion." Under the prodding of Whitlock's sarcasm juries were not slow to realize the absurdity of allowing the police to make criminals of people by merely suspecting them of unnamed crimes. 18 His work as a kind of unofficial public defender provided Whitlock with much of the material he used in The Turn of the Balance and at least part of the philosophy of the book (as in the suggestion that being poor is the only crime society punishes) is traceable to Jones' influence on him.

Until he met Jones Whitlock was neither particularly satisfied with his life in Toledo nor much concerned about the affairs of the city. 19 The defeat of Altgeld for re-election in 1896 together with what Whitlock

18 Whitlock describes the work he and Jones did on behalf of criminals in Forty Years of It, 119-122.

19 See his letter to Octavia Roberts, August 2, 1898, Nevins, ed., Letters, 15-20 for a picture of his early attitude toward Toledo.
regarded as the betrayal of the Democrats by the Senate
leaders of the party in the Wilson-Gorman tariff act had
given him a distaste for politics which, try as he might,
he never completely overcame. But the politics of Golden
Rule Jones were different from those of Sangamon County,
Illinois. Whitlock's personal affection for the mayor
and his admiration for the fight he was making against
the privileged and puritanical elements of the city were
undoubtedly most responsible for making him resume his
old interest in politics. The chief practical service
Whitlock rendered Jones was his preparation of the city's
case against the constitutionality of an act passed by
the State Legislature which removed the Toledo Police
Department from the control of the mayor. Important
as this case is in the history of the Civic Revival, it
has a special significance in the career of Brand Whit-
lock. He credited the study he devoted to the prepara-
tion of the brief for the case with having awakened his
interests in the problems of municipal government and
impressed upon him the necessity of obtaining home rule
for cities. Meanwhile Jones' creed of non-partisanism
was rekindling Whitlock's faith in the possibility of

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achieving social reforms through political action. Jones persuaded him that the root of our trouble with politics is not the faithless politician but the too faithful voter. The man who always votes the straight ticket, who casts a "regular" vote for any question that is made a partisan issue, is the stuff of which political machines are made; and it is through the machine that privilege fastens its control upon the city. Real home rule, government actually representative of the people of the community, will be impossible until the people cut themselves loose from their blind allegiance to party and make their own decisions. With home rule and independent voting the people will be in a position to attack and solve their problems.

Jones and Whitlock believed that the non-partisan spirit would first assert itself on the city level. They felt that the Toledo election results, especially the reelection of Jones in 1903, indicated the triumph of the non-partisan idea in that city. In the 1903 campaign, even though denied free access to the newspapers, Jones was still able to carry his message directly to the people. Whitlock was with him when he opened his fight.

for re-election with a meeting on a windy downtown street corner. Every night during the campaign Whitlock rode from meeting to meeting with Jones in a little buggy drawn by Jones' white mare. In their political speeches he and Jones confined themselves to discussions of local issues such as law enforcement problems and the franchise question. However, both men were able to present these issues in such a way that they promoted widespread speculation among the people about the right of society to punish individuals, about the difference between law and statute, and about the fundamentals of representative government. 22

After Jones' death in 1904 men like Negley D. Cochran (editor of the News-Bee) and Elisha B. Southard organized the Independent party to keep alive the opposition of many former Jones supporters to the Republican machine and the street car company. Meanwhile in weekly speeches at Golden Rule Park Whitlock was striving equally hard to keep alive the spirit of tolerance and intellectual inquiry which Jones had imparted to the

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22 Whitlock discusses his part in the election of 1903 in Forty Years of It, 126-135. For Jones' account of it see "The Non-Partisan in Politics," The Independent, LV, 1963-1966 (August 20, 1903). The significance of this election is examined by a sympathetic outsider in B. O. Flower, "Two Notable Reform Victories in Ohio," The Arena, XXIX, 651-655 (June 1903).
movement he had begun. His task was to encourage independent voting by making independent thinkers. Like Jones he carried the fight beyond the political machines and the public utility companies to the prejudices within human minds and hearts. The impetus which Jones had given the non-partisan cause in Toledo was such that the Independent movement would have gone on even without Whitlock, but without him it would have lost some of its deeper implications. Whitlock's special contribution to the movement was that during the eight years of his administration he succeeded in maintaining the undercurrent of humanitarian and philosophical radicalism which makes the Toledo phase of the Civic Revival a unique American political movement.

Whitlock was reluctant to accept the Independent nomination for mayor in 1905 because his ambitions lay in another field. Not the least of the odds he had to face while mayor was his own dislike of the job. Three months after his election he was tired of the mayoralty. The nagging criticism which was constantly directed at him and the political manipulations, "deals," and squabbles in which even the Independents indulged made the eight years of his mayoralty difficult and alien and

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trying to him. Sometimes he got so tired he wanted to run away. "I feel as though I should like to take a train on the longest railroad in the world and go to the end of that line, and then go as far as I could by vehicle and horseback, and then walk five hundred miles further into the wilderness and lie down, just to get away and rest." The point is, of course, that he didn't run away as long as he felt that he had anything left to give to the Independent Movement. Even when he escaped to the convenient wilderness of Michigan for a short summer holiday his thoughts turned back to the tired men and women and their dirty children sweating in hot Toledo. Some strain of his puritan ancestors uniting with his own altruistic impulses, made him persist in the work until, discouraged and drained of enthusiasm, he knew that his usefulness to Toledo was gone. His resentment against politics was accentuated by the fact that his duties as mayor left him little time for writing. The job became unbearable when the

24Whitlock expresses his dislike of politics in *Forty Years of It*, 350-355. For a good statement of his attitude towards the mayoralty see his letter to Octavia Roberts, July 20, 1909, 116-118.


conviction seized him that the exhaustion produced by the irritating cares of office was destroying the artist in him. With a sense of relief he grasped at the offer of an appointment to a diplomatic post made to him by President Wilson in 1913. The position of United States Minister to Belgium promised him an opportunity to resume his literary activities. He was so humanly anxious to receive the appointment and so understandably disgusted by the break-up of the Independent party that he refused to jeopardize his chances for confirmation by the Senate by endorsing either of the Independent candidates for mayor in 1913. The Joker was that hardly had he established himself in Brussels when all dreams of writing were smashed by the coming of the World War. The "ironic spirit" Whitlock admired in the novels of Thomas Hardy had entered his life too.

To understand Whitlock we must remember that throughout his mature life he was haunted by a feeling that he

27 Whitlock explained the reasons for his refusal to be a candidate for re-election in 1913 in a letter to Negley D. Cochran, May 6, 1913, Nevins, ed., Letters, 166-167. In the campaign of 1913 the Independent party broke into two wings. Whitlock refused to endorse the candidate of either faction. In a confidential letter written to a friend in 1939 Cochran stated that he asked Whitlock to support the more liberal of the candidates. Whitlock declined for fear of angering Ohio's Senator Atlee Pomerene who was a friend of the other Independent candidate.
had accomplished nothing of importance in the field in which he wished to excel. His one serious ambition was to write great novels. Political service and success did not compensate him for his failure to satisfy his gnawing personal desire for literary achievement. In a letter written to Octavia Roberts in 1899 he expressed his intention to write books portraying life in the two theaters he knew best—the political world and the central Ohio country. Ten years later, on the eve of his fortieth birthday he was appalled at the insignificance of his contributions to literature. The sense of lack of accomplishment in the work he felt he was best fitted to do recurs in a letter written after the World War: he had ideas for half a dozen books which seemed to need only the physical labor of writing, "and yet here I am at fifty-one with none of this work accomplished. All that I have done in that field, so pitifully small and inadequate, has been done at the fag end of days that various necessities compelled me to devote to other ends. . . ." At one time Whitlock


Letter to Octavia Roberts, February 28, 1909, ibid., 112.

To Trumbull White, October 10, 1920, ibid., 319.
planned to write a history of the radical movement in America; he had an idea for a political novel centering around the career of a mayor; a long-cherished project, which had to wait until after the war to be written, was a study of the survival of puritanism in Ohio. First the law, then the duties of the mayor's office, and finally his pressing responsibilities as American Minister to German-occupied Belgium interfered with his desire to write. Only after the war did he have a chance to devote himself entirely to literature and then poor health often interrupted his work.

Howe and Whitlock, products of similar environments and sharing identical viewpoints on many questions were yet two entirely different personalities. Howe had by far the better formal education; Whitlock the more intellectual family background. Howe's chief character trait was dogged honesty; Whitlock's was compassion. Whitlock had the greater sensitivity and keener intuition of the two. It took years of actual experience with reality to make Howe give up all of his earlier beliefs but the bottom was knocked out of Whitlock's youthful complacency by a friend's quiet words, "Oh nothing," and an enigmatic smile revealed by the glow

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31 J. Hardin & Son, published in 1923.
of a cigarette. Howe's life, like that of Lincoln Steffens, whose writings associate his career with the Civic Revival, was a continual education. Despite his real accomplishments in politics and diplomacy, Whitlock's mental development was a reluctant progression towards disillusionment. Howe's approach to life was rational; Whitlock's was emotional. (Steffens' was curious.) Howe began life with a set of intellectual prepossessions which he discarded one by one as experience proved them false. Through association with great men early in life Whitlock began with aroused humanitarian sympathies. His work with criminals and unfortunates deepened these sympathies. Looking at the world through eyes frankly prejudiced by his emotions, Whitlock was filled with love and pity for humanity and its suffering. From the very beginning, however, and increasingly as he grew older, Whitlock was hurt, exasperated, and depressed by the world's stolidity and conservatism.

Whitlock's good friend, Newton D. Baker, has pointed out that Whitlock's literary tastes are a good index to his personality. They also reveal his deeper attitude toward politics. Like Jones Whitlock preferred "the literature that dealt fundamentally with life." From___________

his early allegiance to William Dean Howells he turned to Thomas Hardy. Perhaps he hoped to do for Ohio what Hardy had done for Wessex. But Whitlock's chief enthusiasm was saved for the great Russian novelists. Baker, who was one of the men with whom Whitlock liked to discuss literature, says of the Russians that they delineated human nature in the nude. They wrote about the humankind Whitlock was thinking of when he spoke of "the people." Whitlock carried his love for humanity into politics. He was so keenly aware of the complexity of human nature and of what Hardy called "the contrariety of things" that he distrusted any hard and fast creed or program. He was so conscious of the presence of the human element in every problem that he was repelled by force. People were the only reality to him.

In his opposition to force and distrust of dogma Whitlock was like the other leaders of the Civic Revival. In the quality of his belief in people he differed from the others, being closest to Jones. He assumed that people, whatever they are today, will some day be good. He was aroused when he thought the ordinary man was unfairly treated. But what really stirred Whitlock about people was the simple fact of their humanity. They were all men and so all deserving of respect and pity. In Whitlock pity was a stronger emotion than respect.
Whitlock arrived at his belief in people by a different route than Johnson or Jones or Howe. The first two, having satisfied their personal competitive urges by success in business, were wrenched out of their old lives and thrust into service, one by a tremendous personal experience, the other by an overpowering conviction in the truth of a philosophy. Howe's release from the evangelical psychology of his youth gave him an intellectual and emotional stimulus. His understanding of the industrial system made him a humanitarian. Whitlock was first of all a humanitarian. Without having achieved his artistic ambition he was turned into a radical in politics and economics because his sympathy for criminals made him see that many criminals are only poor. That is, his faith in people—the only faith he had—was based on sympathy rather than conviction. Sometimes, because he was a sensitive man, his belief in people was shaken. By the end of his life any hope that he may once have cherished that men would soon become wiser was dulled. Human prejudice had proved a tougher antagonist than privilege.

We must realize Whitlock's disillusion, but it would be wrong to over-emphasize it. Perhaps he only expressed his disappointment in life more eloquently than other
men. In considering Whitlock as one of the leaders of the Civic Revival we should notice that few men as sensitive as he have ever gone into politics; few practical men have been as successful as he in handling difficult jobs. Whitlock applied in politics the humanity he was so long denied a chance to express in novels.

33"Sometimes we grow sick and tired of it, Nell and I. . . . I grow homesick, especially in these autumn days; but down in my heart I know it isn't home, or any given place I'm homesick for, its youth. What a terrible thing to grow old. Ugh!" Whitlock to Octavia Roberts, October 31, 1932, ibid., 533-534.
SECTION II

THE PHILOSOPHY AND PROGRAM OF THE CIVIC REVIVAL
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INTRODUCTION

The leaders of the Civic Revival shared the typical beliefs of the Progressive era: faith in America; faith in democracy; and faith in the possibility of bettering economic conditions by political action based on "the people," rather than by means of violence or class action. The philosophy of the Civic Revival was rooted in a belief in the common man's capacity for virtue, education, action, and consistency. They sincerely believed that all the people needed to develop and to demonstrate these qualities was the opportunity of living under fair social and economic conditions. Neither our people nor our society can be made good by repressive measures, they asserted; but once remove the artificial restrictions which prevent the working of the law of nature and distort natural human impulses, and the people will reveal their own goodness.

To the Civic Revivalists freedom required the insuring to all men of access to the natural resources of the
earth as well as the guarantee to all of their common right to participate in government. Briefly stated, the program of the Civic Revival was to restore control of government to the people in the expectation that they would use their political power to re-open the gates of economic opportunity. The ultimate aim of the movement was an ethical one—the free development of personality, both civic and individual, in Cleveland and Toledo. It was realized that this ethical goal could only be attained when the economic conditions in the two cities were such that personality was not degraded by either involuntary poverty (or the fear of it) or by the possession (or hope of possession) of monopoly-made wealth. While its objectives were thus ethical and economic, the Civic Revival itself was primarily a political movement. As already indicated, the leaders of the Civic Revival knew that fundamental economic reforms could not be secured by peaceable means until the friends of reform had won political control.

Johnson, Jones, Whitlock, Howe and their followers differed from other reformers of their time in their keener appreciation of the fact that the chief obstacle in the way of establishing political or industrial freedom was a force which they called "privilege." They
proposed to destroy the economic root of privilege in their cities by adopting measures like the single tax and the municipal ownership of public utilities which would make it impossible for private individuals to profit from a monopoly control over the common necessities of urban life such as land, transportation, communication, and light and water. They planned to break the domination of politics by privilege by making the government more responsive to the will of the people through municipal home rule, nonpartisan municipal elections, and the initiative and referendum. The various chapters of this section will attempt to delineate the philosophy underlying the Civic Revival by defining the word "privilege" as used by the Civic Revivalists, by examining the influence of the single tax philosophy on the movement, and by presenting the ideas of the leaders on the subject of municipal ownership of public utilities, the initiative and referendum, and municipal home rule.
CHAPTER 1

PRIVILEGE

In the opening years of the twentieth century there was justifiable concern among serious-minded people about the political corruption of American cities. Lord Bryce's dictum that the most conspicuous failure of American democracy was in the field of municipal government had been so eagerly accepted and so often quoted that Brand Whitlock was tempted to believe that people were a little proud of the distinction. Conventional explanations of the alleged failure of democracy put the blame for municipal corruption on America's youth; on the alliance between the boss, the spoilsme, the saloons, and the foreign-born voter; on the indifference to municipal politics of the best elements of the electorate; and on the unwieldiness of the kind of municipal government provided for in existing charters. Lincoln Steffens recalled that when he began his series of

1Forty Years of It, 162.

2A typical article is the editorial, "The City in Modern Life," Atlantic Monthly, LXXV, 552-556 (April 1895).

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articles on municipal corruption he was just as firmly convinced as his readers that political evils resulted from the activity of bad men in politics and that they were curable by electing good men to office. In the course of his investigations, however, Steffens was so impressed by the friendliness and ability of the bosses that he half-seriously suggested that we assign them responsibility as well as power. Then if the people urgently made known their desire for good government the bosses would be as competent as any to give it to them. But by the time he met Tom Johnson Steffens' observations of political conditions in cities like St. Louis and Philadelphia had shown him that political corruption threatened not only good government but self-government as well. He had come to believe that corruption was more than an evidence of a country's youth. When it is traceable to the bribery of councils by the business interests of a community, he said, corruption is a process by which American democracy is being turned

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4The Shame of the Cities, 3-26 passim; Autobiography of Lincoln Steffens, 531-532.
into a plutocracy—a government representative not of all the people but of only a part.

Steffens gave Tom Johnson credit for having made plain to him the concept of privilege. Johnson demonstrated to him that something more definite than "business" or "big business" was the source of corruption in cities. Johnson taught him that the kind of businessmen who corrupted politics were those whose businesses, whether large or small, were dependent for their existence upon special favors from the government. Their business might be the operation of a disorderly house which needed police protection, or it might be the management of an over-capitalized street railway company which required a friendly council to grant it franchises enabling it to charge high fares. At any rate, Johnson showed him it was not men who were fundamentally responsible for political corruption but rather the prize of doing business on especially favorable terms. This prize was what Johnson and the other leaders of the Civic Revival meant by privilege and they felt that the struggle for the possession and retention of privilege was the chief factor in corrupting municipal politics. They looked upon privilege in the form of franchises or tax

5Steffens, Autobiography, 492.
evasion as the real spoils of politics. But they did not advocate the punishment of the privilege-seekers as a remedy for the situation; a much better solution was the eradication of the prize which tempted men to behave in an anti-social way.

The Civic Revivalists liked to think that they were fighting an economic condition, not men. The real foe, they always insisted, was privilege—the economic advantage obtained by political influence. But privilege, as they knew better than anyone else, is not an inanimate thing; it is very sensitive and very real. Inevitably their attacks on privilege involved them in conflict with the interests which benefited by possession of it. Consequently the Civic Revivalists not infrequently identified the idea of privilege with the possessors of it. Then they spoke of privilege (or "the system") in the sense of a network of interests which always opposed what Frederic C. Howe called "genuine municipal reform." At the center of this network were the men who drew their wealth from property whose value was either socially created (such as land or franchise rights) or whose earning power was increased by governmental favors (like tariffs or tax exemptions). They regarded railroads, public utility corporations, and owners of valuable
land as examples of business interests dependent directly upon privileges. Joined in the system with them were these groups: bankers, professional men, and brokers who were financially connected with the first-named group; other business-men who were made to believe that an attack on privilege was an attack on property; the press which was often owned by or subservient to privilege; the political machines which were controlled by campaign contributions from privileged business-men; and partisan voters who were kept in line by appeals to party prejudice.

Howe warned that though only a small proportion of business-men were actively engaged in seeking privileges, the class which felt itself hurt by an attack on privilege was large and included the "best" class in the community. Recalling the opposition he encountered as mayor, Tom Johnson explained how privilege fought reform in the city of Cleveland. Bankers warned borrowers that such dire financial results would accompany Johnson's success that credit would have to be curtailed. Attempts were made to intimidate supporters of Johnson by threats to call in their loans. At meetings of the Chamber of Commerce business men were told over and over again

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6 The City, the Hope of Democracy, 77.
that Johnson's program would hurt business. Merchants who were known to favor him were threatened with boycotts. Of the four leading papers, one was owned by the Hanna family and another by the attorneys and stockholders of the street railway company. 7

An incident in the long drawn out street railway contest in Cleveland illustrates how the machinery of privilege may be controlled by a tiny but powerful minority. After the Goff-Johnson settlement in 1908, William H. Boyd, a former candidate for mayor against Johnson, disclosed that the settlement had long been held up by the opposition of the six families who controlled the majority of stock in the street car company. Despite the fact that the remaining 794 small stockholders were in favor of accepting the settlement, it was not until two of the majority families had been persuaded to consent to it that the company's representative was able to make the concession which led to an agreement with the mayor. 8

7 My Story, xxii-xxiii. The most dramatic portrayal of "the system" is Ben B. Lindsey and Harvey J. O'Higgins, The Beast.

8 Boyd's statement is quoted from the Cleveland Plain Dealer in an editorial, "The Three-Cent Fares in Cleveland," The Public, XI, 97-98 (May 1, 1908).
The Civic Revivalists used the term "privilege" not only to indicate the spoils of politics, and to refer to the combination of financial, social and political interests which blocks municipal reform, but also as a synonym for monopoly. "Privilege is the advantage conferred on one by law of denying the competition of others." They looked upon franchise grants, tariff laws, patent rights and tax evasions as shelters behind which some industries were enabled to escape fair competition. Johnson and Howe, converts of Henry George, believed that the greatest of all privileges was the enjoyment of land monopoly which was made possible by the exemption from taxation of bare land values.

Monopoly struck the Civic Revivalists first of all as unjust. Howe saw it primarily as a way of making money. It was the principle of getting something for nothing, of making the other fellow pay, of getting rich without toil. Monopoly allowed individuals to profit from the ownership of property whose value was made by the community; it disturbed the natural distribution of

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9Johnson, My Story, xxxv.

10Ibid., xxxvi-xxxvii.

11Confessions of a Monopolist, v; The City, the Hope of Democracy, 72.
wealth by permitting a few men to appropriate the blessings of the earth which nature intended for the equal enjoyment of all. Monopoly was the means by which riches were concentrated in the hands of those who did not themselves produce wealth, but who levied tribute upon those who did.¹²

The control of such necessities of life as land and resources by private interests who held them for a speculative profit instead of using them for the production of wealth was regarded by the Civic Revivalists as one of the worst evils of the present economic system. This condition stifled competition, or to put it in another way, blocked economic opportunity. It deprived labor of a chance to work and capital of a field for investment.

It [monopoly] encloses the land and the nation's resources. It limits opportunity to work. It erects barriers about our resources; not to use them but to exact a monopoly price from those who do. Monopoly denies to man opportunity. It fences in millions of acres of soil, of coal and iron mines, and of city lots. It closes the door to competition and to labor. . . . That is why enterprise is strangled and labor walks the street looking for a job.¹³

¹² For a discussion of the interference of monopoly with the natural distribution of wealth see Henry George, Progress and Poverty, 450; also see Howe, Confessions of a Reformer, 133 et seq.

¹³ Howe, Confessions of a Monopolist, vi-vii.
The enclosure of economic opportunity was a serious problem to men who looked upon the principle of freedom as the law of progress. They thought it was a rule of history that the overthrow of restrictive laws and the destruction of privilege always resulted in a flowering of wealth. "New processes, new ideas, new inventions are awakened by the call of freedom whether it be the opportunity to produce as one wills, to trade as one wills, or, far more important, to make use of the earth free from the dead hand of speculation." Howe thought that the history of the United States showed the close relationship between economic and political liberty. Economic freedom made the United States, he said. But what he had in mind was not the "travesty of industrial freedom" which has masqueraded under the name of laissez-faire, but the actuality of economic opportunity in the form of free land, vast resources, and a wide market.

Whitlock and Jones saw the fight against monopoly as the fight for equality and brotherhood. Jones was not opposed to the consolidation of industry in itself

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14 Howe, *Privilege and Democracy in America*, 298.

15 See *ibid.*, especially Chapters I, II, III and XXV for Howe's interpretation of the influence of free land on American democracy.

but only to the private control of monopoly. All four of the leaders of the Civic Revival saw a connection between monopoly and crime. Monopoly, meaning the control of the earth's resources by private interests, was responsible for most poverty. Poverty in turn produced crime and vice. The struggle for the privileges on which monopoly is based was the source of the crimes of the rich: In the new philosophy, Whitlock wrote, gambling would be gambling whether the thing at stake was a few pennies or a street railway franchise; it would be as wrong to steal a railroad as to steal a ride on a freight car; and public property would be regarded as sacred as private. Thus, once again, we come back to the ethical ideal of the Civic Revival: the building of a society in which human personality would be free to develop naturally, without the corrupting influence of either privilege or poverty.

17Monopoly-induced poverty is what the Civic Revivalists meant by the term "involuntary poverty."

18On the Enforcement of Law, 93.
CHAPTER 2

THE SINGLE TAX

Privilege was not the discovery of the Civic Revival. Opposition to the idea of privilege has been an important item in the creed of all American democrats. Privilege was what Americans fought in Great Britain’s western land policy and in the Tea Act of 1774; it was what roused the hostility of the Jeffersonians against Hamilton’s financial policy; it was what Andrew Jackson wrestled with in his fight on the Second United States Bank. Privilege was what the Abolitionists hated in slavery and what men like Whitlock’s old friend, Frank Hunt Hurd, had opposed in the protective tariff. It was essentially against privilege that Bryan had led his crusade in 1896. In the early eighteen-nineties municipal administrators like Pingree of Detroit and Swift of Chicago, and writers like Edward W. Bemis and John R. Commons, had seen that the origin of municipal corruption lay in the traffic in franchises. But it was in the early years of the twentieth century that the idea of privilege came to have its widest acceptance and clearest meaning. As Lincoln Steffens was the best known of the
literary men of this period engaged in exposing privilege, so the leaders of the Civic Revival and their supporters in Cleveland and Toledo were the outstanding political opponents of the condition. To the extent that their awareness of privilege was intellectually induced it was the philosophy of Henry George which was chiefly responsible for revealing it to them. The single tax philosophy also influenced the program of the Civic Revival more deeply than did any other contemporary social theory.

Perhaps even more keenly than some of its advocates, the opponents of the single tax realized that it was much more a fundamental plan for remaking society than a mere proposal for revenue reform. ¹ Henry George was a social crusader before he was an economist. It is significant that during his lonely stay in New York in 1869 he was more impressed by the misery and poverty of the great city than by the grafting of the Tweed Ring. His economic researches were undertaken not to prove or disprove economic principles, but to find out how poverty could be abolished. His campaigns for political office

¹See "Johnsonism in Ohio," Gunton's Magazine, XXV, 283-294 (October 1903) for an interpretation of the aims of the single tax as viewed by a conservative.
were waged, not just to win, but to educate the public to his doctrines by political agitation. The remedy for poverty that George set forth in *Progress and Poverty* was in line with American reliance upon individual enterprise: he would restore economic opportunity by destroying monopoly; he would destroy monopoly by the ingenious scheme of using taxation to confiscate the privileges on which monopoly was erected.

George's proposal eventually became known as the single tax because it was believed that the recapture by the state of all socially-created wealth would provide enough revenue so that the wealth produced by capital and labor (such as that represented by buildings and improvements, personal property, incomes, and industrial goods) could be exempted from taxation. The single taxer believed that the true principle of taxation was to tax men, not on what they have made for themselves by their own labor and talents, but rather on what individuals possess whose value has been made by society. The outstanding examples of property whose worth is made by the community rather than by the

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2 Tom L. Johnson, "A Single Tax Substitute for the Income Tax," *The Public*, XIV, 687-690 (July 21, 1911), 687. This is a reprint of Johnson's speech in Congress on January 30, 1894, *Congressional Record*, 53 Cong., 2 sess., 1652
possessor are franchise rights and the unimproved value of the land. The single taxer advocated not only the levying of taxes against the "uneearned increment," as is done by special assessment taxes, but the raising of the tax to a point which would absorb the whole of the amount by which the growth and needs of the community have enriched the holder of the land or franchise. The single tax would destroy monopoly (and thus encourage free enterprise) by removing the value of the monopolist's particular kind of privilege. The result of this program would be to end private speculation in land and natural resources, and to encourage the public ownership of public utilities.

The single tax had a strong appeal to the Civic Revivalists because it offered a plausible way of destroying privilege and bringing back economic opportunity. They accepted the assumption that once all men were given a chance to get at the resources of the earth on equal terms, and to enjoy the full rewards of their work, involuntary poverty would disappear. In a privilege-less, poverty-less society the self-interest of the individual would work in harmony with the welfare of the community.

The single tax canalized emotional sympathies and organized political and economic discontent behind what
appeared to be a simple and feasible program. An im-
portant reason for its popularity with the Civic Revival-
ists was that it safeguarded individual liberties while
recognizing social values. The reforms suggested by
the single tax could be obtained without force and
without the necessity of establishing a tyrannical gov-
ernment. The followers of Henry George believed that
only two things were necessary to put in motion the
train of events from which the good things promised by
the single tax were to flow: a legislative enactment
granting to each municipality the right to adopt its
own method of raising revenue, and a city ordinance
exempting buildings and improvements and personal prop-
erty from taxation.3

Of the Civic Revivalists only Jones was cool toward
the single tax. He agreed with George that the unearned
increment should be returned to the public; he agreed
that monopoly shut off opportunity, was responsible for
poverty, and corrupted politics. But he was not at-
tracted by competition as a social ideal. Jones thought
that competition made life a scramble for riches. He
was interested in finding a friendlier way of making and
distributing goods than was provided by a return to

3Howe, The City, the Hope of Democracy, 278.
competition. He did not think land and franchises were the only property whose value was socially created. "Our whole civilization is a social product," said Jones. "Socialism is not a visionary plan for remodelling society; it is a present fact which is not yet recognized in the distribution of wealth." In his economics Jones emphasized labor rather than land as underlying all wealth; in his social theory he stressed cooperation rather than individual rights. In his attitude toward all aspects of life having to do with making a living he was a collectivist. But in regard to a man's right to make his own decisions on such questions as religion, morals, politics, and thought, Jones was a vigorous individualist. Instead of the restoration of competition, he proposed the conversion of the private benefits of monopoly into public benefits by substituting state for private ownership of the trusts. He thought that the democratic spirit of the American people would prevent American socialism from being repressive. His ideal was the fraternal rather than the paternal state.

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4Jones, The New Right, 239.

5This is approximately the position to which the book, Denmark, the Co-operative Way, seems to indicate Frederic G. Howe had gravitated by the closing years of his life.
The single tax was a typically urban philosophy, for it was in the city that social values were most clearly revealed. It appealed to most of the leaders of the Civic Revival not only because it seemed ethically just, but because they thought its results would be desirable from a practical standpoint. They expected the single tax to provide an automatic solution for all the problems of the city: political corruption, poverty, vice, slums, and the ever-present need for revenue.

They believed that one of its most tangible benefits would be to give to the city a source of revenue which would increase as the city grew in population (i.e., as its need for revenue increased), and which would automatically become larger with each dollar spent on civic improvements. "The treasure of the city is the constantly increasing value of urban land through the growth of the city." Hitherto, wrote Howe, the treasure of the city has been tapped directly only by the owners of land and the holders of franchise rights. Investors, speculators, and bankers have long realized that other forms of property decrease in value through depreciation and require constant attention and expenditure of money to keep them in a state of productivity. But the values

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6 Howe, The City, the Hope of Democracy, 250.
of land and franchise rights in a growing city pile up by night as well as day, in bad times as in good. This growing fund, the unearned increment, is a ready-made source of revenue for municipal purposes and should be taken by the city through taxation.7

Using these city-made funds, the municipal government could assume functions formerly impossible because of lack of sufficient revenue. The government would be in a position to do things for the people because the automatic operation of natural laws in a privilege-free society would release it from the repressive activities of regulation and punishment. The single taxers and the Cleveland and Toledo reformers did not want to reduce the state to a tax-collecting agency.8 They wanted a minimum of repression and a maximum of service from the state. Henry George listed the transmission of telegraph messages, and the public ownership of heat, light, water, and power plants as examples of the kind of public services with which the single tax state would occupy itself. He emphasized the duty of the state to provide places of popular education, enlightenment and

7This paragraph is a paraphrase of Howe's discussion of the treasure of the city and how the city can get at it, ibid., 249-279.

8My view is contrary to that of John Chamberlain in Farewell to Reform, 57.
entertainment.

The single tax approach to the problem of the slum offers the best illustration of the way in which the Civic Revivalists expected this reform to help the city. Howe said the slum was the problem of the city, as the city was supposed to be the problem of democracy. He believed that naturally, and without the necessity of government supervision, by harnessing self-interest to the good of society, the single tax could rid the city of disease and crime-breeding areas and at the same time solve the whole housing problem. The Civic Revivalists accepted the single taxers' assumption that the housing problem appears as soon as land becomes sufficiently valuable to force an economy in space. They attributed high rents to the value of the land site and to the practice of withholding land from best use in order to profit from an actual or speculative rise in value, rather than to the cost of the building material and labor required for erecting houses. Howe outlined the history of a slum tenement in this manner: as the value of the site increases, a single house is converted into a double. Next the basement and attic are occupied. Then jerry-built wings are added to the sides and the

9 Progress and Poverty, 454 et seq.
rear. Eventually what was originally a residence for one family houses six or seven. Inevitably this process is accomplished only by sacrificing safety, privacy, sanitation, air, and light. Thus, according to the single tax interpretation of the development of slums, it is not the overcrowding of cities which causes high house rent, but high ground rent which forces the overcrowding of houses. 10

The ordinary reformer demands the passage of building and sanitation codes to combat the evils of the slum. The single taxer, seconded by the Civic Revivalists, said the only effective way to handle the slum and housing problem was to reduce rents. They thought the best way to reduce rents was to destroy the speculative interest in land by appropriating land values through taxation. Then land previously held idle or only partly used would be forced into use so that the owner could meet the tax. Building would be stimulated and rents would fall as the number of houses and apartments was multiplied. Under the single tax tenants would not force rents up by bidding against each other for desirable quarters, but, on the contrary, landlords would have to compete for tenants. The competition of

10See Howe, The City, the Hope of Democracy, 181-201, for a discussion of the cause of slums.
landlords to get tenants would prevent the former from shifting the tax burden to the renter.\textsuperscript{11} The single tax would also reverse another situation which exists today: Our present tax laws, by taxing improvements as well as land, punish the man who builds a model tenement. Under the single tax the man who tried to get along without improving his land or by failing to use it in the most productive way would automatically be penalized.\textsuperscript{12}

Its adherents also believed that the single tax would make cities both beautiful and prosperous. For the reasons outlined above dilapidated buildings would be supplanted by new ones. Speculation would no longer disfigure a city by leaving vacant lots in its heart, while suburban areas were forced into unnatural development. Meanwhile, the increased revenue provided by land taxes would enable cities to engage in many projects of civic beautification.\textsuperscript{13} The stimulation of building

\textsuperscript{11}Ibid., 277-278 for Howe's reason why the land tax could not be shifted.

\textsuperscript{12}Ibid., 202-213 for the single tax solution to the housing problem.

\textsuperscript{13}Byron W. Holt, "The Single Tax Applied to Cities," \textit{Municipal Affairs}, III, 328-349 (June 1899) discusses the effect of the single tax on municipal conditions with special emphasis on the ways in which it would aid in beautification of cities.
would offer employment to capital and labor; low rents would make the city cheap to live in; and the removal of taxation from industry would invite manufacturing enterprise. "Untaxing the things people use will cheapen them," thought Johnson. "It will encourage production. . . . With cheap land on the one hand and cheap houses, factories and goods on the other, Cleveland will be the most attractive city in America." Johnson believed that if one city adopted the single tax all cities would be forced to do the same. That was another example of the seemingly automatic operation of the single tax as a means of social reform.

The influence of the single tax philosophy on the movement for municipal ownership of public utilities will be discussed below. Here it is necessary only to point out the relationship between the transportation question and land values as it was understood by men like Johnson and Howe. To the single taxer the street railway controversy in Cleveland during Johnson's administration was in some respects only an educational campaign conducted

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14 Apparently it was believed that building costs would not rise precipitously because the single tax would make access to raw building materials easy and therefore keep their price down.

15 Quoted in Howe, Confessions of a Reformer, 97-98.
to make clear to the people the results of land monopoly.\textsuperscript{16} Cheap transportation was admittedly one factor that would ease the housing problem. But Johnson felt that the benefit of low fares would be more likely to go the owners of land so located as to be served by the street railway system than to the street car riders. He was of the opinion that the land monopolist absorbed every other surplus and that what the riders saved in car fare they would pay to the landlord in higher rent. Johnson's forebodings seemed later to have been borne out by the experience of several English municipalities. In an attempt to solve their housing problem they had purchased street car lines and extended them out into the country. Then it was discovered that the introduction of transportation service had so increased the value of suburban land that its cost was prohibitive to most would-be purchasers.\textsuperscript{17} In itself the municipal ownership of transportation facilities was therefore no remedy for the housing problem. Johnson believed, however, that if the city had both the single tax and municipal

\textsuperscript{16}This is the interpretation of Johnson's fight against the Cleveland street railway company given in an editorial in the single tax magazine, \textit{The Public}, at the start of the contest: "The Street Car Question in Ohio," \textit{The Public}, III, 692-694 (February 9, 1901).

\textsuperscript{17}Howe, "An Epoch-Making English Budget," \textit{The Independent}, LXVI, 1332-1335 (June 17, 1909), 1334.
ownership, the increase in land values induced by extensions of the street railway system (which increase would be taken by taxation) would be great enough to cover the operating expense of the transportation system. Then everybody could ride free "just as tenants of an office building are charged enough rent to permit free running of elevators."

The single tax philosophy appeared at a time when political corruption was still considered the chief evil of the city. The reforms brought about by the custom of occasionally "throwing the rascals out" and electing the other party to office had proved little more permanent than those effected by palace revolutions in the Balkans. The single tax suggested a way of getting at the roots of political corruption, but more than that, it ushered in a new period of municipal reform. The idea of privilege, revived by the single tax, brought some reformers to grips with fundamental economic problems of which political corruption was only a symptom. The single tax philosophy as applied to cities emphasized the need for municipal home rule, for municipal ownership of public

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18Edward L. Bemis, "Detroit's Effort to Own Her Street Railways," Municipal Affairs, III, 473-490 (September 1899), 475. For Johnson's own statement of the desirability of free street cars see My Story, 39-40.
utilities, and for the simplification of the machinery of government, all of which have become accepted parts of later designs for civic improvement.

The single tax humanized municipal reform by bringing to light the contribution which the men and women usually regarded as failures in our economic system make to the development of social wealth. Its doctrine of involuntary poverty, which taught that lack of opportunity kept more men poor than did their own weaknesses, freed some reformers from the evangelical psychology. It helped them to avoid the shallow program of the impatient reformer who wants to make people be good by passing laws.

The Civic Revival exemplifies all of these influences of the single tax on municipal reform. In addition, it illustrates the significance of that philosophy in American history as a whole. The single tax philosophy made an important and practical contribution to the general movement by which the individualistic ideas regarding economics, politics, and religion which had evolved out of our earlier condition of life were being adjusted to the present fact of our industrial and urban environment. The single tax philosophy, more tangibly than any other intellectual force, altered our
individualistic theory of wealth by showing how society as well as land, labor, and capital creates wealth. A man like Golden Rule Jones, who felt the brotherhood of man, didn't need the single tax to show him the riches—not of money alone—which men's association with each other inspires. On the other hand, Tom Johnson and the average American had to have something graphic to make the concept of social values real. The single tax gave such men a practical demonstration of the validity of this idea by applying to social conditions a principle (the rise of urban land values with the increase in population) upon which many of them had acted in business.
CHAPTER 3

MUNICIPAL OWNERSHIP

To the Civic Revivalist the private ownership of public utility companies typified privilege in all its meanings: public service corporations were natural monopolies; they were founded upon franchises, the prizes for which business-men corrupted politics; and they provided the funds with which "the system" undermined democracy. The fight of the Civic Revivalists for municipal ownership of public utilities is the urban side of the national anti-trust movement.

In 1903, shortly after election to his second term as mayor of Cleveland, Tom Johnson proposed that the city issue bonds for the erection of an electric power plant authorized to sell electricity to private consumers as well as to provide electric power to the city. Although Detroit and Chicago supplied themselves with electricity for street lighting and other public purposes from municipally-owned power plants, no large American city had as yet undertaken to provide electricity
for commercial sale. The conservative classes of Cleveland were amazed and perplexed at the mayor's audacious scheme. Why should the city enter a field already occupied by a private concern which was doing its job efficiently? Why should the city increase its debt burden by issuing bonds to build a new plant when there was already in existence one built by private capital without any charge on the credit of the community? And finally, why should the city's tax load be weighted by a foolhardy venture into competition with a private company already paying taxes into the city treasury? The only answer to these questions was that Johnson was bent upon committing Ohio's metropolis to the doctrine of "municipal socialism."¹

"Municipal socialism" was the term of opprobrium used to designate the idea of municipal ownership of public utilities by those who opposed it. Men who believed the city's duty was to transact public business efficiently and honestly and not "to furnish employment and 'pleasurable conditions of life' to its citizens"

¹H. T. Newcomb, A Study in Municipal Socialism. . . (pamphlet). Johnson recounts how his plan to obtain a municipal electric power plant was temporarily defeated in My Story, 191-193. An injunction was issued to prevent the holding of the special election on the bond issue in the summer of 1903. At the regular election later that year the bond issue was defeated. Cleveland obtained a municipal plant through the annexation of South Brooklyn in 1905.
saw nothing but evil in plans to extend municipal activity into areas which would bring the city into competition with private enterprise. They conceded the city's right to construct grade crossings, to build bridges and viaducts, to pave streets, lay sewers, and to extend fire fighting services—all of which were beneficial to the business community. They agreed that the city should develop park systems to keep the children off the streets and the men out of the saloons. But they opposed the city's entry into industries like transportation or electric power production in which private capital was profitably invested. The opponents of municipal ownership said that there was too much danger of graft and bureaucracy accompanying the city's participation in these services. Men who professed a belief in the necessity of governmental regulation of public utilities drew back from municipal ownership simply because they didn't think cities were capable of handling such important problems. The granting of unregulated power to municipal government to own and operate industries

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2*Municipal Socialism* (pamphlet), 21, citing New York *Evening Post*, October 1, 1902.

3Newcomb, *A Study in Municipal Socialism*, 18-19, lists these as permissible fields for municipal activity.

4The pamphlet, *Municipal Socialism*, passim gives the typical conservative arguments against municipal ownership.
is like placing the operation of a powerful and complicated machine in charge of a novice." The chances are that the machine will be damaged and the operator injured.

His critics were correct in their conjecture that Johnson was determined to commit Cleveland to a program of municipal ownership. Like the other leaders of the Civic Revival he thought the employment of its citizens was a matter of interest to the city and that the providing of "pleasurable conditions of life" was one of its chief concerns. The Civic Revivalists asserted that the city was more competent than private individuals to own and operate the public services necessary for urban life. They felt the possibility of graft in municipally-owned utilities was a less dangerous threat than the systematic prostitution of representative government that went on when public utilities were left in private hands.

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The leaders of the Civic Revival were unanimous in proclaiming that the private ownership of public utilities was the fountain-head of municipal corruption. They thought the political boss was kept in power by the campaign contributions he collected from the privilege seeker. They believed the most valuable privileges the boss had at his disposal were franchise grants. In their opinion, bad government, as manifested by election frauds, protected vice, and petty grafting resulted from the rule of the boss and the men he elevated to political office with money received from franchise-seeking (or franchise protecting) public utility companies. The famous liberal clergyman, Washington Gladden, who served a term in the Columbus City Council in the early nineteen-hundreds, agreed with Frederic O. Howe that such privileged business interests had a negative interest in reform and a positive one in bad government. Men whose private economic welfare was connected with the profitableness of public service corporations did not want good government. They could not get the kind of concessions they wanted from honest government. "Good government would not permit them to levy tribute on the

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public for the payment of dividends on vast issues of fictitious capital." Their economic interests made them welcome the entrance of weak and corruptible men into politics, for to privilege, "bad government is profitable, reform a menace." 

Just as they were in agreement in holding that the struggle for privilege, and especially for franchise privilege, was the chief source of corruption in cities, so the leaders of the Civic Revival all advocated municipal ownership as the best way of ridding cities of this blight. None of them had any illusions that the regulation of public utilities by the city or the state would solve the problem. They firmly believed that as long as we allowed public utilities to be privately owned the utility interests, acting through their political henchmen, would control the agency which was intended to regulate them. Municipal ownership, on the other hand, would take down the prize of privilege which tempts business-men to corrupt politics. "Did you ever hear of

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8Howe, The City, the Hope of Democracy, 114.

9"Big Matt" in Whitlock's novel of the same name is the corrupt commissioner of public utilities in a middle-western state.
anybody trying to get a fire department franchise?" 10

Municipal ownership impressed Howe and Jones as the only system under which the economic interests of all the people would allow them to work for, rather than against, the city. Despite their belief in the theory of competition Howe and Johnson were as willing as Jones to admit the necessity of public ownership of any industry that was naturally 11 a monopoly. Some things, of which the services rendered by public utility corporations were the best examples, could be more efficiently done by monopoly than by competition. They insisted that all such industries should be owned and operated by and for the public. Howe, who never completely lost the service ideal with which his university training had indoctrinated him, thought municipal ownership would cure the apathy which most people felt toward municipal government.

"Let us give the city things to do that will make it important and beloved. Then the citizens will be proud of their city and be eager to serve it." 12

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10 Johnson, My Story, 40.

11 The interpretation of this word is what differentiated Jones from Johnson and Howe. With his broader conception of social values Jones would say that many industries are "natural" monopolies which Johnson and Howe (at this stage of his career) would insist were monopolistic only because of the private ownership of land and resources.

12 Howe, The City, the Hope of Democracy, 123-124.
The Civic Revivalists did not deny that municipal ownership might result in some extravagance, in some grafting, and in the temporary extension of the spoils system. The temperament of these men was such, however, that they were less disposed to worry about those possibilities than to rejoice in the greater likelihood that municipal ownership would make every citizen a critic and would free the press from the toils of privilege so that it would be able to use its energies on behalf of the people.\textsuperscript{13} They had little fear that municipal ownership would result in an overbearing class of office-holders. "Which is more in politics, a private or a publicly-owned water plant?", asked Howe. As evidence of the greater ease of reforming the spoils system under public as contrasted to private control, Edward W. Bemis, the superintendent of Cleveland's municipal water works in the Johnson administration, pointed out that many of the interests most opposed to Johnson's more fundamental reforms were enthusiastic in their praise of his administration's effort to put the water department on a non-partisan basis.\textsuperscript{14} All of the Civic Revivalists thought the "oligarchy of privilege"

\textsuperscript{13}\textit{Ibid.}, 123.

\textsuperscript{14}"The Franchise Situation in Cleveland," \textit{Municipal Affairs}, VI, 261-267 (June 1902), 265.
which controlled the political parties was a greater menace to real democracy than a large office-holding class would be. We must remember, too, that they meant to complement municipal ownership with political innovations calculated to bring the government under closer popular control.

Perhaps the reasons so far emphasized for the Civic Revivalists championing of municipal ownership of public utilities were rationalizations of their belief that municipal ownership was a just system. The value of the franchises of public service corporations was made in the same way as the increase in the value of land. They looked upon both land and franchise values as unearned increments created by the growth of the city and enjoyed by private individuals who had obtained a legally protected monopoly of things everyone needed. The leaders of the Civic Revival believed that it was fair that the wealth the city had created should go to the city, whether the wealth took the form of land or franchise values. But since all the leaders of the Civic Revival agreed that public utilities were natural monopolies they thought that justice dictated going beyond the taxation of franchise values to municipal
ownership of these monopolies. They looked upon charges for services such as street car transportation to and from work or school as burdens incidental to living in the city. Life there was practically impossible without them. Because of the common need for these services, and because of the necessarily monopolistic character of the agencies which provided them, the Civic Revivalists thought it was wrong to permit anyone to make a profit from supplying them.\footnote{Howe, \textit{The City, the Hope of Democracy}, 133-134, gives the single tax justification of municipal ownership.}

Jones, whose chief objection to our present economic system was that competition made men seek individual success at the expense of their fellows, was particularly conscious of the immorality of allowing public utilities to remain in private control. "I see no reason why all the people [i.e. the state] should give a few people the right to get rich off the rest of the people."\footnote{Quoted in the \textit{Toledo Bee}, December 6, 1897.} In his Annual Message to the Toledo City Council in 1899 Jones recommended that the city take over the job of lighting the streets. Disclaiming any personal animosity toward the company then holding the street lighting contract, he nevertheless insisted that lighting was a public necessity and hence a
function that the city should perform for itself. "The people have a right to furnish their own light at cost without paying private profit to anyone." Jones looked upon municipal ownership as a way of demonstrating the superiority of the co-operative to the competitive way of life. He believed that municipal ownership was a step forward in the process by which government was to evolve from an agency concerned with the coercion of individuals to one concerned with the management of things; from the policeman to "the means by which we do our work together."
CHAPTER 4

SELF-GOVERNMENT

I have shown how Privilege used local, county, and state officers, city councils, the state legislature and the courts to frustrate our efforts. Is it not strange that witnessing the power of Privilege through the control of these agencies the people do not awake to the fact that with these agencies in their hands they would be supreme? — Tom L. Johnson, My Story, 149.

We have said that the Civic Revival was a fight for self-government and we must repeat once again that the interest of the leaders of this movement in the political remedies popular during the Progressive period sprang from their conviction that cities would be unable to adopt privilege-destroying reforms like municipal ownership and the single tax until the people of the cities had obtained a larger degree of actual self-government. We have already noted the emphasis Jones and Whitlock placed upon the principle of non-partisanism as a way of making politics reflect the popular will rather than the interest of parties. Two other measures by which the Civic Revivalists believed that government could be made more honestly representative of the people were the
initiative and the referendum and municipal home rule.

The opinion of the leaders of the Civic Revival in regard to the value of political remedies as aids to the solution of civic problems is made plain by contrasting their attitude toward the revision of city charters with their belief in the initiative and referendum and home rule. Unlike many municipal reformers the leaders of this movement were not primarily concerned with the form of city government. They recognized the utility of a model charter but they had learned that privilege was indifferent to forms. They believed that no matter how perfect a paper system of government was devised, tinkering with city charters would do no real good until privilege had been overthrown.¹ The enthusiasm of Johnson and Jones, Whitlock and Howe was saved for the kind of political remedies which would fill the forms of popular government with the substance of it. They knew that direct legislation and home rule solved no problems in themselves but they felt that these reforms left the solution of problems in the hands of those who were most competent to give them an equitable answer. They agreed

¹For an illustration of the ability of privilege to circumvent the best of charters see Steffens, Autobiography, 409. Howe gives his opinions of the model charter in The City, the Hope of Democracy, 177-186; and Whitlock states his idea of the best form of municipal government in a letter to Richard S. Douglas, May 11, 1909, Nevins, ed., Letters, 112.
with Lincoln Steffens that while the common people might be no better and no more intelligent than the "best" people, they were more disinterested. Having fewer possessions to protect and fewer friends to reward they could afford to be fair. Their economic interests did not interfere with their duties of citizenship. "And though each individual in the great crowd lacks some virtues, they all together have what no individual has, a combination of virtues." 

According to Herbert S. Bigelow, then, as now, Ohio's foremost advocate of direct legislation, one's attitude toward the initiative and referendum is the test of the Progressive. A Progressive is one who believes in the people's ability to govern themselves. No one who feels like a man quoted by Judge Lindsey can honestly support measures which propose the further democratization of government. "You know the corporations give this state good government. . . . Suppose the corporations have got millions of dollars worth of franchises; they know how to use them and the people don't," said this defender of the rule of "the beast" in Colorado. "Now be honest! You know the people aren't fit to govern

\[\text{Steffens, Upbuilders, x. The preface to this book gives a clear exposition of the basis of the Progressive's faith in people.}\]
themselves. If the corporations of this state didn't
do it form them, what kind of a state would we have?"  

The Civic Revivalists looked upon the initiative
and referendum as powerful weapons for an awakened
democracy. By giving the electorate the right to orig-
inate legislation, the initiative would make it possible
for the people to secure the enactment of measures whose
passage a reactionary legislature or council might
otherwise prevent. The referendum would give the
electorate a veto over acts or ordinances passed by the
legislature or council and thus check corruption. Privi-
lege would not corrupt the legislature to obtain laws
which the people would overrule. The effect of the
initiative and referendum, thought the supporters of
direct legislation, would be to remove the influence of
privilege from assemblies by enlarging these bodies to
include all the people. The initiative and referendum
would make it easier for the people to get home rule,
municipal ownership, and the single tax. Privilege
might be able to corrupt a council or the legislature,
but it couldn't corrupt the whole electorate.  

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3 Ben B. Lindsey and Harvey J. O'Higgins, The Beast, 228.

4 For the attitude of the Civic Revivalists toward
the initiative and referendum see Howe, The City, the
Hope of Democracy, 171 et seq., and the following article
Brand Whitlock thought the fight of the cities of Ohio for municipal home rule linked them with the struggle of the medieval cities of Italy, Germany, and England to free themselves from vassalage to royal, noble, or ecclesiastical overlords. Newton D. Baker likened Whitlock and his own defense of their cities' rights against the inroads of state legislation to the American colonists' defense of their charter rights against the impositions of the British Parliament.

The desire of the Civic Revivalists for local home rule was only in part a manifestation of the traditional American distrust of centralized authority. It was not centralized government they distrusted, but the irresponsible government which the rule of privilege brought. They wanted home rule as much because of the actual situation with which they were confronted as because of any theoretical justification of local

and pamphlets by Herbert S. Bigelow: "From Pulpit to Stump," The Independent, LXI, 1036-1037 (November 1, 1906); Initiative and Referendum; and New Constitution for Ohio . . . .

5 Forty Years of It, 348.

autonomy. Nearly every attempt they made to better conditions in their cities, practically every step they took to put their program into effect, brought them into conflict with state officials. Until the ratification of the home rule constitutional amendment in 1912 the cities were the creatures of the state legislature. It not only determined their form of government but limited the powers that municipalities could exercise. The legislature fixed their debt limit, preventing them from engaging in municipal ownership of certain industries, and refused them the right to devise their own system of raising revenue. Whitlock explained that the cities' subjection to the legislature meant that they were ultimately ruled by men from rural districts who seldom understood city problems and who were often joined in a conscious or unconscious alliance with the system of the public utility corporations and the political bosses. Three acts passed by the legislature in its 1903 session show the extent of its interference with local affairs: One act took the administration of the Toledo police force from the mayor and put it in the hands of a bipartisan board appointed by the governor; another act

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7White in "The Old Order Changeth," loc. cit., 609-610, thought the desire to escape debt limitation was one of the most important reasons for the demand for home rule.

removed control of the Cleveland park system from city officials and gave it to a county board; the third practically suspended the cities' right to assess property for taxation by giving the county auditor the right to demand the appointment (by the State Board of Tax Revision) of a Board of Tax Review whose assessments were to supersede those of all other local bodies. Howe noted that while cities had long been ruled from the State Capitol, there was a growing tendency for them to be ruled from Washington. This was not because of the extension of the Federal government's regulatory activities but because of the increasing practice (which Howe illustrated in The Confessions of a Monopolist) of the state boss to send himself to the United States Senate.

The Civic Revivalists had a reason more fundamental than expediency for demanding home rule. They wanted the city free so that it could prove itself the hope of democracy. Conscious of the advance of industrialism and urbanization, they saw the city, after centuries in which world civilization had been predominantly rural

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9These acts are discussed by Milo Roy Maltbie, "Home Rule in Ohio," Municipal Affairs, VI, 234-244 (June 1902), 234-237.
(ever since the fall of Rome, said Howe), finally resuming its place as the controlling feature of social life. Henceforth, they believed, the battle for democracy will be fought in the cities, for the city is the microcosm in which is concentrated the problem of achieving democracy in an industrial era.\(^{10}\)

Few of their contemporaries realized more strongly than the Civic Revivalists the problems with which industrialism confronts democracy, and none were more aware than they of the suffering which life in an industrial city can impose on humanity. But as with Howe, so with the other leaders of the Civic Revival, faith in people was the magic glass which made them see the promise of the city beckoning through its problems. Never before have the people had such an opportunity as democracy affords for the orderly solution of their problems, Howe asserted. "Never before has society been able to better its own condition so easily through the agency of government."\(^{11}\)

\(^{10}\)Whitlock, Forty Years of It, 157, 184. For Johnson's attitude on this question see the quotation from him in Edward W. Bemis, "The Street Railway Settlement in Cleveland," The Quarterly Journal of Economics, XXII, 543-575 (August 1908), 574-575

\(^{11}\)The City, the Hope of Democracy, 301.
They thought that the efforts of Cleveland and Toledo to free themselves from privilege were important in the long movement in which the city has been the philosopher's symbol of social harmony. "Was there ever such material for an experiment in democracy as Cleveland offers?" asked Howe. "A growing city strategically located in the region where coal and iron ore can be brought together more economically than anywhere else in the world; a ten-mile water front for commerce, a spreading hinterland for homes, and an enlightened population. And how many peoples undertaking such an experiment have had a leader as resourceful as Johnson?" Whitlock wished that all the people could realize Johnson's sincerity and ability as clearly as privilege did. His work, and Jones' work—the work of all the people connected with the Civic Revival—was significant, Whitlock believed, not for Cleveland and Toledo alone, but for all cities. They were building communities that would be working models of democracy.

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12 See Whitlock's peroration on the city, *Forty Years of It*, 374.

13 This quotation is a condensation of a passage in *Confessions of a Reformer*, 113-115.

SECTION III

FIGHTING PRIVILEGE
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INTRODUCTION

Up to this point we have been concerned with the personalities of the leaders of the Civic Revival and with the ideas which animated the movement. Interesting and important as was the dream of a city on a hill, the real import of the movement lies in its contribution of a practical example of a fight against privilege. The object of this section is to illustrate how this fight was carried on. The first three chapters of the section give examples of how Johnson, Jones, and Whitlock applied their theories of privilege, taxation, and municipal ownership in their respective cities. The fourth chapter traces the achievement of home rule and the initiative and referendum in the constitutional amendments of 1912. The last two chapters show first how privilege fought the Civic Revival, and then the political techniques used by the leaders of the movement to waken the people to the fight against privilege.
CHAPTER 1

THE STREET RAILWAY CONTROVERSY IN CLEVELAND

In both Cleveland and Toledo the street railway question was the vigorous and practical issue around which the fight against privilege centered. The Civic Revival began in both cities as a people's attempt to prevent local street railway companies from obtaining franchise extensions from supposedly corrupt councils. Popular antagonism toward the transportation and other public service companies was the backbone of the Civic Revivalists' political support. In many respects this hostility was a chauvinistic attitude, often exploited by politicians.¹ Usually the privileged interests of the city could count on it expressing itself in fitful reform waves which did no more damage than to force the temporary retirement to private life of some councilmen known to be friendly to the utility companies. Johnson, Jones, and Whitlock appealed to this sentiment but because their opposition to the street car companies was

¹This is the opinion of Brand Whitlock, Forty Years of It, 330.
grounded in philosophy rather than prejudice, and because they were able to make the concept of privilege real to the people, they were able to crystallize an unorganized popular resentment into a coherent civic policy which their cities followed for almost a decade. The tangible results of the street car controversy in lowered fares was not inconsiderable. Less measurable but even more interesting to speculate on was the impetus the debate on the question gave to the doctrine of social values. Fighting the street car companies was an education in democratic action for the people of both Cleveland and Toledo, and while this war against privilege went on there was noticeable in the two cities a civic enthusiasm which unfortunately is not consistently found in American political life either on the national or municipal level.

The problem of the terms upon which cities should renew street railway franchises was one faced by many communities in the early years of the twentieth century, for grants awarded about twenty-five years before were then beginning to expire. Johnson's street railway experience, his energy and resourcefulness, and his strong single tax convictions made him recognized as the outstanding figure in the movement to bring private street car companies under closer supervision of the
municipalities in which they operated. "You are going to settle our street railway problems for all of us," Brand Whitlock wrote him.\(^2\) It was realized by his friends and opponents alike that Johnson's fight with the street railway companies of Cleveland involved something more than three-cent fares, something larger than the traction problems. The real issue at stake was the private control of public utilities. If Johnson was victorious in his struggle to bring the street railways of Cleveland under public control, the electric light and gas and telephone companies would be similarly attacked. If Cleveland were successful in controlling these utilities, other cities would follow her example. And if Johnson and Cleveland were defeated, the cause of municipal control of public utilities would be discredited in other cities.

At the time of Johnson's first election to the mayoralty (1901) there were two street railway companies in Cleveland, one controlled by Mark Hanna and the other by Horace Andrews. The two companies consolidated to form the "Concon" in 1903 but even before that date they had acted as a unit in opposing the city's attempt

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\(^2\)Letter to Johnson, November 19, 1907, Nevins, ed., Letters of Brand Whitlock, 84.
to secure lower fares. The size of Johnson's majority in his first election was attributed by one of his supporters to the voters' disapproval of the generosity which the administration of his predecessor had displayed in distributing franchise grants to public utility companies. 3 Shortly before the election the Council had given the gas company a ten year renewal of its franchise. Only intense public indignation, culminating in stormy "petitions in boots" to the council chamber had prevented it from renewing the franchises of one of the street car companies. 4

Johnson's campaign slogan in his first election was "Three-cent Fares and Universal Transfers." In the winter of 1901 he had offered (for political effect, said his opponents) to operate the street railways of Columbus on these terms. 5 Certainly he was not blind

3 Edward W. Bemis, "The Franchise Situation in Cleveland," Municipal Affairs, VI, 261-267 (June 1902), 261. Bemis was a former college professor whose academic career was cut short because his liberal political and economic views did not suit the prevailing intellectual climate of either Chicago University or Kansas State Agricultural College. A well-known advocate of municipal ownership, he served as Superintendent of the Cleveland Water Works under Johnson. After Johnson's defeat in 1909 he accepted a similar position in New York City. He was also recognized as a leading expert on the valuation of street railway properties.

4 For a description of this demonstration see Frederic O. Howe, Confessions of a Reformer, 85-87.

to the political appeal of such a platform, but the three-cent fare was more than a slogan to Johnson. He thought it was a reasonable rate of fare for any company whose stock was not watered. To him the difference between the profits derived from the five-cent fare then being charged and the profit which a well-operated company could make at the three-cent fare approximated the franchise (i.e. publicly created) value of the company. Johnson always insisted that he was not fighting private property, but rather fighting to help the public regain public property which had been appropriated by private individuals. He wanted the sacredness of public property to be as firmly recognized as the inviolability of private property.

Johnson himself admitted that one of his strongest reasons for favoring three-cent fare was simply that it was two cents closer to nothing. He believed municipal ownership was the only permanent solution to the street railway question and as we have already seen, he looked forward to the day when cities would provide transportation service free, meeting the cost of providing it from taxation. Such a program was not immediately possible, however, because ownership of street railways was one of the activities in which the state had forbidden Ohio
cities to engage. Even had state laws permitted municipal ownership Johnson would not have wished the city to buy the Cleveland street railroads until the fictitious value had been taken out of their valuations. Like Henry Demarest Lloyd, he knew that the acquisition of public utilities at inflated values only made the city the slave of the bondholder.

If municipal ownership was impossible by law, Johnson felt the regulation of street railroads or other utilities by either state or city commissions was impossible in fact. The simple and obvious remedy of regulating fares through ordinances of the Council had been denied the city by the courts. Unable to get the old companies to accept lower fares voluntarily, and perhaps feeling from the beginning an attitude he was reported to have expressed in 1909, namely that the old companies would never make any concession until fear drove them to it, Johnson believed that only through the introduction of a competing street car company could

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6 An ordinance setting the fare at four cents was declared invalid by the federal Supreme Court, City of Cleveland v. Cleveland City Railway Company, 194 U. S. 517 and Cleveland v. Cleveland Electric Railway Company, 194 U. S. 538.

7 Johnson is quoted to this effect in Warren S. Hayden, "The Street Railway Situation in Cleveland," Proceedings . . . of the National Municipal League (1909), 407.
the Cleveland traction companies be brought to terms. As he was well aware, this was a difficult and dangerous undertaking, but neither he nor his associates knew what a laborious job it would be. Two and one-half years would be required to get a valid franchise awarded to a low-fare company. After the granting of the franchise four more years would pass before the first low-fare car would reach the Public Square. Johnson's superlative handling of the obstacles put in the way of the low-fare movement is what makes him rank as one of the important practical statesmen of this century.

Three immediate difficulties were encountered by Johnson in his attempt to get a competing street car line established. One had to do with financing the road, another with obtaining reliable men to operate it, and the third was imposed by the provisions of Ohio's existing franchise laws. Securing the funds to build the road was a serious problem because of the hostility to the project felt by Cleveland capitalists. In the course of the struggle extremely valuable financial aid was given the low-fare movement by friends of the Mayor like former Congressman Ben T. Cable and August Lewis, neither of whom was a Clevelander. In order to guard against the possibility that the operators of the low-
fare company might sell out to the old companies,\(^8\) Johnson felt compelled to rely upon men whose integrity had been demonstrated to him in previous business relations. From his point of view this was a necessary expedient; but men who were disposed to distrust Johnson interpreted the activity of his friends and former business associates in the low-fare companies as evidence of Johnson's own financial interest in the new companies.\(^9\)

The Ohio laws governing the issuing of franchises were so drawn as to make it easy for companies already enjoying franchises to secure extensions or renewals, but exceedingly difficult for new and competing companies to enter a city. Johnson believed their aim and their effect was to protect existing companies in the enjoyment of their privileges. Before a new company could be granted a franchise its proposed route had to be approved.

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\(^8\)While connected with the Detroit street railways Johnson had purchased the three-cent fare lines promoted by Hazen S. Pingree as a competitor to Johnson's company. *My Story*, 94.

\(^9\)Johnson's alleged financial interest in the competing companies is the subject of an article by Harry A. Garfield, "Private Rights in Street Railways," *The Outlook*, LXXXV, 256-258 (February 2, 1907). This point is touched upon more circumspectly by Hayden, "The Street Railway Situation in Cleveland," *loc. cit.*, 403.

\(^10\)Johnson's rivalry with Mark Hanna as a private street railway operator had impressed this fact upon him. See *My Story*, 18.
by the Council; then the route had to be bid upon and awarded to the lowest bidder. After the acceptance of the bid, no franchise could be given to a new company until a majority of the property owners along its route had given (or sold) their written consent to the construction of the line. On the other hand, existing companies which desired to extend their lines into new territory were allowed to do so without competitive bidding, and no property owners' consents were necessary for the renewal of an expiring grant.  

The first Cleveland three-cent fare franchise was granted to John B. Hoefgen on March 17, 1902. The city took the initiative not only in designating the route of the new line, but also in drafting the conditions of the franchise. The ordinance calling for the establishment of a new street car system had been introduced in Council by Frederic G. Howe early in December 1901. Hoefgen, a former associate of Johnson in his Indianapolis and Brooklyn street railway activities, was the

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11 The difficulties imposed by the consent laws are discussed by Johnson, "Three-cent Fares in Cleveland," The Independent, LXIII, 335-337 (August 8, 1907), 335-336. For the changes in the consent laws made by the Schmidt bill of 1908 see Bemis, "The Street Railway Settlement in Cleveland," The Quarterly Journal of Economics, XXII, 543-575 (August 1908), 556-557.

12 See Cleveland Plain Dealer, December 10, 1903.
only bidder on the route. The city's acceptance of his bid precipitated a bitter struggle for consents. The two old companies paid property owners to refuse to give consents; Hoefgen's company paid property owners for consents. The city Council helped the new company by giving one name to a thoroughfare, parts of which had previously been known by four different street names. The low-fare company had a majority of consents on two portions of the road, but had been unable to get the necessary number on the other two parts. Throwing the four streets into one gave them a majority on the whole thoroughfare. The franchise then awarded to Hoefgen provided for three-cent fares, supervision of service by the city, reservation to the city of the right to purchase the line after municipal ownership was legalized, and the sharing with the city of one-half of all net profits over eight per cent after ten years of operation.

Work on the construction of the Hoefgen line was interrupted by an injunction about three weeks after the franchise had been granted. On June 21, 1902 the Eighth District Circuit Court of Ohio declared the Hoefgen


14 For the provisions of the Hoefgen grant see Bemis, "Franchise Situation in Cleveland," *loc. cit.*, 262.
grant invalid on the grounds that the franchise issued to the company covered only a portion of the route advertised for bids. A further objection was that the ordinance underlying the franchise imposed certain improper restrictions on the grantee, such as one regulating the settlement of disputes between the company and its employees. Both of these irregularities were thought by the Court to have acted as possible deterrents to other bidders. In other words, the Hoefgen grant was illegal because some one might have wished to enter a bid promising a rate of fare even lower than three cents.

Immediately after the invalidation of this franchise the Cleveland Council passed ordinances preparatory to granting new low fare franchises which were so drawn as to meet the Court's legal—if not practical—objections to the first three-cent fare grant. Just six days after the Circuit Court's decision in the Hoefgen case, however, the Ohio Supreme Court pronounced the charter of Cleveland (and inferentially that of practically every other city in the state) unconstitutional on the grounds that it violated the prohibition of special

Ten days before the date set for receiving bids on the new low fare route the Supreme Court enjoined the Cleveland Council from considering the granting of any franchises. Not until eleven months later, after the passage of the new municipal code, and after Johnson's re-election in the spring of 1903, were bids again opened for a three-cent fare street car line in Cleveland.

The Cleveland charter case had been instituted by Attorney-General John B. Sheets on December 8, 1901, two days after the introduction of Howe's original low fare ordinance. The decision in the case was based upon another decision rendered on the same day. In the latter case the act removing the Toledo police force from Jones' control was also held to contravene the constitutional prohibition of special legislation.\(^{17}\)

In these two cases the Court refused to follow the precedents it had established in a long line of decisions in which more or less obvious infractions of the rule against special legislation had been winked at. Whitlock,\(^{16}\)

\(^{16}\) The State of Ohio \textit{ex rel} the Attorney General \textit{v. Beacom et al.}, 66 Ohio State 491. In the text this case will hereafter be referred to as "the Cleveland Charter case."

\(^{17}\) The State of Ohio \textit{ex rel} Knisely et al. \textit{v. Jones et al.}, 66 Ohio State 453 ("The Toledo police ripper case").
who as one of Jones' attorneys in the Toledo police ripper case felt the decision represented a victory for home rule, nevertheless admitted that Mark Hanna's influence was perhaps more directly responsible for making up the judges' minds than were the arguments of Mayor Jones' counsel. Most students of political science agreed that in ending the municipal classification system the Court had rectified a long-standing legal error. Some critics, however, pointed out that the Supreme Court had shown little disposition to correct the error until it was to the benefit of privileged and partisan interests to do so. In the course of the mayoralty campaign of 1905 Johnson said that he was "inclined to agree" that the Court had been correct in finding the Cleveland Charter unconstitutional. But the thing that made him suspect that the Court had lent a hand to the destruction of the whole system of municipal government in Ohio for the primary purpose of destroying the low fare movement in Cleveland was that Cleveland, alone of all the cities in the state, was enjoined by the Court from granting any franchises until the new municipal

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19 Milo Roy Maltbie, "Home Rule in Ohio," Municipal Affairs, VI, 234-244 (June 1902), 242-243.
code had been put into effect. Ohio courts had not usually been so protective in their attitude toward the city's disposal of privileges.

The city government organized according to the terms of the new municipal code went into operation on May 4, 1903. On the same day the fight for low fares was resumed with the introduction into Council of eleven low fare ordinances. The plan Johnson now followed was the same as that agreed upon a year before when the city had passed street railway ordinances designed to correct the defects in the Hoefgen grant: instead of submitting a whole long route to prospective bidders the route was divided into segments with the understanding that first one small section was to be awarded to the low fare line, and that it would then acquire the rest of the route as an extension of its original franchise. On September 9, 1903 a franchise to operate a three-cent fare street car line on Dennison Avenue was awarded to Albert R. Green. This Dennison Avenue line was the base line of the Forest City Railway Company, the most important of the three-cent lines. As the franchises of the old company (the Hanna and Andrews street car lines had combined

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in the summer of 1903) expired they were awarded to the Forest City Company. Fear that one by one all of its franchises would be acquired by the competing company was what eventually brought the Cleveland Electric Railway Company (the Concon) to make a settlement with the city.

That settlement was still far in the future in 1903, however. The legality of the Green franchise was first challenged in the courts on November 12, 1903. This was five weeks after it had been granted and after a mile of track had been laid on Dennison Avenue. Accompanying this suit were a flurry of temporary injunctions blocking work on the road until it was decided that the conduct of the plaintiff, in waiting to bring his suit until after Green had expended much money on the new line, created an estoppel. 21

In this case political expediency aided the low fare movement. Johnson was convinced that but for the approaching state election there would not have been the five weeks delay in bringing the suit to set aside the Green franchise. "Government by injunction" had been made an issue of the campaign by Johnson who was running for governor. Realizing the unpopularity of the

21 Johnson, My Story, 188. The case is reported in the Cleveland Plain Dealer, November 13; 17, 1903.
injunction, and unwilling to prejudice Republican chances in what was to him a crucial election (for the legislature chosen in November 1908 was the one which would, or would not, return him to the Senate), Senator Hanna had had the legal action postponed until after the election. At one point in his career Hanna had said that when politics interfered with business, he would give up politics. Now with growing political ambitions and weighty party responsibilities he reversed his old policy and sacrificed his business interests to his political desires. "The city's real success in creating a line from which extensions could be made was due to the fact that Senator Hanna sacrificed his street railway interests to political necessity."22

Financing the Forest City Company remained a difficult problem because of the continued hostility of established financial interests toward the venture. The effect of this antagonism extended beyond the offices of brokers and bankers. John B. Hoefgen, grantee of the first three-cent fare franchise, found that his relation to the Cleveland low fare movement made it hard for him to obtain equipment for his street railway holdings in

22Johnson, My Story, 189.
other cities. Constant litigation, which included a contempt of court action against the mayor, as well as the granting of fifty-eight injunctions in less than seven years, frightened away many prospective investors. In 1906 the people of Cleveland were summoned to the aid of the low fare movement. Johnson and E. W. Scripps joined in guaranteeing (through the medium of the Press, a Scripps-McRae newspaper) the payment of six per cent dividends on Forest City stock. As a result of this guarantee over one million dollars was subscribed to the company by small investors. One judge, however, construed the guarantee as a financial interest on Johnson's part in the success of the low fare movement. Until the decision was overruled the guarantee served as an excuse to prevent the Forest City Company from using municipally owned tracks in the middle of the city.

In spite of all these difficulties and delays the low fare line made progress. The first "threefer" car was run on November 1, 1906. Johnson acted as motorman


24This occurred in the summer of 1906. See "A Striking Case of Corporation Contempt of the People. . .," The Arena, XXXVI, 416-418 (October 1906).

and the new yellow car made its way down Dennison Avenue through crowds of waving and cheering people and past houses decorated as if for a holiday. Ten weeks later after having almost literally traversed a maze of injunctions, the first three-cent car reached the Public Square. A few days previously the low fare movement had won its greatest legal victory. This was the United States Supreme Court's decision upholding the city's contention that the Conoon's franchises on Central and Quincy Avenues had expired in 1905. The Court refused to set aside the grant the city had made to the Forest City Company to operate on these streets.

The success of the "threefer" line, the threat that all of its franchises would go the way of the Central and Quincy Avenue ones, and finally Johnson's defeat of Theodore Burton in the mayoralty election in November, 1907 at last made the old company ready to consider a settlement of its differences with the city. Elbert H.

26There is a colorful description of the trip of the first three-cent car in the Cleveland Plain Dealer, November 2, 1906.

27See Johnson, My Story, 240-241 for an account of the picturesque expedients of "jumping the viaduct" and the laying of temporary tracks on Superior Avenue.

28Cleveland Electric Railway Company v. Cleveland and the Forest City Railway Company, 204 U. S. 116.
Baker, general manager of the Cleveland Plain Dealer, secured acceptance of a plan for the mediation of the controversy between two men, one representing the city and the other the Concon. Johnson was the city's representative in the negotiations and the railway company named Frederic H. Goff, a well-known attorney and banker as its representative. The fact that these two men had wide authority to work out its details made the settlement easier to obtain, but the real reason for the success of the negotiations was that by 1908, having overcome all kinds of legal, financial, and political obstacles, Johnson's policy of competition had proved a success. "Fear of something worse happening to them if they didn't" was what made the men who controlled the old company come to terms with the city in 1908.

Johnson made an important contribution to the solution of the problem of how the people of a city can control a public utility when municipal ownership of the utility is legally forbidden and regulation of the rates and service of the utility by a commission is held to be practically impossible. He applied, in the public interest, the holding company device which has since been widely used by private financial interests to acquire centralized control over this type of industry. For our
purpose, the most important thing about the negotiations between Johnson and Goff was the understanding at the outset that if the physical and franchise values of the Cleveland Electric Railway could be satisfactorily determined, then all the company's properties were to be leased to a holding company which was to operate all the street railways of the city. The holding company was to pay the stockholders of street railway companies a certain percentage of interest on the agreed valuation of the system.

The holding company plan was first suggested to the Goncon as a basis for settlement in 1905 but was rejected. It was first applied in Cleveland in June 1906 when the properties of the Forest City Railway Company were leased to the Municipal Traction Company, a holding company whose entire stock of ten thousand dollars was owned by its six directors. The directors were salaried and self-perpetuating but had no financial interest in the railway company whose property they leased. The Municipal Traction Company constructed and operated low fare lines with money raised through the sale of Forest City stock. On this stock the holding company paid dividends of six per cent. The directors of the Traction Company were pledged to use any surplus for extensions and improvements in the street railway system. Under the terms
of the Johnson-Goff settlement the Municipal Traction Company was the holding company which was to assume the operation of all the street railways of Cleveland. 29

The chief issue which had to be threshed out between Johnson and Goff in the one-hundred meetings they held between December 4, 1907 and April 27, 1908 was the valuation of the Cleveland Electric Railway Company. 30 Determination of this figure was recognized as a tremendously important point by both the city and the company. The value of the Concon was the chief item in the valuation of the whole Cleveland street railway system, i.e. the figure on which the Municipal Traction Company was to pay a six per cent dividend. It was also by far the largest item in the amount upon which would be computed the price the city would have to pay for the system if municipal ownership of street railways were ever authorized by the State. Johnson's estimate of the value of the Concon (including physical value, value of unexpired franchises, and good will) was about twenty-one

29 Johnson explains the relation between the Municipal Traction Company and the Forest City Railway Company in My Story, 224.

30 Reports and exhibits of evidence filed with the negotiators fill nine large volumes. The most intelligible summary of the proceedings is Bemis, "Street Railway Settlement in Cleveland," loc. cit.
million dollars. In terms of Cleveland Electric Railway stock, this represented a valuation of fifty dollars a share. Goff named a sum which would have established sixty-five dollars as the value of the stock. The compromise figure eventually agreed upon was slightly above twenty-two million dollars, or fifty-five dollars per share. The valuation of the Forest City company and of another low fare company then operating in the city was set at about one million eight hundred thousand dollars, making the total value of the combined street railway systems approximately twenty-four million dollars.

The transactions necessary for putting the Johnson-Goff settlement into effect were performed on April 7, 1908. A new company owning all the street railways of Cleveland was formed. This new company, known as the Cleveland Railway Company, was a consolidation of the old Concon and the two low fare companies. In the organization of the new company fifty-five dollars worth of Cleveland Railway Company stock was substituted for one hundred dollars worth of Concon stock, while the

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31 In 1905 Johnson would have agreed to a valuation of eighty-five dollars on Concon stock. In spring 1907 he proposed a value of sixty dollars per share. When Cleveland bought the street railway system in the spring of 1942 the price was forty-five dollars a share.
securities of the low fare companies were exchanged for stock in the new company at par value. Next the franchises of the Concon were surrendered to the city and a new franchise (the security grant) was issued to the Cleveland Railway Company. Finally the properties of the Cleveland Railway Company were leased to the Municipal Traction Company, which was now to operate all the street car lines of the city under the same terms as it had formerly operated the cars of the Forest City Company. It was understood that the Municipal Traction Company was to charge three cent fares and that the security grant would go into effect only in case the holding company failed to meet the agreed interest payments. The provisions of the security grant, while protecting the city's interests in all essential points, were purposely made generous to the grantee so that the franchise would, in fact, be good security on which the holding company could raise money through the sale of Cleveland Railway Company stock.32

On April 28, 1908 all street cars in Cleveland were run free. Plans were made for the annual celebration of "Municipal Day" to commemorate the people's first victory.

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32 The security grant reserved to the city the right to purchase and provided for regulation of service by the city. It allowed the company to charge five cent cash fares and to issue six tickets for twenty-five cents.
in their fight against privilege. Johnson, while regarding this as anything but a final victory, was yet sure that it represented a long step forward. At a banquet the night before he had given his interpretation of the aims of the Cleveland movement:

We are trying . . . to set an example that others may follow in self-government, in some plan by which people living in great congested centres can govern themselves in the way that the greatest happiness will come to them. This is our big object. 33

The Civic Revivalists looked upon the Johnson-Goff settlement as a people's victory because the holding company plan removed the public utility which affected the lives of city-dwellers in the most intimate way from the control of those whose primary interest in it was profit and put it in the hands of men who, as unofficial public trustees, had for their chief interest the improvement of service and the lowering of fares. It was not regarded as an ideal solution for it still allowed private individuals to make a profit out of the social necessity of transportation, but it did limit private

33Johnson's speech is printed in the Cleveland Plain Dealer, April 28, 1908.
profit to a reasonable amount. Some supporters of the holding company plan objected that the valuation assigned the Concon in the settlement was too high. The success of the plan necessarily rested upon the good faith of the self-perpetuating board of directors of the holding company. The directors were not legally responsible to the city; they could not legally be compelled to carry out their promise to use possible surpluses for extensions and improvements (rather than for dividends to the director—stockholders of the holding company); there was no legal way in which the city could force them to charge rates lower than those set out in the security grant. The only guarantees that they would not abuse their powers were the characters of the directors and the publicity under which they would be required to operate the street car lines. The directors were all men known to be friendly to Johnson—a sufficient reason for distrusting them according to some Clevelanders.

34 For Peter Witt's objection to the valuation see Carl Lorenz, *Tom L. Johnson*, 164-165. Bemis thought if the city had waited another year or two it could have secured a much lower valuation, "Street Railway Settlement in Cleveland," *loc. cit.*, 557.

35 Among the original directors were A. B. DuPont, Frederic C. Howe, and C. W. Stage. Later Johnson was made Treasurer of the company and Newton D. Baker and Ben T. Cable were added to the Board of Directors.
The events of the next few months were to demonstrate, however, that it was not the directors of the holding company who broke faith with the public. Those who sympathized with the aims of the Civic Revival agreed that the holding company plan, devised and put into operation by Johnson, was the most workable means by which the public could get the substance of municipal control until the achievement of home rule made municipal ownership possible.

As it turned out, the victory was not yet won. Even before the lease went into effect the business depression of 1907 had caused a decline in the number of street railway passengers. In order to meet the interest charges on the twenty-four million dollar valuation and at the same time operate the cars on three-cent fares, the directors of the municipal traction company felt required to inaugurate some economies in the service. Fares to suburbs like East Cleveland were left at five cents and until August 1, 1908 there was a one-cent charge for transfers. Service on some unprofitable lines was greatly curtailed, and in a very few cases, was discontinued altogether. Schedules were revised so that fewer cars were run during the slack hours of the day and more during the rush hours. Some routes were
altered slightly and places of stopping were changed. These service changes provoked wide criticism, bearing out, so Johnson thought, the truth of his theory that the people would demand better service from a public company than from a private one. He believed that most of the criticism was caused simply by the novelty of the changes. However, he admitted that some service economies had caused inconvenience to car riders.36

The Municipal Traction Company's operation of the street cars was complicated by the mechanical difficulty of making change for three-cent fares. This should have been only a temporary and minor annoyance. Johnson set out to remedy it by perfecting a new type of fare box. The change problem was made important by the failure of some disgruntled conductors, former employees of the Concon, to collect fares and by the systematic refusal of some opponents of the Municipal Traction Company to pay fares. Crowds of men would get on the cars together and press past the conductor, who was unable, and in some cases unwilling, to make them pay their fares. A more subtle way of embarrassing the company was practiced by men who deliberately exhausted the conductor's change by presenting large bills in payment of fare. In

36My Story, 283.
Johnson's words, "It wasn't men with dinner-pails who offered five-dollar bills in payment of three-cent fares . . ." but rather "some of the people who were pledged to carry out the agreement which Mr. Goff had made in their behalf."  

The most direct obstacle thrown in the path of the holding company's attempt to operate the system successfully came on May 16 when, just as arbitration machinery was beginning to function, three-fourths of the company's employees went on strike. These were the seventeen-hundred motormen and conductors who had formerly been employed by the Concon. Late in 1906 the Concon entered into a closed shop agreement with local 268 of the Amalgamated Association of Street and Electrical Railway Employees. The contract provided for a wage rate of twenty-four cents an hour but promised a two-cent an hour increase if the company obtained a new franchise. The Concon had previously opposed unionization of its employees, and friends of Johnson interpreted the conditional promise of a wage increase to mean "if Tom Johnson is defeated for re-election in 1907 and an administration friendly to the company is put into City Hall." Earlier in 1906 the Municipal Traction Company,

37Ibid., 281-282.
then operating the Forest City line, had entered into a twenty-five cents an hour agreement with local 445 of the AASERE. After the holding company leased the property of the Cleveland Railway Company the wages of former Concon employees were raised to twenty-five cents an hour, but the men insisted that the Company carry out the Concon promise in regard to a two-cents an hour increase. The question of whether or not this agreement was binding on the Traction Company was the ostensible cause of the strike. However, the issue between the holding company and the old Concon employees had been further complicated by a jurisdictional dispute between locals 445 and 268 and by the firing of fifty conductors charged with deliberate failure to collect fares.

Especially in its first few days the strike was accompanied by violence. Dynamite was placed on some tracks either by the strikers or by their sympathizers; cars were stoned; and power lines were cut. Johnson suppressed the strike with what Whitlock called "a rather ruthless hand." 38 Service was maintained throughout the strike by the employment of new men. After the first day or so the police were able to prevent any

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serious violence and within ten days cars were running as usual. At the time of the strike there was a general feeling in Cleveland that men like John Stanley, who had been prominent in the old Concon, were encouraging the strike. It is at least worth noting that newspapers and organizations not ordinarily conspicuous for their friendliness to labor were in this case not unsympathetic to the strikers.

Although the strike itself was broken, the bad feeling intensified by it was chiefly responsible for nullifying the Johnson-Goff plan of settling the Cleveland street railway controversy. After car operation had returned to normal the men hired to run the cars during the strike were permitted to retain their positions if they wished to do so. As vacancies occurred the strikers were invited to return to their old jobs at twenty-five cents an hour. About one thousand of the latter refused to return to work unless their seniority rights were restored and all the new (i.e. strike-breaking) employees were discharged. It was these strikers, presumably getting financial assistance from some

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39 For Stanley's purported role see Lorenz, Johnson, 171.

40 For example, see an editorial in The Cleveland Leader, May 17, 1908. The best description of the strike is in The Public, May 15, 22, 29 and June 5, 1908.
source hostile to the Municipal Traction Company, who took advantage of an act recently passed by the Ohio legislature and circulated petitions calling for a referendum on the security grant issued to the Cleveland Railway Company as one of the corner-stones of the Johnson-Goff settlement. The act they invoked was one introduced in the Senate by Thomas P. Schmidt, a friend and supporter of Johnson. Originally it had called for changes in the Ohio consent laws, but it had been amended so as to authorize referendums on street railway franchises when petitioned for by fifteen per cent of the voters. The strikers were successful in obtaining enough signatures to their petitions and the security grant was submitted to a referendum at a special election held on October 22, 1908. The franchise was rejected by the people by a majority of less than one per cent of the number of votes cast.

Various writers have presented different explanations for the defeat of the security grant. Usually the reasons assigned by each writer bear a close relationship to his attitude toward the holding company plan. Two writers hostile to Johnson emphasize discontent with the street car service provided by the holding company and

\[41\] For the interesting legislative history of this measure see Whitlock's letter to William Allen White, January 16, 1909, loc. cit., 102.
distrust of the directors caused by alleged irregularities in the company's handling of its funds as reasons for the defeat of the franchise. The writer believes the explanations offered by two friends of Johnson, Brand Whitlock and E. W. Bemis are closer to the truth. This is not because either of them was necessarily more objective in his viewpoint than Johnson's detractors, but because their understanding of his aims made them try a little more conscientiously than other writers to seek out all the reasons for the defeat and to weigh each one judiciously.

Both Whitlock and Bemis noted the activity of the striking employees of the Municipal Traction Company in campaigning against the grant. Both agreed that dissatisfaction with the service had something to do with the defeat of the franchise. Both were inclined to give more emphasis, however, to the large funds at the disposal of those who wanted to overthrow the Johnson-Goff settlement by cancelling the security grant. Bemis


43 Whitlock to White, January 16, 1909, loc. cit., 103-104 and Bemis, "The Cleveland Referendum on Street Railways," Quarterly Journal of Economics, XXIII, 179-183 (November 1908). The Public, October 30, 1908 has an interesting account of the referendum campaign.
showed not only how the strikers were financed by interested parties, but also how money was spent for misleading advertisements which warned that a vote for the franchise was a vote for five-cent fare. Whitlock, who was himself engaged in a bitter fight with a street railway company, revealed the interest street car companies all over the country felt in the defeat of the holding company plan. Both Bemis and Whitlock agreed that partisan feeling was an important factor in bringing about the defeat of the franchise. Coming as it did in the midst of the Presidential campaign of 1908 the referendum election gave many voters, even in a city as politically independent as Cleveland, a chance to feel that by voting against the Johnson plan of settlement they were voting against the Democrats and Bryan and for the Republicans and Taft. One thing we should notice in summary is that the referendum on the security grant and the one on the Schmidt grant in the following year demonstrate the fallibility of the referendum as a popular weapon when the voters are blinded by partisan feeling and when their agencies of information are in the control of privilege.

After the failure of the security grant the Municipal Traction Company was placed in receivership, not,
the friends of the company insisted, because it was bankrupt or failing to meet its obligations, but because court control was felt desirable until a final settlement of the traction problem had been worked out. The imminence of the expiration of the old Concon franchises made it hard to raise funds and threatened the interest of the Concon bond-holders. Yet even after the defeat of the security grant and the appointment of receivers, the city still held the whip hand in the fight. Three-cent fares were still being charged; the Council was still dominated by Johnson's supporters; and in February 1909 the Federal District Court ruled that Concon franchises on certain important streets had expired more than a year previously. If it had chosen to take advantage of this decision the city could have continued its policy of granting franchises to low fare companies to operate on streets where Concon rights had expired. Within a year or two the city would have been blanketed by low fare franchises. Presumably the old company would then either have had to accept the city's terms or have

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45 Central Trust Co. of New York v. Municipal Traction Company et al., 16 Ohio Federal Decisions 311.
been forced out of business.

This was the policy Johnson planned to follow after the Cleveland Railway Company turned down a plan of settlement contained in an ordinance drafted by City Solicitor Newton D. Baker. On June 7, 1909 Council issued a franchise (the Schmidt grant) to the Cleveland Traction Company. The original Schmidt grant simply authorized the Cleveland Traction Company to build and operate a three-cent fare street railway on Payne Avenue but later in the month considerable extensions to this franchise were granted. In the extensions were placed the regulatory provisions which the decision in the Hoefgen case prevented the council from writing into the original grant. Evidently the voters were wearying of the street car controversy for they rejected the Schmidt grant at a referendum election held on August 3, 1909.

From Johnson's viewpoint this referendum provided an almost perfect example of the political behavior of privilege. The center of opposition to the franchise was the Cleveland Chamber of Commerce, four hundred of the members of which owned over one-half of the stock of the Cleveland Railway Company. The Chamber circulated the petitions for the referendum and after sufficient petitions had been secured, it organized the Citizen's
Committee of 100 which led the attack on the Schmidt grant. Intimately connected with the Chamber in helping to defeat this franchise were the banking institutions of the city. The bankers influenced the manufacturers and retailers, who, as advertisers, influenced the editorial policy of the newspapers. Papers which had either been opposed to settlement, or were only lukewarm for it at the time of the referendum on the security grant, now drummed home to the people "Settle. Settle. Settle. Settle or this traction war will ruin business." Johnson thought that in blunt language what they wanted was a settlement on terms favorable to the railway company. He believed the company's refusal to consider the Baker ordinance indicated its unwillingness to make any important concessions voluntarily. "I am as eager for settlement as anyone," was his attitude, "but I want a settlement on the city's terms." 46

The alternative favored by those who opposed Johnson's program of continued competition was an ordinance to be drafted by Judge Robert W. Tayler of the United

46 "Tom L. Johnson's Defeat," The Public, XII, 773-776 (August 13, 1909), describes how privilege fought the Schmidt grant.

47 For the Civic Revivalists' attitude toward an "immediate settlement" see Johnson, My Story, 288; Bemis, "The Cleveland Referendum, August 3," loc. cit., and W. G. Osborn, Questions and Answers.
States District Court. It was Judge Tayler who had appointed the receivers for the Municipal Traction Company. In letters to the receivers he had listed the points which he felt should be included in any permanent settlement of the street railway controversy. The essence of his plan was that street car riders should receive transportation at cost and that cost should include a six per cent return to the street car company on a fair valuation of its property.\(^{48}\) At the time of the Schmidt grant the Cleveland Railway Company had promised to accept any ordinance drawn up by Judge Tayler and with the defeat of the Schmidt franchise the Council called upon Tayler to prepare an ordinance. On December 18, 1909, after Johnson had been defeated for re-election, but while he was still in office, the Tayler service at cost plan was accepted by both the Council and the Railway company. The Tayler grant went into effect in 1910 and with several later amendments, was the basic franchise under which the Cleveland street railway system was operated until the city purchased the

\(^{48}\) For comment on the Tayler plan see Robert W. Tayler, "Service at Cost," Franchises of the Cleveland Railway Company, June 1, 1932, 67-75.
lines in the spring of 1942. 49

"This ordinance is not a victory," said Johnson on the eve of the referendum at which the people upheld the Tayler grant. "It is a defeat." 50 A year before, he had expressed his approval of Judge Tayler's general ideas even as Tayler had expressed his approval of Johnson's aims. The real difference in viewpoint between Tayler and Johnson was revealed in the winter and spring of 1909 when the two men tried to work out an ordinance embodying the Tayler plan. The crux of the issue between them was the amount of supervision which the city should exercise over the Cleveland Railway Company if a new franchise were awarded to it, and the way in which the control should be exercised.

Service at cost was fundamentally a plan designed to leave the control of public utilities in private hands. Tayler proposed that the city "supervise" the street

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49 On the Tayler grant see the following: E. W. Bemis, "The Cleveland Street Railway Settlement," Quarterly Journal of Economics, XXIV, 550-560 (May 1910); T. L. Sidlo, "Cleveland's Street Railway Settlement," The American Political Science Review, IV, 279-286 (May 1910). The ordinance is officially known as "Ordinance No. 16238-A" and is printed in Ordinances of the Cleveland Railway Company, June 1, 1932.

railway service through a Street Railway Commissioner
and that disputes in regard to service, fares, or stock
issues should be settled by a Board of Arbitration.
Johnson suggested that the company could be held to even
greater responsibility if the tenure of the franchise
was made indeterminate. He wanted the franchise to
reserve the city's right to name a purchaser for the
line at any time after the franchise had been in effect
for two years. Then if the company did not operate the
street car system to the city's satisfaction, it could
be supplanted by a new company more amenable to the
city's desires. In the Tayler grant as passed in 1909
the city's right to name a purchaser was reserved to it,
but it was not to be exercised until 1918 and was so
hinged with qualifications and restrictions as to indi-
cate that it would be practically impossible to apply.
Johnson was more successful in inserting another pro-
vision for controlling the company in the Tayler grant.
This was the famous "invalidity clause" which stated
that if any of certain articles in the franchise were
declared invalid by the courts, the city council was to
regulate rates and service and to arbitrate disputes.
If the company refused to assent to regulation by the
council, then the whole franchise was to be forfeited. 51

Even after his defeat for re-election Johnson insisted
so stoutly on the inclusion of this clause that at last
it was written into the grant. Both he and his City
Solicitor, Newton D. Baker, had seen too many examples
of franchises whose regulatory provisions had been
voided by the courts while the privileges granted by the
franchises were enforced.

The Tyler franchise provided for a sliding scale
of fares with ten gradations up to a maximum of four
cents and one cent for transfers. The initial rate,
under which the cars were to be operated for at least
eight months, was three cents with penny transfers.

Johnson's chief practical objections to the Tyler grant
was that the valuation allowed the railway company was
too high and that control of the fare policy was left
too much with the company. He felt that the owners of
the Cleveland Railway Company not only had no positive
interest in low fares but that their street railway
holdings in other cities would actually make them try
to discredit low fares. He suspected that the company
looked upon the Tyler grant only as a stopgap and that
sooner or later it would claim that even the maximum

fare named in the ordinance was too low and would try to obtain the right to charge higher fares. The history of street railway fares in Cleveland since 1910 shows that while the fare was kept at three cents until 1917, the maximum was later raised by successive amendments to the franchise. In general, the history of the Tayler grant illustrates the history of the service-at-cost plan. Originating as a way of lowering fares, with the curtailment of investment opportunities, it turned into a device to pull up fares so as to insure a six per cent return on private capital.

The basic reason for Johnson's discontent with the Tayler grant as a means of settling the Cleveland street railway controversy was that it did not give full recognition to the doctrine of social values. The Tayler ordinance recognized the interest of the community in low fares and good service. It recognized the ultimate

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52 For criticism of the Tayler grant see Johnson, My Story, 289; Bemis, "The Cleveland Street Railway Settlement," loc. cit.; and Osborn, Questions and Answers, 20-22.

53 Straight three-cent fares went into effect in 1911 two months after Johnson's death. For the amendments to the Tayler grant see Franchises of the Cleveland Railway Company, June 1, 1932.

54 Delos F. Wilcox, An Analysis of the Electric Railway Problem, 434.
desirability of municipal ownership. But it was based on the theory that money in private possession is private property. Judge Tayler's ordinance looked upon the money made by a street car company primarily as a return upon the private capital invested in it. Tayler thought this investment must be protected and that the best way to protect it was to leave the management of the company to the investors. Johnson, on the other hand, looked behind the possession of wealth to see how it was produced. In the case of profits from the operation of a street railway company he thought the wealth was publicly created, for its source was the social necessity of transportation. At the opening of this chapter we noted Johnson's insistence that his fight was not against private property, but to regain public property which had gone into private pockets. He thought the main emphasis of any street railway settlement should be on the assertion of public rights rather than on safeguarding investments in the privilege of exploiting socially-created wealth. That is why Johnson could not support a settlement whose chief aim he thought was to protect private investors, and which left control of the policies of the company in the hands of men whose chief interest in the company was private profit.
NOTE: The settlement of the street railway controversy in Toledo was even longer postponed than in Cleveland. During his last administration Jones vetoed an ordinance passed by the Republican Council granting the Toledo Railways and Light Company a twenty-five year renewal of its franchise rights. The Council would have passed the ordinance over his veto had not Negley D. Cochran's editorials in the Toledo News-Bee aroused public opinion against the franchise. After Jones' death in July 1904 similarly inspired popular demonstrations again prevented the passage of the franchise over the veto of his successor.

The Toledo street railway system, with an actual physical value of about five million dollars, was capitalized at about thirty million dollars. The company's important franchises ran out in 1910. Neither Jones nor Whitlock felt equipped by experience to undertake Johnson's arduous policy of introducing a competing company. Both hoped that if the city refused to pass any franchise renewals until the old ones were on the point of expiring, a favorable settlement could be made with the company. After the franchises had expired in 1910 the company was allowed to operate cars on sufferance. The absence of a franchise enabled the city to force the street railway company to consent to charge lower fares. Especially after the passage of the home rule constitutional amendments in 1912 Whitlock was in no hurry to reach a settlement, because he thought that municipal ownership was now a distinct possibility. In negotiations carried on with the company during his term the valuation of the company was the chief subject of dispute. The Whitlock administration received valuable assistance from Clevelanders like Carl Nau, E. W. Bemis, Peter Witt, and Newton D. Baker in this matter. The street railway question was still unsettled when Whitlock left office. In 1920 the Milner plan, a service-at-cost settlement providing for ultimate municipal ownership, was adopted.55

CHAPTER 2

TAXATION IS A HUMAN QUESTION

Farms, buildings, personal property, land pay no taxes . . . it is men and women who are taxed and not things. --Tom L. Johnson, My Story, 131.

A very important phase of the Civic Revivalists' fight against privilege and one especially interesting at the present time was Tom Johnson's attempt to equalize the burden of taxation in Cleveland. Johnson's approach to the problem can be seen by his definition of taxation as the rule by which the cost of government is distributed among the people and corporations of a state. Unlike Frederic C. Howe, Johnson knew that the control of the machinery charged with assigning this distribution is a powerful agency of class rule. Howe pointed out that the system of taxation in vogue in any country reveals the economic interest of the class in control of that country's government. In a crisp

1My Story, 129.

sentence Johnson summed up his idea of the relation between taxation and privilege: "The greatest of all privileges is having another man pay your taxes." Tax exemption is a form of subsidy, said Howe. It is secured through the undervaluation of property and the defeat of measures for proper assessment of corporate privilege. "The same motives which call forth campaign contributions running into the millions in support of the tariff or for a ship subsidy measure prompt the giving of immense sums to the local party machine as a price of relief from the just and proper burdens of government."  

The Civic Revivalists' belief in the possibility of using taxation as a weapon of social readjustment has been discussed in a previous chapter. They thought the taxation of land values would destroy monopoly and revive economic opportunity. They believed the single tax offered an ideal way of raising revenue, for it shifted the incidence of taxation from effort to privilege, from wealth created by labor and talent to wealth automatically produced by the development of society. But the single tax, like the municipal ownership of street railways, was a remedy which the laws of the State forbade Ohio

3My Story, 129.
4The City, the Hope of Democracy, 103.
cities to apply. Men like Johnson and Howe never had a chance to put their theories of taxation into full operation. For them to have done so would have required home rule in taxation; but while the first fifteen years of the twentieth century brought some much-needed reform in the administration of Ohio's tax laws, the trend of tax legislation was consistently away from local option. In fact the passage of tax and debt limitation laws by the State Legislature restricted the cities' autonomy in fiscal questions. Nevertheless, Johnson, the most resourceful of the leaders of the Civic Revival, was able to bring about some concrete improvements in the distribution of the cost of government even under the existing framework of the general property tax. Johnson's achievements in the tax reform, along with the services he rendered his city in the street railway controversy, are the best examples we have of his ability to do constructive work while striving for a goal which was never reached.

Article XII of the Ohio Constitution of 1851 stated that all property was to be assessed for taxation at its "true value in money." In reality it was a commonly accepted fact by 1900 that much personal property escaped taxation entirely while ordinary real estate like houses and lots, farms, and business property was appraised at about sixty per cent of full value. The railroads and utility companies had won the privilege of having their property appraised for tax purposes at only a third of this figure, or at about twenty per cent of market value. Franchise value, the largest single item in a public utility's valuation, was untaxed. Johnson's aim was to secure a scientific reappraisal of all property at its market value (which would include the franchise value of a public service corporation). Until this could be attained he thought the railroads and utilities should at least be assessed at as high a percentage of true value as other property.6

6 Johnson's aims in taxation are discussed by Howe in "The Best Governed Community in the World," The World's Work, III, 1723-1728 (February 1902), 1726; and "Cleveland--A City 'Finding Itself'," The World's Work, 3988-3999 (October 1903), 3990.
When he took office in 1901 general property was appraised for taxation every ten years by a locally-elected board. The tax value of railroad property was fixed every year by the auditors of the counties through which the railroad operated. A city board of equalization, whose members were appointed by the mayor, met annually to correct inequalities in the assessments made by the decennial appraisers. This board had considerable potential power but in Cleveland it had so declined in importance that its chief functions had become the correction of clerical errors and the addition of household improvements to the tax duplicate. It was possible to carry appeals from the local agencies to various state boards of revision, equalization and remission. 

The last decennial appraisement had been made the year before Johnson's first election to the mayoralty. The appraisers had followed the usual custom of allowing the public utility companies to file absurdly low returns. Johnson estimated that the valuation officially reported by one company was only six per cent of the market value of its securities. Other real estate, also in the customary fashion, had been assessed at between fifty and sixty per cent of sales value. Johnson's

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7 Johnson outlines the personnel and duties of the different tax boards in My Story, 126-127.
appointees rejuvenated the Cleveland Board of Equalization and in July 1901 the board increased the valuation of the Cleveland gas, electric, and street railway companies by twenty million dollars. A month or two before this Johnson had begun to appear before the County Auditors who were making their annual appraisal of railroad property. With E. W. Bemis as his valuation expert Johnson presented evidence of the railroad's underappraisal and tried to convince the auditors that their tax bill should be based upon sixty per cent of the market value of their stocks and bonds. The auditors, however, preferred to accept the returns filed with them by the officers of the railroad companies and so set the properties down on the tax books at the usual low figure. Johnson recalled that they increased the assessment of one notoriously undervalued road one per cent.

Having failed to obtain any satisfaction from the county auditors, Johnson appealed to the state officials

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8Reported in the Cleveland Plain Dealer, July 31, 1901.
9Johnson recounts his attempt to increase the assessment of the railroads in My Story, 132-144. The Public, June 1, 1901 describes Johnson's stormy sessions with the county auditors. The whole problem is commented on in "Railroad Taxation in Ohio," The Outlook, LXIX, 255-256 (October 1901).
whose duty it was to enforce the tax laws. Perhaps not entirely to his surprise he received no help from this quarter. The State Board of Equalization refused to act on the railroad case; the State Supreme Court declined to issue a writ of mandamus compelling the board to review the case; and the State Legislature rejected proposals for corrective legislation. But at the same time the state agencies were refusing to aid Cleveland in increasing the assessments of the railroads they were proving themselves benevolent allies of the public utility corporations whose valuations had been increased by the Cleveland Board of Equalization. A Board of Tax Revision, consisting of high state officials, remitted the entire twenty million dollars of increased assessment. Then to prevent a recurrence of such an impertinent increase in appraisal the Legislature passed an act supplanting the local boards of equalization (members appointed by the mayor) with county boards of tax review, paid from county funds, but composed of appointees of state officials.

10 Reported in the Cleveland Plain Dealer, February 2, 1902.

11 The use of state tax machinery to defeat Johnson's attempt to raise the assessment of the Cleveland public utility companies is discussed by Johnson, My Story, 145–147; E. W. Bemis, "The Franchise Situation in Cleveland," Municipal Affairs, VI, 261–267 (June 1902), 261–262; and Milo Roy Maltbie, "Home Rule in Ohio," Municipal Affairs, VI, 234–244 (June 1902), 235.
Johnson's object in these two conflicts over taxation was primarily to secure a juster apportionment of the tax load and secondarily to obtain revenue for needed public improvements. However, he had not forgotten the larger single tax design. The partial taxation of public utility franchises and railroad rights-of-way was a tax on privilege. Through the use of the license system the city had levied a tax on privilege before, but the privileges taxed by license fees were usually those of the poor—the privilege of owning a dog or a bicycle, of operating a second-hand store or a saloon, or of selling pencils on the street. Except in the case of the saloon Johnson, like Jones and Whitlock, looked on such licenses as taxes on poverty rather than as regulatory measures. Tax property at its true value, they said, and such unjust levies on the poor will be unnecessary.

12 E. W. Bemis estimated that Cleveland would have received four hundred and fifty thousand dollars in increased revenue if the twenty million dollar increase in the appraisal of the utility companies had been allowed. "Franchise Situation in Cleveland," loc. cit., 261.

13 Johnson's veto of an ordinance requiring hucksters to purchase licenses is reported in The Public, August 24, 1901. In his Annual Messages to the Toledo Council Jones had repeatedly decried the license system. See for example his message in the Toledo Annual Statement . . . for the Year Ending April 1st 1901, 22. Whitlock's views on taxation are examined and commented on in two
An even more obvious example of the way in which Johnson's early effort at tax reform revealed his single tax theories is to be found in his proposal to the county auditors that they place a relatively high valuation on the lake shore land owned by the railroads. Previously the auditors had ignored this land, assuming that because it was barren it was worthless. The Plain Dealer, continually torn between a desire to support Johnson and yet retain its newly-acquired respectability, opposed Johnson's suggestion. Unfair taxation will drive business out of the city, was its argument. It advocated "a broad and liberal policy, one founded on justice, one that will encourage the owners of lake frontage to build it into docks and cover it with warehouses." Johnson's single tax friends not only insisted that his tax policy was just, but that it was the only one that would accomplish the result desired by the Plain Dealer. Their attitude was that increased taxation of lake frontage would discourage appropriation without use. Its effect would be to force the railroads either

editorials in The Public: "The Gentle Art of Unfair Taxation," X, 287 (June 22, 1907); and "Mayor Whitlock on Municipal Taxation," X, 385-386 (July 27, 1907). "Dogs Taxed to Exempt Railroads," The Outlook, LXVIII, 139 (May 18, 1901) is a suggestive editorial on the use of the license system in Wisconsin.
to convert their vacant land to productive purposes or to sell it to people who would do so. 14

An interesting sample of the devices used by the Civic Revivalists to spread what they called "educational propaganda" and to arouse public interest in government was the tax school conducted in Cleveland by Peter Witt with the legal assistance of Newton D. Baker. The "school" was a kind of rough and ready research foundation which dug up and publicized inequalities in tax assessments. Witt was the son of a German refugee of 1848. His progress in radicalism had been guided by the liberal clergyman and physician, Dr. L. B. Tuckerman. Even by the time he was twenty-five Witt's fighting spirit and sharp and active tongue had won him a local reputation as an agitator. At their first meeting, which occurred during Johnson's campaign for Congress in 1894, Witt impressed Johnson as an "angry young man." 15 He served as City Clerk under Johnson and before taking charge of the tax school had prepared public opinion for Johnson's efforts at tax reform by frequent speeches on

14 The Plain Dealer editorial of September 3, 1901 is quoted and commented upon in The Public, September 7, 1901.

15 My Story, 84.
the Public Square and by writing a widely circulated pamphlet. The latter, entitled Cleveland Before St. Peter, was an account of the tricks of the city's tax-dodgers.\textsuperscript{16} The graphic way in which Witt's tax school revealed injustices in taxation was an important factor in helping Johnson show Clevelanders that revenue was a human as well as a fiscal problem.

At first the school had no official connection with the city government, but early in Johnson's administration the Council made an appropriation to enable it to carry on its work. With the help of the various city departments maps sixteen feet square were drawn up representing each ward in Cleveland. The maps were hung in the City Hall and the people were invited to examine them. On each map was shown the assessed and the market value of the land in the ward. One thing these maps showed was that on a surprisingly large number of parcels of real estate the assessed value was higher than the sale value. Through the distribution of circulars, the findings of the school were spread before people who did not come to see the maps. These pamphlets gave specific examples of land in each ward which was assessed at less than the cash value of the average piece of land in the

\textsuperscript{16}The pamphlet appeared in 1899. Among those listed in it as tax dodgers was Tom L. Johnson.
ward, and also of land assessed at more than the average value of land in the ward.\textsuperscript{17}

Johnson put the city Board of Equalization to work correcting the mistakes uncovered by the tax school. When this board was destroyed by the state legislation referred to above, people who felt the valuation the decennial appraisers had placed on their property was too high were told to apply to the new County Board of Tax Review. Johnson's friends pointed out that the tax school was thus forcing the rectification of injustices which might otherwise have gone unheeded until the next decennial appraisement. The school, however, was forced to suspend after twenty months of operation when Cleveland was enjoined from using city funds for its support.\textsuperscript{18}

Johnson's first efforts to obtain revenue by taxing monopoly and privilege at the same rate as homes and property in competitive business failed because of the opposition to his policy of the men who controlled the state tax machinery. Like other parts of the program of the Civic Revival, further tax reform in Cleveland had

\textsuperscript{17}Johnson describes the procedure of the tax school in \textit{My Story}, 126-130.

\textsuperscript{18}Reported in the \textit{Cleveland Plain Dealer}, October 9, 1902.
to wait until the friends of the movement were more powerful in the government of Ohio. To hasten the coming of this day Johnson branched out into state politics early in his first administration. With the help of Charles P. Salen he made himself the Democratic boss of Cuyahoga County and in November, 1901, secured the election of a slate of Democrats to the Legislature. During the spring and summer of 1902, again with the assistance of Salen, he wrested control of the state party organization from John R. McLean. Johnson had none of the exaggerated loyalty to party that long service in the ranks breeds in the machine politician. His non-partisan attitude toward politics was a heritage of his days as a privilege-seeking business man. He looked upon the Democratic party simply as a tool to be used to accomplish his goals. Advancing his program was of far more importance to him than enforcing party regularity. If his aims could be carried out through Democrats, well and good; if a Republican or Socialist or a Populist seemed more likely to work for his policies than a Democrat, he did not hesitate to support him against a recalcitrant member of his own party. Three nominal Republicans, Fred Kohler, Frederic C. Howe, and William J. Springborn held important posts in Cleveland during Johnson's administration. A Republican Councilman,
E. B. Haserot, denied renomination by his own party because he had supported the three-cent fare movement, was placed on the Democratic ticket. Similarly Johnson had Frank S. Monnett, the former Republican Attorney-General, nominated for that position by the Democrats in 1903. Earlier in 1903 Johnson invaded the home district of eight Democratic members of the state Legislature who, he thought, were reactionary and prevented their renomination.¹⁹

Johnson's control of the state Democratic organization was first demonstrated at the state Convention of the party held in Sandusky on September 3, 1902. Johnson, the presiding officer, not only secured the adoption of a platform largely drafted by himself but also brought about the nomination of a personal friend for Secretary of State, the one state office to be filled at the November elections.²⁰ Johnson's friend and candidate was Herbert S. Bigelow, the single tax pastor of the historic Vine Street Congregational Church in Cincinnati. The platform promised heavier taxation of railroads, two-cent a mile railroad fare, and home rule for cities.

¹⁹Mayor Jones, the uncompromising non-partisan, called Johnson "the freest man in partisan politics in the United States," The Public, October 17, 1903.

²⁰On this convention see "Tom Johnson to the Front," The Nation, LXXV, 201 (September 11, 1903).
In a letter to the writer Reverend Bigelow has recalled some amusing incidents of this campaign of forty years ago. He and Johnson toured the northern part of the state in the latter's imported red automobile and held meetings in one of the tents Johnson used in his Cleveland campaigns. This was one of the earliest instances of the use of an automobile in a political campaign. Since the "Red Devil" was the first machine many country people had even seen, it was perhaps as great an attraction as the novel political doctrines preached by Bigelow. When they met a farmer and his team on the road, Johnson and Bigelow would have to get out and help lead the horses past the car. "The farmers were as much scared as the horses. No wonder the majorities against us were a record up to that time." Meanwhile Mark Hanna and the Republican candidate for Secretary of State were canvassing the state by train and making decorous speeches from the rear platform. "Let well enough alone," was the keynote of their campaign. Apparently that was what the voters wanted to do for on election day Bigelow was snowed under by over ninety thousand votes.

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21 Letter received from Herbert S. Bigelow to the writer, March 1, 1942.

22 Carl Lorenz, Tom L. Johnson, 98.
But he had carried Cuyahoga County and in the northern counties where he and Johnson had campaigned together the Democrats received more votes than they had in the last state election.

It would indeed have been strange if a man who believed in his principles as firmly as did Johnson had not desired to win an office which would give him a fair chance to put his theories into practice. Johnson's henchmen again controlled the Democratic State Convention in 1903 and they obtained his nomination for Governor. But the progressives were still in the minority in Ohio and Johnson's defeat in this election was conceded by both friend and foe almost before the campaign had opened. Johnson wanted the nomination in order to retain control of the party. Then too he hoped that he would be able to help elect enough Democrats to the Legislature to prevent Mark Hanna's re-election to the Senate in 1904. Johnson's enemies within the party were willing to let him have the nomination in the expectation that he would be so crushingly defeated that he would never again be a force in state politics.  

The reasons for Johnson's nomination are examined from different points of view in the following magazine editorials: "Tom Johnson's 'Victory,'" The Nation, LXXVII, 183-184 (September 3, 1903); "The Democratic Campaign in Ohio," The Outlook, LXXIV, 917-918 (August 15, 1903); and E. O. Flower, "The Field Against Mayor Johnson," The Arena, XXX, 533-536 (November, 1903). Johnson states his reasons for running in My Story, 195 et. seq.
As in the preceding year Johnson relied on the circus tent and the "Red Devil" to help him spread his message of home rule and just taxation through the state. Municipal ownership, "government by injunction," low railroad fares, and the initiative and referendum were also favorite subjects in his political speeches.  

Johnson burst on staid old Republican Ohio "like a new planet," wrote Brand Whitlock. "His red car might have been a chariot of flame driven by an anarchist...." Not since 1896 had the organs of the conservative classes professed such fear for the stability of American institutions. It is not enough that Johnson be defeated, warned one magazine. He must be utterly routed. "To the extent that it has even the seeming of success, the Johnson campaign means a disrupting crusade against the orderly methods of modern industry and the business prosperity of the nation." We cannot comprehend the bitterness of the attacks on Johnson, nor understand why his enemies wanted him overwhelmingly defeated, unless we remember his prominence in the single tax movement.

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24The campaign was carefully reported in the news columns of The Public. A representative issue is that of October, 17, 1903.

25Forty Years of It, 167.

For while the privileged business interests of the state may have been distressed by the prospect of increased assessments and municipal home rule, they shuddered even more at the theory of taxation of which Johnson was the best known living advocate. Men who might otherwise have been disposed to applaud Johnson's fight to make the railroads pay a fair share of taxation were driven into opposing him by the fear that railroad taxation was but a wedge for the introduction of the single tax. Johnson thought the fear of the single tax was based on knowledge in some cases and on ignorance in others: privilege knew what the single tax would do to it; the people were misinformed as to what it would do for them.

In fighting Johnson the Republicans followed a dual policy. On the one hand, as indicated above, Johnson was presented as a demoniacal enemy of business. At the very same time he was pictured as a rich man who wanted to shift all taxation to the backs of the farmers and the home owners. The Republicans sagely avoided what Johnson considered the legitimate issues of the campaign, railroad undervaluation and the interference of the legislature in local affairs, and concentrated on raising the bogey of the single tax. The fact that the followers of Henry George proposed a tax on land values rather than on superficial land area and that they believed street
railway and steam railroad rights-of-way and valuable city building sites should be the chief sources of public revenue was ignored or suppressed by Republican editorialists and orators. *Gunton's Magazine* advised the voters that no matter how unjust the present system of taxation, the little man would be worse off under Johnson's plan. Then he would pay all the taxes and the corporations who owned no land would pay none. An editorial in the magazine stated, "If the farmers want to pay all the taxes and relieve the corporations or other business concerns from bearing a share of the public burden, if they want to have their homes, their farms, taxed away from them and be transferred to laborers or tenants of the state" then by all means let them vote for Johnson. 27 Now of course not many farmers, or many other people, for that matter, read *Gunton's Magazine*. But the attitude of this conservative review is worth noting because it echoed the peculiar interpretation of the single tax then being presented in newspapers all over Ohio. "The single tax will lighten the burden of the rich and increase that of the poor" was the theme of innumerable editorials in partisan

journals. "Maybe that is why the rich are so afraid of it," said the single tax weekly, *The Public.*

The Republican propaganda was effective and Johnson was soundly defeated at the polls. Many Ohio farmers retained a hatred of Johnson until the latter's death. Nevertheless his two state campaigns were not without effect. Johnson's personality, his liberal ideas, and his aggressive campaign methods infused a new spirit into the musty politics of Ohio. On the morning after his defeat for the governorship a reporter asked him when the next campaign would begin. "Tomorrow," Johnson replied. And the campaign did go on until, through sheer familiarity, some of Johnson's ideas became accepted as respectable beliefs. Cuyahoga County continued to send a strong delegation of Johnson men to the State Legislature and these representatives provided the leadership in the House and Senate when those bodies came under the control of the Democrats.

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28 October 10, 1903. Johnson's reply to this type of argument is reported in *The Public,* October 17, 1903.

29 Whitlock examines the farmers' attitude toward Johnson in *Forty Years of It,* 169.
The first fruits of the agitation for tax reform Johnson had begun eight years before came in 1909. In that year the Legislature passed an act partially carrying out the recommendations of a special tax commission which had been appointed in 1906 to study and suggest improvements in Ohio's system of taxation. The act reduced the interval between the appraisals of property from ten to four years. It provided for the election of the quadrennial appraisers on non-partisan ballots and authorized them to publicize their findings by somewhat the same measures as those used by the Cleveland tax school. 30

As taxation had been almost the first problem attacked by Johnson when he became mayor of Cleveland, so it was the field in which he rendered his last service to the city. At the November election in 1909 Johnson was himself defeated for re-election, but his vigorous campaign on their behalf was responsible for the election of four out of the five members of the new Board of Quadrennial Appraisers. One of the members of the board was Frederic C. Howe, who had laid the groundwork for much of Ohio's later tax reform during his term.

30 100 Ohio Laws, 81. The background and significance of this law are discussed by Thomas L. Sidlo, "Ohio's First Step in Tax Reform," Yale Review, XVIII, 413-417 (February, 1910).
in the Ohio Senate. Two other members of the board, like Howe, were single taxers and still another member was at least sympathetic to the single tax idea. At their first meeting the Board of Appraisers agreed that their assessments would be made in accordance with two basic principles: property should be appraised at full value (rather than at sixty per cent); and in determining valuation more emphasis should be placed upon the value of land than on the value of improvements.

In order that the first principle might be carried out, W. A. Somers, an expert on land valuation who had been one of Peter Witt's assistants in the tax school, was engaged to act as chief clerk of the Board. Somers was the inventor of a system of appraisement for determining the market value of land. Under his system a few lots, twenty-five by one-hundred feet in size, were laid off on maps of each city block. The market value of these units was individually determined and then a mathematical calculation was used to arrive at the value of the irregularly-shaped parcels of land in the block. Favoritism under the unit system was held to be practically impossible because favoring one lot would require

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31 The members of the Board were Arthur F. May, Frederic C. Howe, John A. Zangerle, Joseph F. McKenna, and Theodore M. Bates.
favoring a whole block, and that would throw the calculations for the whole street and section out of line. In other words, under the Somers system, discrimination would necessarily involve such large areas that it would be easily discernible. To fix the correct value of key units in each section of the city, the appraisers revived some of the techniques of the tax school. Large maps of each ward were prepared and displayed at public meetings in the different wards. Here the people of the community were asked to estimate the market value of the lots in each block.

Through the use of the Somers system the board of appraisement was enabled to complete the assessment of over one-hundred and forty-nine thousand parcels of land and one hundred thousand buildings in seven months. The total assessment of all property in the city was raised from less than two hundred million dollars to five hundred millions. The assessments on some parcels of

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33 Howe describes the work of the Board of Appraisers in Confessions of a Reformer, 235-230.
land were increased from three to ten times. Even land in boom areas whose selling price was acknowledged to be inflated was appraised at its current market value. To objections that its valuations were too high the board had a stock reply: "Give the Real Estate Board a thirty-day option on your land at our appraisal. If the land can't be sold at that figure we will reduce it." Only one property owner took advantage of this offer. After the board had completed its work of assessment the results were printed in pamphlet form and mailed to the residents of each ward. In the pamphlet the tax valuation of each parcel of real estate in the ward was listed by street and number. Evidently the public was satisfied that a fair appraisal had been made for there were fewer appeals from the assessments of the quadrennial appraisers than ever before.

The work of the board of appraisers constituted the closest approach to the actual application of the single tax in Cleveland. Although required by law to assess

34 Examples of increased appraisals on downtown building sites are given in the editorial "Another Sensible Tax Official," The Public, XIII, 194 (March 4, 1910).
35 Ibid.
36 "Land Valuation in Cleveland," The Public, XIII, 604 (July 1, 1910).
both land and improvements, the appraisers were determined to follow their second rule of conduct in regard to the degree of emphasis to be assigned each of these factors. Consequently, they gave a relatively high one to land. Acting on the theory that effort should be encouraged, they frequently depreciated the value of a house or building so that the builder would not be penalized for his enterprise. Conversely, believing that speculation should be discouraged, they taxed vacant lots on their full value. Howe said the results stemming automatically from the board's assessments confirmed his belief in the single tax. Building was stimulated, shanties gave way to more substantial structures, and vacant lands were forced into use. In retrospect his work with the board of appraisers struck him as the most satisfactory experience of his political life.\textsuperscript{37}

\textsuperscript{37}Confessions of a Reformer, 230.
CHAPTER 3

MONOPOLY IN TOLEDO

During the eighteen-nineties and in the early years of the twentieth century the people of Toledo made two interesting attempts to break the monopolization by private corporations of the supply of two natural commodities necessary to life in the city. An account of the contrasting methods and results obtained by these ventures in trust-busting constitutes an instructive footnote to the history of the anti-trust movement in the United States. When the citizens of Toledo realized that control of their supply of natural gas had been allowed to slip into the hands of companies dominated by men connected with the Standard Oil Company, they labored against tremendous odds to build a municipal natural gas system. Sixteen years later a combination of Toledo ice merchants induced a precipitous rise in the price of ice. Then the city sought relief by prosecuting the ice men under the Ohio anti-trust law.

On the surface, the municipal gas plant was a costly blunder and the prosecution of the ice merchants
was a brilliant success. But the Civic Revivalists looked deeper. They thought the complete history of the natural gas plant represented not the failure of municipal ownership but the refusal of the city to take advantage of its benefits. The full story of the ice trust cases only confirmed their belief in the superficiality of criminal prosecution as a way of attacking monopoly.

THE WHITE ELEPHANT

In 1897 two companies received franchises to supply the city of Toledo with natural gas. The apprehension of the citizens was aroused when it was revealed that the two companies were in reality one in policy and management. Their fears were heightened by the growing conviction that both were controlled by the Standard Oil Company. All of their misgivings seemed to be corroborated when the two companies stopped work on the laying of pipe lines and refused to continue until the Council had amended the original franchise ordinances so as to enable them to charge higher gas rates. Having won the rate increases the companies completed the pipe lines, but before popular distrust of them had died down it was revived in even more bitter
form by their practice of discriminating between gas customers. Some industrial consumers were granted cheaper rates than those charged the public as a whole. Some firms were denied any gas at all. Now the people's indignation boiled over and after a remarkable demonstration of civic determination the State Legislature was persuaded to authorize the city to issue bonds for the construction of a municipal natural gas system.¹

Whatever may have been their relation to Standard Oil, the Toledo gas companies fought the city gas plant with the practices perfected by the oil trust for use against its private competitors.² Defamation, financial pressure, litigation, discrimination—even violence, were their weapons. Toledo's one morning newspaper was purchased by interests friendly to the gas companies and

¹The most detailed account of the building of the municipal gas plant in Toledo is in Henry Demarest Lloyd, Wealth Against Commonwealth, 305-368. My discussion of the early phases of the Toledo gas war is based on the material presented by Lloyd.

²Lloyd assumed the companies were subsidiaries of Standard Oil. Allan Nevins in John D. Rockefeller, II, 336, minimizes the connection between the gas companies and Standard Oil. I do not consider his reasons conclusive but have not thought it a necessary part of this dissertation to investigate the actual relation between the gas and oil companies. The point that is important for our study is that the belief that the gas companies were controlled by the hated oil trust was one of the strongest reasons why the people of Toledo undertook to build a municipal plant.
turned into a virulent enemy of the municipal gas enterprise. A journal of small circulation and smaller local reputation, its editorial blasts at the city's credit nevertheless were reprinted in Eastern financial magazines and newspapers as the weighty opinion of a reputable paper about political and financial conditions in Toledo. This was important because Toledo was not a self-contained economic unit but an appendage of the great world of finance. Most of the money which was changing the city from a market town to an industrial center came from the East. "A whisper started through the offices of the great capitalists in New York and abroad would flash back by wire to Toledo and go like quick poison through its industries and credit, private and public." The Standard Oil Company aided the Toledo gas firms by sending out agents who advised the important investment banking houses not to bid on issues as risky as the Toledo natural gas bonds. Every step in the construction of the city's system was delayed by law suits whose aims seem to have been to delay the building of the plant, to increase its cost, and to discredit its bonds rather more than to settle bona fide legal questions. The private companies sought to win

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3Lloyd, Wealth Against Commonwealth, 311.
influential men to their side by a liberal use of the old policy of rate discrimination. In effect this was an application of the rebate system. When all else failed, they tried to exhaust the city's supply of natural gas by pumping heavily and exclusively from wells they owned on land adjacent to the city's gas property. Then they delayed the purchase of the pumps made necessary by the lowered pressure in the city-owned wells by securing an injunction which temporarily prevented the city gas trustees from buying the needed equipment. Employees of the old companies were reported to have threatened to dynamite any pumps the city might install. This may well have been just a newspaper story but during the winter of 1891-1892 two of the most important lines in the city system were mysteriously disconnected—by whom it was never discovered.

In spite of all these obstructions the city gas plant was built and put into operation. Toledoans themselves put up the capital for it when outside investors were frightened away. Toledo contractors agreed to lay the pipe and accept bonds in lieu of cash payment. The increased cost of the plant and some of the inefficiencies of the system of which its enemies later complained were

\[\text{Ibid., 366.}\]
the direct result of the expedients the city had to use to circumvent the fierce opposition of the old companies. By 1891 gas was flowing to customers through municipally-owned gas lines from municipally-owned wells. Two years later the Toledo Natural Gas Trustees reported that the city owned eighty-five wells, seventy-three miles of pipe outside of the city, and ninety-one inside of it. In the early eighteen-nineties the rates charged by the municipal company were from one-third to one-half less than those charged by the private companies. Even after the dwindling supply of natural gas in the city wells forced a curtailment in service, the simple presence of a plant which could be used for distributing artificial gas acted as a regulator on the rate policy of the old companies.

Toledo won the first round in this fight against privilege because an aroused people proved themselves stronger and more resourceful than an intrenched monopoly. The people were united because the arrogant behaviour of the two private companies had alienated the conservative support they might otherwise have mustered by posing as the defenders of private enterprise. In this instance hatred of the oil trust was a stronger sentiment than fear of "municipal socialism." One reason why public opinion was more solidly in favor of the municipal gas plant than it was later to be for
municipalization of the street railway system was that in the gas war the corporations attacked by the city were largely financed by outside capital while in the street railway controversy in both Toledo and Cleveland the corporations under fire were locally owned. Consequently the street railways had numerous local allies, but the only friends the gas companies had were their newspaper, their lawyers, and the few citizens who let themselves be bribed by special rates.

By the time of Golden Rule Jones' second administration a change had been worked in Toledo's attitude toward the city natural gas plant. No longer was it regarded as a wise and prudent investment, a proof of civic strength. Now it was almost universally pointed to as an extravagant folly, a symbol of municipal incompetence. The chief reason for this startlingly altered opinion was the depletion of the wells on which the city relied for its supply of gas. As we have seen this was largely caused by the old companies' policy of pumping heavily from wells on land adjacent to the city's gas property. In every contest with the private companies to obtain new gas land the city gas trustees were under a disad-
vantage. To meet the requirements of the law the trustees had to work slowly and in public. But their rivals
could make instant decisions and obtain secret options. Yet even if the city had had more success in obtaining new gas wells, the situation would have been only temporarily eased. The northern Ohio natural gas fields were declining in commercial importance. Henceforth the natural gas companies which served Toledo would draw more and more on gas piped from West Virginia fields, meeting the expense of the longer haul by selling gas to municipalities along the route of the pipe line. It would have been both illegal and impracticable for the city to have done this.  

Jones proposed that the city sell the now superfluous pipe lines outside the city, retain the distributing system within the city, and use the proceeds of the sale of the outside pipe lines to erect a plant for the manufacture of artificial gas.  His suggestion found little favor. The Council was reactionary and corrupt; the newspapers were unfriendly to Jones and suspicious of his "visionary" ideas; and except for a small body of

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6Jones' recommendations regarding the disposition of the natural gas plant are found in two of his Annual Messages to the Council. These are printed in Toledo, Annual Statement... for the Year Ending April 1, 1898 and Toledo, Annual Statement... for the Year Ending April 1, 1900.
radicals, public opinion was apathetic. The lagging interest of the people is shown by the comparatively unnoticed abandonment of the city's suit against the Standard Oil Company in 1898. This suit had been instituted five years before to collect one million dollars in damages for the loss occasioned Toledo by the methods allegedly used by the company to harass the building of the municipal gas plant.\(^7\)

Ever since the failure of the gas supply the newspapers had been calling the pipe line a white elephant and demanding the sale of the entire system to "stop the loss." Taxpayers were not allowed to forget that the annual interest payment on the natural gas bonds amounted to almost fifty thousand dollars. The papers could see no virtue in Jones' proposal which appeared to them as only one more attempt to get the city to sink more money in an enterprise which they now thought should not have been undertaken in the first place.

The Council added to the fiction of the failure of municipal ownership by conducting inconclusive investigations of the conduct of the city gas trustees. When it could find no graft, this body whose scant reputation

\(^7\)For Lloyd's protest against the dropping of this law suit see his letter to Jones in Caro Lloyd, Henry Demarest Lloyd, II, 142-143.
for either probity or ability made ludicrous its pre-
sumption to investigate anything or anybody, professed
to find evidence of inefficiency in the operation of the
plant.

To all of these cries for the surrender of the mu-
nicipal gas enterprise Jones replied that no one was
going to buy the gas plant just to take a white elephant
off the city's hands. Somebody, he said, is going to
make a profit out of it. He stressed the value of the
plant both for the opportunity it gave the city of engag-
ing in another adventure in cooperative business, and
also as a weapon to keep the old companies in line.8
But Golden Rule Jones' voice was drowned in the clamor
of the practical and economic-minded men of business who
insisted on the sale of the whole plant.

The Toledo Council was so anxious to get rid of the
municipal gas system that it practically gave it away.
The first part of the much-maligned property to be dis-
carded was the outside pipe line which was sold for junk
in 1899. Two years later the plant inside the city was
leased to a private company at a rental which proved

8Jones' reply to demands for the sale of the plant
is found in his message to Council printed in the Annual
Statement for 1898 and 1900.
insufficient to meet the annual bill for lighting the municipal buildings.

Fearing that something like this might happen, Jones had induced some friends to offer $300,000 for the system on a lease arrangement which would have allowed the city to resume control of the plant at any time it desired. This bid was rejected by the Council in July, 1899.\(^9\) In October Jones repeated his recommendation that the outside pipe line be sold and that the city use the proceeds of the sale to build an artificial gas plant. Instead, under a suspension of the rules, the Council passed a resolution directing the City Clerk to advertise for bids on both parts of the gas system. The procedure was somewhat as if a councilman had quietly moved that the clerk advertise the City Hall for sale.\(^10\)

The successful bidder was the firm of Kerlin Brothers which in December, 1899 offered $102,000 for the outside pipe line and $126,000 for the inside plant. Attached to their bid for the inside part of the system was the condition that the Council grant the purchaser a perpetual franchise to sell gas in the city and that it (the Council)

\(^9\)See *Toledo Blade*, July 10, 12, 18, 19, 1899.

\(^10\)This was pointed out by Justice Hull in a dissenting opinion in Kerlin Brothers Co. v. The City of Toledo, 20, Ohio Circuit Court Reports, 603.
also agree to establish gas rates acceptable to the company. This sale to the Kerlin Brothers was invalidated by the Lucas County Common Pleas Court on May 9, 1900 but was allowed to take effect in regard to the pipe line outside the city by the State Circuit Court later in the same year.11

Jones characterized the sale as "the struggle to obtain private possession of the people's property.... The battle of the few to gain and keep possession of the property of the many."12 Both the Blade and the Bee condemned the sale, not because they were in favor of permanently retaining any part of the plant, but because they thought the price offered by the Kerlins was too low. In a dissenting opinion in the Circuit Court case which had allowed the Kerlins to take the outside pipe line, Justice Hull stated that the evidence presented to the court showed that the pipe line was worth $225,000 at the very lowest estimate. Since the Kerlins got it for $102,000, or at less than half price, they seem to have been voted a gift of at least $123,000 worth of property.

11 The two decisions are reported in 8 Ohio Nisi Prius Reports 62 and 20 Ohio Circuit Reports 603. In the report of the latter case there is a convenient chronology of the sale.

12 Quoted in the Toledo Blade, April 12, 1900.
The fact that in December the Council had accepted $72,000 less for the plant than it had been offered in July gave credence to the suspicion that it had been bribed. It was common knowledge that scarcity of pipe had increased the junk value of the city pipe line from forty to sixty per cent in the five months between July and December. The deal was customarily referred to in the papers as "the pipe line grab." Yet, as far as we can tell, public opinion seems not to have been greatly aroused.  

The people were accustomed to think of their council as corrupt; they had been conditioned to think of the municipal gas plant, for which they had worked so hard, as a failure. They loved Jones for his goodness and on election day were always ready to stand up with him against the politicians. But their wisest, soundest, most successful men had told them over and over again that in matters affecting the business of the community Jones was an impractical dreamer. His talk about brotherhood was all right only as long as he wasn't permitted to apply it. The people had heard this so much that perhaps they had come to believe it was true.

If the people were indifferent there was at least one important influence in the political life of the city.

13 One indignation meeting is reported in the Blade, December 16, 1899.
which was strongly in favor of the sale of the gas plant to the Kerlins. That was the electric railway and light company which was trying to get its contract for lighting the streets renewed at the same time the Kerlins were attempting to get the gas plant. Jones had opposed the renewal of the lighting contract and sought instead to have the city build an electric power plant to produce its own electricity for lighting the streets. Manifestly it was to the electric company's interest to discredit all efforts at municipal ownership. After the sale of the gas plant had been completed a councilman named Meissner testified in court that he had been approached by an official of the railway and light company and offered one thousand dollars if he would vote in favor of the sale. The official allegedly told the councilman that the reason for the company's generosity was that it wanted the support of the "Kerlin men" in council on the matter of renewing the lighting contract. "The money is going round," he said, "and you might as well get yours."¹⁴ Significantly enough the Council renewed the city's lighting contract with the electric

¹⁴The trial of the man accused of attempting to bribe Meissner dragged on for eight years. Indicted three times, he was finally acquitted in 1908. For the history of the case and an account of the trial, see The Toledo News-Bee, March 7, 1908.
company and accepted the Kerlin's bid for the gas plant at the same meeting.\textsuperscript{15} Several weeks later, again at the same meeting, Council passed both measures over Jones' veto.\textsuperscript{16}

Because of the Circuit Court's decision in the Kerlin case Toledo was still possessed of the inside gas plant. On August 19, 1901 the Council disposed of this property in a characteristic fashion. Unanimously and without debate it leased the property to the Toledo Gas Light and Coke Company at an annual rental of $6,500 and authorized the company to charge ninety-five cents per thousand cubic feet for illuminating gas and seventy-five cents per thousand cubic feet for fuel gas. In doing this the Council ignored another bid which offered a higher rental and lower rates.\textsuperscript{17}

That was the way the Council, nominated by the parties and elected by the men who claimed to want a business-like administration, liquidated Toledo's white elephant. "Very funny if you find such things amusing," says a disgruntled young woman in a recent play. The story of the Toledo natural gas plant is a comedy if

\textsuperscript{15}\textsuperscript{15} Reported \textit{Toledo Blade}, December 12, 1899.
\textsuperscript{16}\textsuperscript{16} Ibid., January 9, 1900.
\textsuperscript{17}\textsuperscript{17} Reported, \textit{The Toledo Bee}, August 20, 1901.
lost opportunity and enthusiasm changed to disillusion
strike us as amusing. From the Civic Revivalist's view-
point it was not funny because the supposed failure of
the municipal gas enterprise blighted other attempts at
municipal ownership in Toledo and was used as an object
lesson to discourage other cities from undertaking the
municipalization of public utilities. To the student
of privilege the Toledo gas war is instructive chiefly
because of the concrete examples it provides of how
privilege fights. In a broad sense the Civic Revivalists
thought the first half of the story shows what the people
can do when they are aroused; the second half is a warn-
ing of what privilege can do while the people sleep.

The Ice Monopoly Case

It is scarcely necessary to note the indispensability
to a city of a cheap supply of ice in the days before
electric refrigeration was common. A necessity as well
as a convenience in homes, restaurants, saloons, dairies,
and butcher shops, its cost was an important problem to
the city-dweller. Realizing this, Frederic G. Howe had

18 For an example of how the gas plant was used to
discredit municipal ownership see "Toledo's Experience
with Municipal Ownership," Public Policy, IX, 121-122
(September 5, 1903).
suggested that cities insure themselves a cheap supply of ice by establishing their own artificial ice plants.

In the summer of 1906 cities in the eastern and central states were swept by a wave of revolt against the high prices charged for ice by dealers who claimed that an "ice famine" of the winter before necessitated the increase. The uprising took various forms in different cities, ranging from criminal prosecutions of ice merchants in some to attempts to set up municipal ice plants in others. These separate movements against local trusts occurred at about the same time that the federal government was extending and increasing its use of the federal anti-trust laws. Most of the demonstrations against the ice trusts were inspired by newspapers. The excitement raged through the early months of the summer. Then the dramatic murder of Stanford White by Harry Thaw pushed the ice barons out of the news.

Toledo, which was a distributing point for ice gathered from the important natural ice fields of Michigan, took the lead in the criminal prosecution of the

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ice trusts. In March, 1906 ice prices in Toledo had been doubled. As in other cities the local companies gave the small yield of ice the previous winter as the cause of the increase. The exposure of the ice trust in Toledo was largely the work of the Toledo News-Bee, a vigorous Scripps-McRae paper edited by Negley D. Cochran. Beginning on April 30, 1906 and continuing through the first week of May the News-Bee printed a series of articles by H. G. Beach, a man of wide experience in various phases of the ice business. Beach showed that the yield of ice from the Michigan fields in 1906 had been an average one. He asked why an important artificial ice company had raised its prices at the same time that the price of natural ice went up. In a suggestive article on May 2 he indicated the connection between the largest local ice company and the railroad which controlled shipments between the city and the ice field.

Other writers in the News-Bee embellished Beach's stories by accounts of the heartlessness of the local trust. The manager of an artificial ice company was reported to have stated in an interview that how much his company could get for ice was a more important consideration in fixing prices than the cost of manufacture. This would have passed for sound business reasoning a few years before but with the awakening social sense of the
Progressive era it was regarded as one more proof of corporate villainy. The *News-Bee* quoted a physician who believed the business practices of the trust menaced the health of the community. The companies in the trust refused to sell ice to any one who did not purchase a five dollar sheaf of ice tickets, thus preventing the poor from getting ice. A woman told a reporter that her family would have gone without ice if a kindly saloon keeper had not sold her small blocks from his supply.

Using evidence turned up by the *News-Bee*, Lyman W. Wachenheimer, Prosecuting Attorney of Lucas County, secured the indictment of the managers of five local ice companies. They were accused of conspiracy in restraint of trade in violation of the Valentine Act, Ohio's anti-trust law. Wachenheimer, a former Democrat, had once been a judge of the Toledo Police Court. In this position he had gained some notoriety by fining Mayor Jones for contempt of court. Later he found himself being converted to some of Jones' principles and in 1905 he campaigned with Whitlock as an Independent.

Early in June the first of the defendants to be tried in the ice monopoly case was found guilty. Then the other defendants changed their pleas to guilty and awaited the sentence of the court. This was not an uncommon proceeding in prosecutions under the Valentine Act
because the typical sentence was a fine which the defendant's employer was usually willing to pay. On June 25, 1906 Judge R. B. Kinkade of the Lucas County Common Pleas Court broke away from the tradition. For the first time in any case involving an infraction of an anti-trust law prison terms were imposed as penalties on the convicted offenders. Judge Kinkade sentenced each of the five ice merchants to serve a year in prison and to pay a fine of five thousand dollars, the heaviest punishment provided for in the Valentine Act.  

Toledo was astounded at the severity of the sentence. Five prominent business-men sentenced to jail just like ordinary criminals! The imprisonment of the ice men was hailed as a popular victory and a vindication of justice. Only Brand Whitlock, then mayor of Toledo, thought of the hundreds of other men, poor men, whose imprisonment caused no sensation. Yet without for a moment expecting that the evils of monopoly would be remedied by criminal statutes and prosecutions, he could understand the average Toledoan's feeling of pride in what had been accomplished. Characteristically he credited the victory to the rise of the independent spirit in Toledo. He thought

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20Reported in The Toledo News-Bee, June 25, 1906. Several days later Judge Kinkade reduced the sentence to six months imprisonment and fines of $2500.
that the reason "the system" had failed to protect the
ice men was that Toledo was fortunate enough to have a
newspaper and some officials who represented the people
rather than privilege. The News-Bee, Judge Kinkade, and
Prosecutor Wachenheimer were all independent in politics.
Having no obligations to any party organization, each
was free to do his duty as he saw fit.21

The theory behind the prosecution and sentencing of
the ice monopolists was that the fear of imprisonment
would make business-men be good. An editorial in a popu-
lar magazine commented favorably on the decisions
rendered in some of the anti-trust cases being heard in
courts all over the country: "The most encouraging
feature about these prosecutions is that they have re-
sulted in several sentences of imprisonment. It may be
expected that men will take the chances of a fine in
order to get the chances of a large profit. But the
hazard of imprisonment they will be more slow to take."22

At least in the Toledo ice case later developments
were to show that the "hazard of imprisonment" was
slight. When they pleaded guilty the ice men had

21For Whitlock's interpretation of the ice monopoly
case see "Trust Men Go To Jail," Collier's, the National
Weekly, XXXVII, 15 (July 14, 1906).

22"More Criminal Cases Against Corporations," The
Outlook, LXXXIII (July 7, 1906).
expected to be fined. Surprised at the sentence Judge Kinkade actually meted out to them they tried to obtain new trials at which they intended to plead not guilty. Denied this, their lawyers appealed their cases first to the Circuit Court and then to the State Supreme Court. The only change the latter tribunal made in the decision was to order that imprisonment should be in the county jail rather than in the city workhouse. Naturally these appeals, although fruitless, had taken considerable time. Consequently it was not until almost two years after their original conviction that the ice men went to jail. A month later, having served a total of thirty-seven days, their sentences were suspended and they were released from prison. There was no protest against this from city officials, the newspapers, or from the public. The humiliation of the ice merchants had appeased the resentment of the community against them.

One of the signers of the petition asking that the sentences be suspended was Brand Whitlock. He must have smiled when he signed it, remembering the outraged protest every manifestation of his charitable attitude toward "ordinary criminals" drew from respectable society.

24 Reported, The Toledo News-Bee, March 7, 1908.
However, it is probable that he was glad to endorse this appeal for mercy. He must have felt it was a demonstration of his contention that while the desire for revenge is strong in human hearts, the impulse for mercy is more abiding. The people of Toledo were ready to forgive the ice men because, despite their first anger, they could understand their crime. These men were their sort and the people could sympathize with them and their families. "How long," Whitlock wondered, sometimes with a quickening of hope, and again in the shadow of the despair that was eventually to engulf him, "how long will it take us to find out for ourselves what Jones tried to show us: Good men and bad, we are all the same sort; guilty of the same crimes, worthy of the same mercy, all needful of the same kindness."

The Toledo ice prosecutions humiliated five men and their families and increased the prestige of the prosecuting attorney and the judge who heard the case. It gave the people of Toledo a chance to vent their anger, and later to display their generosity. It resulted in the temporary lowering of ice prices in Toledo, not because the conditions which had made possible the original combination were eradicated, but because an independent dealer found that it was good business, for the time
being, to cut prices. We must remember, of course, that the men convicted were not the "ice trust." They were employees of several companies whose officers had entered into an agreement to raise the price of ice by pretending that there was little of that commodity to be had. Two of the men originally convicted were employed by companies which were as much victims of the trust as was the public. These two firms purchased their ice from other members of the combine at wholesale prices fixed by the combine. The prosecution did not touch the railroads who controlled the transit of ice from the Michigan fields and whose rate policy was therefore an important factor both in determining the price of ice in Toledo and in making possible (through favoritism) the establishment of the local monopoly.25

As in the Toledo monopoly case, later criminal prosecutions of individuals under the State and Federal anti-trust laws have shown that the possibility of imprisoning business-men for trust crimes is not ordinarily very large. Even if the threat of imprisonment were greater it is doubtful if it would prevent the rise of monopoly when combination is felt to be an economic necessity and when skilled lawyers are available to

25The Toledo News-Bee, June 29, 1906 comments on the role of the railroad companies in the ice trust case.
defend the monopolist. But while criminal prosecutions have not destroyed monopoly nor prevented its growth, they have made privileged businesses better behaved, more anxious to obtain and preserve the good will of the public. In this sense, and in this limited way, public opinion acts as a regulator of monopoly.

One writer reflects on the irony that "the automobile could do more to kill rule by traction rings than all the campaigning and speechmaking in the world." Similarly if the ice trusts had been as influential a force in city councils as the traction interests were, we might expect that the spread of electric refrigeration would have destroyed their grip on city politics. But it is important for us to notice that such technological improvements as the automobile and the electric refrigerator do not end monopoly in industries which are based upon law-made privilege or control of the supply of a natural commodity. Private street railway companies maintain their monopoly of city public transportation even if they have substituted buses for street cars and even if the control of the companies is in the hands of the banks. Certain ice and fuel companies have continued their strangle hold on the ice business even though their

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26 John Chamberlain, *Farewell to Reform*, 74-75.
market has been restricted. In these industries monopoly has persisted but it is less noticeable than it used to be for, at least until very recently, it touches fewer people than formerly. Especially in the case of ice it effects the poorer and presumably less influential, less articulate classes of the population.

NOTE: The prosecution of a large number of lumber and brick dealers in Toledo in 1907 paralleled the ice case in many ways. See Toledo Blade, July 12, 1907; Edward E. Arnsman et al v. The State of Ohio, 11 Ohio Circuit Court Reports, New Series, 113; and "Prison Sentences for Trust Crimes," The Public, X, 368-369 (July 20, 1907).
CHAPTER 4

CONSTITUTIONAL AMENDMENTS

The general assembly shall provide for the organization of cities, and incorporated villages, by general laws, and restrict their power of taxation, assessment, borrowing money, contracting debts and loaning their credit, so as to prevent the abuse of such power. Constitution of Ohio, 1851, Article XIII, Section 6.

Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws. Constitution of Ohio as amended September 3, 1912, Article XVIII, Section 3.

In this study the writer has consciously avoided the term "reformer" or "municipal reformer" even at the expense of frequently having to use the somewhat awkward phrase "Civic Revivalist." This circumlocution is justifiable because of the firm distinction the men connected with the movement we are studying drew between themselves and the ordinary reformer. In their opinion the reformer's program was at heart repressive. They thought the reformer believed most men were evil and that he wanted to use prohibition and punishment to check their wicked natures. Fearing license more than he loves liberty
(said the Civic Revivalists) the reformer seeks to preserve order by enforcing conformity. In opposition to this spirit the Civic Revivalists claimed that their own program was not based upon restrictive laws. The only thing they said they wanted to prohibit was the condition of privilege; all they wanted to abolish was poverty. As to the virtue or wickedness of mankind they disclaimed any knowledge, insisting only that society recognize the common humanity of its members. With a forgivable touch of exaltation they identified themselves with all the earlier libertarians who have held that men, as humans, are entitled to an ever-widening opportunity to solve their own problems, to make their own decisions—to govern themselves. Translated into terms of twentieth century American politics this meant that the Civic Revivalists looked upon municipal home rule, woman suffrage, and direct legislation as valuable tools for building a democratic political state.

The reader who has come this far with the Civic Revivalists must have begun to wonder if the history of their fight against privilege and for self-government was only a record of half-defeats; if, in spite of all that has been said about their courage, perseverance, and ability men like Johnson and Jones, Whitlock and Howe, Baker, Bigelow, and the other leading spirits of the
movement scored no tangible, enduring victories for their cause. The two sections of the Constitution of Ohio printed at the head of this chapter reveal one instance in which the Civic Revivalists were able to institutionalize a part of their program. Before the Constitution of Ohio was amended in 1912 municipal corporations exercised only such powers as were granted them by the State Legislature. They were, as the courts said, the creatures of the Assembly. After the amendments had been adopted the cities derived their powers, not from the often capricious Legislature, but from the people of the state. The theory was that the people of Ohio, expressing themselves through the Constitution, had delegated to the cities the right of local self-government. Under the new system municipalities theoretically enjoyed all powers not actually denied them by the Constitution.¹

It was not an accident that one of the Constitutional Amendments of 1912 should have been the means of freeing the cities from the domination of the Legislature for

¹ The adverb "theoretically" is used because the courts have since found ways to cut into municipal home rule. The most important powers denied cities by the Constitution were local autonomy in matters of taxation and borrowing. Of course the cities remained subject to state laws in all but local matters.
the changes wrought in the fundamental law of the state in that year represent the culmination of the Progressive era in Ohio. The amendments adopted by the Fourth Constitutional Convention and ratified by the voters in September, 1912 were intended to increase popular control over government, to make it possible for the General Assembly to enact the social legislation made imperative by the industrialization of Ohio, and to bring reforms in the judicial system so as to reduce legal delays and simplify legal procedure. The two amendments in which the Civic Revivalists were most interested and for the adoption of which they were most responsible were the ones authorizing the use of the initiative and referendum and granting home rule to cities. The home rule amendment provided not only for the shift in the source of the cities' power mentioned above, but also gave municipalities the right to own and operate public utilities and to frame their own systems (charters) of government.

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It would be artistically effective to make the achievement of home rule and the initiative and referendum the climax of this study of the Civic Revival. Unfortunately it would be misleading. The aims of the movement were not to be accomplished by inserting provisions in a constitution for lawyers and judges to wrangle over. Home rule and direct legislation are interesting subjects to read about. Like the civic centers in Cleveland, Toledo, and Columbus, and like Cleveland's spacious charitable and correctional colony at Warrensville they are pretty to look at. But without the kind of spirit which put life into the Civic Revival they are only husks. We cannot blame Johnson or Baker or Howe or Jones or Whitlock if this spirit has sometimes been lacking in the years since 1912. We should note instead that through the efforts of the Progressives Ohio has the machinery the Civic Revivalists thought would be useful to carry on the fight against privilege which they began. Ohioans of today can use the machinery or they can ignore it as they choose.

Ohio's first advance toward municipal home rule came about in an ironic way: the decision which overthrew the Cleveland charter also ended the vicious classification system which had for so long made city government in Ohio
the plaything of the Legislature. Although numerous provisions of the Constitution of 1851 prohibited the conferring of corporate powers by special legislation and specifically denied the Legislature the right to pass any acts other than those having a uniform application throughout the state, the Legislature had early found ways to evade these limitations as far as city government was concerned. By dividing cities into two classes according to population, and then subdividing the classes into grades, also according to population, it became possible to pass legislation general in terms but referring in fact only to one city. Instead of identifying the city by name, it was designated by population. For instance, an act stating that "cities of the second grade of the first class" should have their park boards appointed in a certain way actually referred solely to Cleveland. Similarly the only city intended to be affected by an act providing for the appointment of a bi-partisan police commission in "cities of the third grade of the first class" was Toledo. Occasionally laws were passed which were even balder examples of special legislation. One such statute applied to "a city of the second grade of class two having a population of 11,004."³

³For examples of special legislation enacted by means of the classification system see 95 Ohio Laws 823 and 95 Ohio Laws 203.
The classification system did not always work a hardship on cities. Sometimes it made possible the enactment of legislation desired by a municipality and designed to meet local conditions. In 1891 it was used to give Cleveland a "Federal Plan" charter, then considered the last word as a form of efficient municipal administration. However, at a time when partisan advantage was a strong consideration in almost all legislative enactments the classification system could be and often was manipulated so as to insure the control of cities by favored political groups. For the sake of political expediency monstrous charters were drawn up and put into operation in Akron and Youngstown. Cincinnati was the victim of an act authorizing a state board to issue a fifty-year franchise extension to a street railway company in that city. 4

Up to 1902 the Ohio courts had generally approved classification. "For governmental purposes," the Supreme Court held in one case, classification laws were general acts. 5 The practice was reversed on June 26, 1902 when

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5 Classification had become so accepted legally that as late as June, 1902 one student of the problem thought it very unlikely that the Supreme Court would ever reverse itself on this point. See Orth, "Municipal Situation in Ohio," loc. cit., 435 for a survey of the cases.
the Supreme Court handed down three decisions outlawing the classification system and declaring the Cleveland charter of 1891 unconstitutional, as special legislation. 6

Since the charters of all the major cities in the state had been granted in the same way as Cleveland's, the effect of the decisions was to undermine the government of all Ohio cities and to necessitate the enactment of a new uniform municipal code. Students of municipal government had been seeking the passage of such a code at least since 1895. In 1898 Governor Bushnell had appointed two men to draw up a model code to be submitted to the Legislature. After two years of study they prepared a code suggesting the adoption of the "Federal Plan" as the basis for municipal government in Ohio. 7

It might be supposed that state officials would have taken the report of the code commission into consideration in 1902 when a special session of the Legislature was called to draft a general law establishing a new system of government for Ohio cities. But both Governor


Nash and the Legislature ignored the model code. Instead, on the advice of the twin rulers of the Republican party in the state, Senator Hanna and Boss Cox, a code was passed imposing on all the cities of Ohio the form of government which had been made to order for Cox in Cincinnati. The most distinctive features of the Nash Code passed in 1902 were the shearing of the mayor's powers and the multiplication of elective boards to handle the administrative work of the city. The strongest motives for the adoption of a code embodying a form of municipal government long considered outmoded by political scientists appear to have been the desire to protect the Cox machine in Cincinnati and to relegate Mayor Johnson of Cleveland to a position of comparative political insignificance. 8

At least in regard to Cleveland, the code did not work out as planned. At the spring election of 1903 Johnson was reelected and his whole slate of municipal candidates was put in office. The right to a voice in council proceedings was one of the privileges denied the mayor under the Nash Code, but at the first meeting of

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the Cleveland Council under the new form of government Johnson was extended a standing invitation to address the Council. At the same meeting the subject of the city-sponsored three-cent fare street car line, in abeyance since the destruction of the Cleveland charter eleven months before, was again taken up and new low-fare legislation was passed. Also at the same Council meeting a resolution was passed looking toward the construction of a municipal lighting plant. Johnson's enemies had forgotten that the system of government which aided Cox in controlling Cincinnati could be used to advantage by Boss Johnson in Cleveland. Cox drew his strength from his prerogative of dispensing federal, state and local patronage in Cincinnati. Johnson's legal responsibility was crippled by the new code but his actual power was sustained by the trust put in him and his supporters by the voters of Cleveland.

Even though the municipal code adopted in 1902 was in no sense a model one, the enforced abandonment of the classification system and the substitution for it of a uniform code was a definite victory for the cause of local self-government because the continual interference of the Legislature in local affairs was now ended. In 1909 the form of city government in Ohio was improved by an amendment to the Nash Code which centralized both
authority and responsibility for municipal administration in the mayor. But the Civic Revivalists were still dissatisfied with the degree of autonomy permitted cities and when we remember their ambitious program we can understand why. Enraptured by the dream of the free city, they chafed under the restrictions placed on municipalities by a constitution drafted almost sixty years earlier. Time only heightened their discontent with a system which kept the cities subject to state supervision in matters of primarily local concern. They were especially resentful of the cities' subordination to state authority in questions involving municipal ownership, indebtedness, and taxation. "In Cleveland," wrote Frederic C. Howe, "municipal ownership is largely a state rather than a municipal question." Limitation on the power of municipalities to borrow money often prevented cities from entering the narrow field of enterprise in which state laws permitted municipal ownership. Frequently the state tax limit law kept a city such as Cleveland from providing services the Civic Revivalists


felt it owed to its citizens. Granted that limitations on indebtedness and tax rates might be desirable, a man like Howe would say that the determination of what these limitations should be was a matter to be decided by the people of each city, rather than by the Legislature.

Like other pressure groups of various kinds the Civic Revivalists thought the Constitutional Convention of 1912 presented an opportunity to turn some of their ideas into law. In 1906 an association composed of the mayors of the principal Ohio cities had submitted a home rule municipal code to the Legislature. In 1912, while the Fourth Constitutional Convention was in session, prominent municipal officials held a meeting in Columbus for the avowed purpose of influencing the delegates to the Convention in favor of municipal home rule. Newton D. Baker, then mayor of Cleveland, Henry T. Hunt, reform mayor of Cincinnati, and Brand Whitlock, addressed the Constitutional Convention. The advocates of home rule seem to have found the delegates to the Convention more sympathetic to their proposals than the legislators had been. The municipal code, written into the State Constitution as Article XVIII, was largely drafted by Baker and Whitlock. As adopted by the Convention and ratified

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Reported The Ohio State Journal, January 26, 1912.
by the voters the home rule amendment did not give municipalities the same latitude in determining taxation and debt policies as they were allowed to enjoy in devising their systems of government. However, it did permit cities to engage in municipal ownership of public utilities and gave them the right to issue bonds on the security of the utility in excess of the borrowing limit set up by state law.\footnote{\textsuperscript{12}}

The Fourth Ohio Constitutional Convention met in Columbus in January, 1912 and remained in session through May of that year. Out of the three hundred and forty propositions submitted to it the Convention prepared forty-two amendments (counting the liquor license proposal as an amendment) for submission to the voters at a special election held on September 3, 1912. Of these, thirty-four were ratified.

The President of the Constitutional Convention was Herbert S. Bigelow of Cincinnati. He was the most prominent advocate of direct legislation in Ohio and after Johnson's death was the best known single taxer in the state. Born in Indiana, Bigelow had been educated at Oberlin College, Western Reserve University, and Lane

\footnote{\textsuperscript{12}The significant sections of Article XVIII are 1, 2, 3, 4, 7, 12 and 13.}
Theological Seminary. In the late eighteen-nineties he became pastor of the Vine Street Congregational Church in Cincinnati. While in Cleveland attending Western Reserve University he may have come in contact with the radicalism which Dr. Lucius Bryant Tuckerman and his friends were fomenting through the Franklin Club. Perhaps he was stirred by the abolition tradition at Oberlin, at the Seminary, and again at the Vine Street Church. Whatever the personal sources of his impulse toward radicalism his political and social convictions had been most directly influenced by his youthful adherence to the single tax philosophy. With Daniel Kiefer, another single taxer, he organized "The People's Church" which met in a Cincinnati theater. This was a weekly forum whose Sunday afternoon programs were strikingly similar to those Samuel M. Jones was conducting at approximately the same time in Golden Rule Park in Toledo.13

Bigelow's first appearance in state politics was as Johnson's candidate for Secretary of State in 1902. During the ten years intervening between his defeat in that contest and his election to the Presidency of the

Constitutional Convention he had served a term in Congress. Bigelow's significance in the history of Ohio politics, however, is as the organizer of the Progressive spirit in the state. In 1906 he left his pastorate to devote more of his time to political agitation. The favorite subject of the addresses he delivered in every corner of Ohio was the initiative and referendum. He went into all the legislative districts of the state and wherever the contest for a seat in the Ohio Senate or House of Representatives seemed close he got out a card index of the friends of direct legislation in the district or county. His strategy was to weld the supporters of this reform into an organization strong enough to swing the election to whichever candidate would promise to support the initiative and referendum.\footnote{14}{Bigelow describes his procedure in "From Pulpit to Stump," The Independent, LXI, 1036-1037 (November 1, 1906.)}

More than any other one man Bigelow was responsible for the liberal character of the Constitutional Convention of 1912. Neither the votes on the selection of delegates to the convention nor on the ratification of the amendments drawn up by it were large enough to indicate that there was any overwhelming popular demand for a change in the Constitution or any great general interest in the
work of the Convention. But there were pressure groups of various kinds with pet reforms to push through who were interested in the Constitutional Convention. Not only the advocates of home rule and the initiative and referendum, but those who favored woman suffrage, workmen's compensation laws, tax reform, a liquor license law, and a variety of other reforms realized that the Constitutional Convention gave them a chance to advance their diverse programs. Through the Ohio Direct Legislation League and the Ohio Progressive Constitution League, Bigelow had driven home to liberal-minded people all over the state that this was their chance to democratize the government of Ohio. In the election of delegates to the Convention these two leagues followed the procedure outlined by Bigelow in earlier legislative campaigns: their support was given to the more progressive candidate regardless of his nominal party affiliation.

The majority of the delegates to the Convention were considered liberal in their political views. But their liberalism was of varying degrees and they were proponents of many different reforms. As leader of the progressive

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bloc in the convention, Bigelow had the difficult task of unifying the divergent liberals. Direct legislation was the common ground he found for them to stand on. No matter what other measures a delegate might champion, Bigelow tried to convince him that the initiative and referendum should come first for it was the means by which all other improvements could be obtained.

No argument was needed to persuade Ohio conservatives that direct legislation was the key to such reforms. That was what they were afraid of. It was not the theory behind the initiative and referendum (stronger popular control over government) at which they directed their heaviest attack, but rather at the practices to which "government by public opinion" might be put. In general the referendum was less bitterly opposed than the initiative. The former was not a novelty in Ohio, having been in use in regard to street railway franchises since the Schmidt Act of 1908. Experience with the referendum in Cleveland had demonstrated that it was a weapon that could be wielded by conservatives as well as by radicals. The initiative, however, still untried in Ohio, struck its opponents as the ideal method by which "a discontented and sentimental minority" could foist crackpot political panaceas on an unsuspecting commonwealth. Of all the unsound schemes the initiative might be expected to usher
in, the single tax was regarded as the most dangerous. Both in the Convention and in the campaign on the ratification of the amendments the conservatives consistently linked the initiative with the single tax. Their obvious aim was to discredit the initiative by indelibly associating it in the public's mind with an unpopular proposal.

Most of the delegates were such staunch believers in direct legislation that this talk failed to frighten them out of their determination to insert an initiative and referendum amendment into the Constitution. But aware of the widespread dislike (misunderstanding, they would call it) of the single tax, and unwilling to risk the defeat of the direct legislation amendment because of it, Bigelow's group agreed to word the amendment in such a way as to prohibit the use of the initiative to enact a single tax law. This was not as grave a set-back as it appeared to be at first glance. Single taxers were confident that once the initiative was embedded in Ohio's fundamental law it could be used to re-amend the Constitution so as to strike out the prohibitory clause. 16

16 Bigelow explains the reason for the apparent sacrifice of the single tax to the initiative and referendum in Initiative and Referendum, 8-10; and New Constitution for Ohio, 14-15.
The most vocal opponent of the initiative and referendum amendment—and in fact of most of the other amendments prepared by the Constitutional Convention—was the Ohio Board of Commerce. This was an organization of about two thousand prominent business-men whose pronouncements on economic and political affairs were much quoted by conservative newspapers and highly respected by lesser business-men. The Board, which had for years sought to remodel Ohio's tax laws, had been one of the most active agencies in having the Constitutional Convention summoned. Disappointed at the refusal of the Convention to adopt its tax theories and alarmed at the nature of many of the amendments that were adopted, the Board assumed the leadership of the movement to defeat the proposals submitted to the voters by the Convention.

The head of the Board of Commerce was a man named Allen Ripley Foote, former editor of the magazine *Public Policy*. He was usually referred to as "a writer on economic questions" and in truth he had written many articles and pamphlets on subjects like taxation, public accounting, and municipal ownership. Foote's literary activity, however, was an adjunct of his work as the lobbyist for several important electric power companies. The power industry was among the first to realize that in an age of increasing agitation for governmental
regulation and ownership of business it would be a good idea to make friends with the public. Foote was one of the cleverest lobbyists and campaign strategists of his day, but his work was not chiefly performed in legislative halls or hotel rooms. He was hired to educate the people to industry's side of public questions. Specifically he made it his duty to impress the men who elected the legislators with the complexity of modern industrial problems and with the inability of anybody but business-trained experts to cope with such matters.

Foote was an excellent man for this type of work because the sheer number of his publications made him recognized as an economic expert. Furthermore, his support of such reforms as a uniform system of public accounting had brought him a reputation as a public-spirited and practical student of government. In his writings Foote won the reader's confidence and respect by salting each page with quotable one-sentence paragraphs purporting to state a fundamental truth or an indisputable principle of economics. "Measures that are wrong in principle cannot be, and are not, successful in practice." "Individual prosperity is an infallible basis of and safeguard for national welfare." "Government regulation of business will benefit the people to the degree in which it successfully aids economic efficiency." Having
thus demonstrated the profundity of his thought to the casual reader, he would throw in some statistics and illustrations to further impress his audience. When he wound up with the conclusion that economic laws dictated that privately owned public utility property should be exempted from taxation for the consumers' benefit, it sounded official.17

Tom Johnson, who had plenty of encounters with Foote, described him as the type of antagonist who seldom opposed anything. "He always wants to do what you want to do," said Johnson, "but he always knows a better or a different way of doing it." Foote especially liked to show that supposedly radical reforms were really reactionary in effect—for example, that the single tax would shift all taxation from the rich to the poor, or that workmen's compensation laws were really a burden on labor.

He was most effective, however, when he posed as the oracle of business and solemnly warned of the disturbing effect of unwise political action on business confidence.

Foote was an old man in 1912 but the arguments he used in directing the campaign against the Constitutional amendments provide a good illustration of the tactics he had used against progressive measures throughout his long career. His arguments appeared in a pamphlet published and distributed by the Ohio Board of Commerce. This little book contained the text of the amendments, the explanations of them prepared by the convention, and an "analysis" of each one by Foote. In this instance Foote frankly directed his reasoning at those business interests which found democracy a nuisance. As presented by Foote, the initiative and referendum amendment was a "reactionary and radical" measure which would "destroy our representative form of government" and lead to "continuous political agitation." He objected to woman suffrage on the ground that enlarging the electorate would prolong what he regarded as the most serious weakness of our form of government: the enjoyment of the franchise "by a large number of...citizens who are incompetent to exercise it intelligently but who do exercise

18 Ohio State Board of Commerce, Proposed Amendments to the Constitution of Ohio....
it either blindly or corruptly." In most cases Foote was more subtle in his opposition. He showed that some amendments, such as the one proposing to abolish capital punishment were unnecessary. Others were unwise because they might have a tendency to "prejudice one class against another" or might involve a large expense. "Leave well enough alone," Foote was really telling his readers under the pretense of making an impartial and expert appraisal of each amendment. The theme running through his pamphlet and the slogan of the whole campaign against the amendments was "When in doubt, vote No."

Nevertheless, something had got into Ohio. Foote's old and usually successful arguments were ignored by the voters as they ratified the overwhelming majority of the amendments. Perhaps the real reason for the adoption of the amendments was that the excitement of the Presidential campaign kept nearly everybody but the men actively interested in them from going to the polls. Perhaps, as Whitlock tried to believe, the seeds of the ideas Jones and Johnson had sown in Toledo and Cleveland were at last taking root in the state.

Among the amendments adopted were those authorizing direct legislation and municipal home rule. Momentarily the Civic Revivalists felt that Johnson's vision of a free city was on the verge of fulfillment. Cities
undreamed of when the old Constitution was written, cities still unborn in 1912, would henceforth be able to govern themselves and to undertake such co-operative enterprises as they desired. In drafting the home rule amendment Baker and Whitlock had striven to make its various sections so clear and definite that lawyers and judges would never be called upon to interpret them. Later it was both amusing and disconcerting to Baker to find himself appearing in the courts arguing earnestly to make the judges see what he and Whitlock had tried to say. Not infrequently, he wrote to Whitlock, the court ruled that what they had actually said in the amendment was about the opposite of what they, the framers, had intended to say. At length Baker was forced to resign himself to what he called the futility of "most attempts to outwit the ingenuity of the future." 

That disillusioning revelation was still far in the future in 1912. Then Baker and Whitlock could (and did) congratulate themselves on the successful issue of the

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19 For Whitlock's reaction see Forty Years of It, 366.


long fight for home rule. With home rule both good

government and self-government were made possible in the
cities. If they wanted it the people of the cities
could have clean and efficient government because the
power to devise their own charters meant that the most
scientific plans of municipal administration could be
utilized. If the people wanted to go further and have
self-government they could do that too. Not only was
the interference of the legislature in local affairs
minimized, but the authorization of municipal ownership
of public utilities offered a way to end the control of
city government by privilege.
CHAPTER 5

HOW PRIVILEGE FIGHTS

We have noted several times that the Civic Revivalists always maintained that they were not the enemies of "business" or of "big business" but only of "privileged business." Nevertheless we have seen that each time Johnson, Jones or the other leaders of the movement attacked privilege, they found themselves fighting with the whole organized business community of their cities as well as with representatives of the strictly privileged industries. In other words, whether or not the Civic Revivalists cared to admit that they were fighting business, business was fighting them. Business had reason to fear the Civic Revival for the movement inaugurated by Jones and Johnson really did have revolutionary and heretical implications. As in the case of the single tax, the enemies of the movement were often quicker to see them than some of its friends.

Business is a vague term but we know that the web of commercial, financial, and industrial interests encompassed by the word was the most important influence in the political life of the United States in the
half-century after the Civil War. Business controlled the government because the groups which comprised it—various and conflicting as were their desires—were the best organized and most demanding forces in politics. Never unchallenged, its control was yet consistent because the majority of the voters (if they gave the matter any conscious thought) assumed that prosperous business conditions were the most desirable possible circumstance under which to live and that the business-man knew best how to insure the country prosperity.

The mere exercise of power, however, did not give business-men a feeling of security. It only accentuated their belief that under American political conditions business was constantly subject to demagogic attacks. Realizing their inability to change the institutions of government in such a way that nominal political power would be taken from the people (and probably not consciously desiring to bring about such a change) the business-men were determined to maintain their actual control of politics. They felt the necessity of this so strongly that they frightened themselves into the belief that the mere threat of a disturbance to their power would be disastrous. A blow to "business confidence" would be as paralyzing as a direct attack on private enterprise. They had hypnotized themselves into believing that
American capitalism was not a strong and sturdy building but only a flimsy house of cards built over a cache of explosives. No dangerous men must be allowed to play with the dynamite.

The Civic Revivalists challenged both the practice of business control of politics and the mental attitude of the public which permitted the development of plutocracy. At the same time that they were urging the people to resume self-government, men like Johnson and Jones were stimulating them to adopt a pragmatic approach to economic questions. Jones was only a little more explicit and blunt in his thinking and language than the rest of the Civic Revivalists when he said that the test of an economic system is not the amount of private profit it allows a few men to make, but the opportunity it gives to all men to live useful and artistic lives. Business is not something sacred which must be humbly served, was Jones's implication; it is only a factor to be objectively considered as a means toward social betterment. We are not warranted in assuming that everybody who voted for or against Johnson or Jones saw this issue clearly. But both sides had an inkling of it. Business especially sensed something fundamentally disturbing about this movement and its uneasiness expressed itself in active opposition.
The explanation offered in the preceding paragraph of why business fought the Civic Revival is more or less a rationalization. The Civic Revivalists themselves had a more concrete exposition of business hostility. They used the term "the System" to explain the forces aligned against them. The idea of an extra-legal body existing within society for the purpose of ruling a theoretically self-governing people was so vivid to them that they likened the System to the cat hidden in a picture in a child's book. Invisible to the uninitiated, to those who have discovered it for themselves or have been shown it, the cat stands out more clearly than the rest of the picture. The System, they said, is the beast concealed in our political picture. It is the organization which links together all the big and little business interests of a community into a political alliance sensitive to the least pressure, quick to respond to the slightest threat to its security. The controlling part of the System, said the Revivalists, is privilege but its numerical strength comes from the other groups who are joined to it, some by economic ties, others only by bonds of fancied interest or partisan loyalty.

Without the concept of privilege and the idea of the System, the Civic Revivalists would have been as baffled
as other liberal philosophers have been about how to proceed against the united front which opposes progressive reform. Their political strategy was to isolate privilege by winning its unconscious allies (i.e. the men held in the System only by "bonds of fancied interest or partisan loyalty") away from it. The Civic Revivalists thought that once the people had been enlightened they would end the conditions which allowed privilege to flourish. In the next chapter we will examine the techniques they used in their attempt to carry out this plan. In this chapter, reviewing some of the material already presented in earlier parts of the study and consciously writing from the viewpoint of the leaders of the movement, we will summarize the more important methods privilege used to lead the fight against the Civic Revival.

Some of the steps taken to wreck the Johnson-Goff settlement in Cleveland and some of the incidents which occurred during the Toledo gas war suggest that privilege was not afraid to use violence as a weapon against the Civic Revival. In the pipe line grab in Toledo in 1899 and in the defeat of the natural gas franchise in Cleveland in 1902 we saw two instances in which privilege used (or was reasonably suspected of using) bribery.
But the Civic Revivalists did not think that privilege often had to resort to such extraordinary weapons. As long as it controlled the machinery of government, violence was unnecessary. Its regular contributions to campaign funds gave privilege a more scientific way of getting what it wanted out of politics than was afforded by occasional bribery. In litigation and financial pressure it had subtler means than violence of destroying threatening radical movements. Violence and corruption are parts of the pattern of how privilege fights, said the Civic Revivalists, but their use is reserved for extreme situations.

In some earlier chapters we have seen examples of how thoroughly privilege controlled the legislative, administrative, and judicial agencies of the state of Ohio during the period of the Civic Revival. A private company obtained the right to operate street cars on Cincinnati streets for fifty years from the Ohio Legislature. When Johnson increased the tax assessments of the public utility companies in Cleveland, the companies went to the state tax boards and got the increases nullified. When Johnson became too great a menace to privilege in Cleveland, the State Supreme Court overthrew the government of every municipality in Ohio. Privilege's control over these institutions was made possible by the
support it received from the public. Privilege was able to command this popular support, according to the Civic Revivalists, because its economic power enabled it to direct the policy of the institutions through which the people received their information and ideals. They believed political parties, the press, the churches, the universities, charitable and reform associations, and commercial and professional organizations were all in the System. They were either owned outright by privilege or were economically dependent upon it. Through them privilege made respectable public opinion.

With the exception of Jones, the Civic Revivalists were not without newspaper support. The aid given the movement by the Plain Dealer and the Press in Cleveland and the News-Bee in Toledo should not be overlooked. However, as we have previously pointed out, two influential newspapers in Cleveland and one of less repute in Toledo were owned by interests connected with public utility companies who had very understandable reasons for presenting the Civic Revival and its leaders in a bad light. We have also said that on some occasions the policy of all the newspapers of the two cities was influenced by considerations of advertising.¹ In addition

¹See the editorial policy of the Cleveland papers toward the street railway referendums of 1909.
the Civic Revivalists thought that news agencies were often allied to privilege. They supplied newspapers with the material they printed and so were in a position to spread inspired stories to the effect that three-cent fares were a failure in Cleveland or that Toledo's experience with the municipal pipe line had proved the folly of municipal ownership. Brand Whitlock wrote a short story which illustrates how he thought privilege bought newspapermen and used their talents to influence the public. "The Gold Brick" told the story of an artist who accepted a highly paid offer to draw cartoons attacking a mayor with whose liberal ideas he was personally sympathetic. His generous salary was paid out of money contributed to the newspaper by a utility company. The mayor depicted in the story was a composite of Jones and Johnson, and Whitlock may have gotten the idea for it from the fact that in the campaign of 1907 Horace Davenport, a personal admirer of Johnson, was hired by the Cleveland Leader to do some anti-Johnson cartoons.

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2 The single tax weekly, The Public, took pleasure in exposing falsehoods it claimed were spread by privilege-serving agencies. See "Tainted News from Topeka," XIII, 891 (September 23, 1910) and "Another 'Tainted News' Output," XII, 1058-1059 (November 11, 1909).

During the campaign of 1909 Whitlock was himself the victim of a situation similar to that he had pictured in his story. The Toledo Times carried a series of cartoons lampooning Whitlock. That was not unusual, of course, but these particular cartoons were drawn by a young artist formerly on the staff of the News-Bee where he had done effective work for the Independents.  

Although some clergymen like Harris R. Cooley and Herbert S. Bigelow were prominent in the Civic Revival and although the movement as a whole had a religious tinge, church groups were not friendly to it. The hierarchy of the Catholic church worked for the defeat of Jones in his campaign as an independent candidate for Governor of Ohio in 1899. Jones, the apostle of applied Christianity, further recalled that in his mayoralty campaign in 1899 only two ministers, one of them a Negro, publicly supported him. Whitlock, whose father was a Methodist minister, believed that the churches, like the universities, were too much dependent upon the financial

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5 Letter of William Beer to John McCall, November 11, 1899 printed in Thomas Beer, Hanna, 305-325. This letter gives a circumstantial account of how business interests fought Jones.

favors of wealthy men to risk taking a stand in favor of the Civic Revival. In the midst of the campaign of 1907, in which he was bitterly opposed by many of the respectable elements of Toledo, he wrote a friend that he suspected his chief vice to certain ministers and their flocks was that "the street car company in which they are interested, directly or indirectly, cannot get the kind of franchise it wants so long as I am mayor."

Another and equally important reason why clergymen and church-goers were cool toward the Civic Revival was that they did not approve of the doctrine that poverty is a more frequent cause of sin than is individual wickedness. In most cases their thinking on public questions was still conditioned by what Howe called the evangelistic psychology. The Civic Revivalists thought these classes were more interested in repressing the evidence of vice than in removing the cause of it. If they did go behind the surface, they emphasized the personal (rather than the social) causes of vice. In 1906 Johnson invited the members of the Cleveland Ministerial Association to join him in his fight against privilege and poverty, but the ministers' only reply was a renewed demand for stricter enforcement of the laws regulating the saloons and more

stringent measures to repress prostitution and gambling. Church groups continually harassed Whitlock with the same kinds of demands in Toledo. At public meetings he often had to sit through long prayers in which preachers called upon the Almighty to open their beloved mayor's eyes to the sinfulness of Toledo. Once an excited churchman told Whitlock that the churches of Toledo were nearly empty because the streets were so full of thieves and prostitutes that good people were afraid to venture out of doors. With fitting gravity Whitlock told him that if he really thought conditions were that bad he had better follow Christ's example and go out on the streets and preach to the sinners.

The clamor for moral reform reached its peak in Cleveland in 1906, while in Toledo, where civic groups brought in well known evangelists to raise the moral tone of the people, it was strongest in 1899, 1907 and 1910. The Civic Revivalists believed that privilege was behind the resurrection of the moral issue. Noting that only a comparatively few clergymen were actively engaged

8Johnson's letter to the Minister's Union is quoted in the editorial "Mayor Johnson on Municipal Control of Vice and the Chief Causes of the Social Evils," The Arena, XXXV, 400-409 (April, 1906).

9Elizabeth J. Hauser, "Toledo--A Coaling Station," The Publico, X, 536-538 (September 7, 1907), 507.
in conducting vice crusades, but that their rather meager findings were given wide publicity by newspapers hostile to the movement, they said that this was an example of the way privilege used the press and the church to divert the public from the consideration of economic and political reforms to less fundamentally important matters.\textsuperscript{10} It is an axiom of politics, said Whitlock, that privilege always falls back on the moral issue to embarrass administrations which make an honest effort to rid a city of machine government or public utility domination. Why was it, he asked, that there was no anxiety about vice conditions in Toledo and Cleveland as long as those cities remained docile under the rule of the Brown and Hanna machines? Why was there no demand for an examination of vice in Cincinnati when Boss Cox was in power? Why?—because "the Puritan never lets his religion interfere with his business."\textsuperscript{11}

As his campaign for re-election in 1899 drew toward a close, Jones received a letter from a committee of clergymen professing alarm at the reported increase in the number of saloons in Toledo during the two years of

\textsuperscript{10} Howe, Bemis, and Cooley all express their views on the moral issue in the editorial "Mayor Johnson and the Cleveland Clergy," \textit{The Arena}, XXXV, 430-432 (April,

\textsuperscript{11} \textit{Forty Years of It}, 253.
his first administration. After producing some figures to show that there had been no real increase in the number of drinking places during this period, Jones advised his correspondents that the saloon was not an issue in the campaign but that franchise-grabbing was. "The gamblers are not running the town, but there are respectable thieves who are trying very hard to get a chance to run it." Ten years later, with Jersey City in mind, Lincoln Steffens echoed Jones' idea. When you inject the saloon issue into a campaign, said that worldly young man, you obscure all the other issues "and--fail to solve the liquor question." "If I were a political boss in danger of losing my crown," he went on, "I would get the churches to come out against the saloon. That would save me and it would not cost the saloons very much." The moral issue has turned reformers less wary than the Civic Revivalists from their original aims. But the men about whom we are studying were defended against it by the concept of privilege and by the belief that poverty was the chief cause of vice and crime. In spite of the odds they were up against they succeeded in making their position clear to the voters. In the years in which they were active in their cities no election was actually

12Jones' reply is quoted in The New Right, 104.
13Upbuilders, xiii-xiv.
decided on this issue. Nevertheless, the repeated and microscopic examinations of Toledo's alleged viciousness did have two interesting effects. As much as anything else the repeated vice crusades in which he was expected to take part sickened Whitlock of politics and eventually deprived the Civic Revival of one of its leaders. Furthermore, the extravagant charges about vice conditions in Toledo were so often repeated that outsiders as well as some natives got the idea that Toledo was the haven of every desperate character in the country. Police in neighboring towns and cities were quite content to put the blame for any lawlessness occurring within their bailiwicks on "criminals from Toledo." So the fiction of Toledo's criminality grew. A journalist writing as late as 1939 noted the evil reputation Toledo acquired as a refuge for crooks during the "golden rule" administration of Jones and Whitlock. We know, however, that civic reputations are not just "acquired." If we agree with the Civic Revivalists we will say that Toledo's reputation was fastened on her by newspapers like the Blade and by clergymen like Cyrus Townshend Brady who made a practice of reviling the city for political effect.

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14 Forrest Davis, *300,000 Guinea Pigs*, xx.

15 Whitlock, *Forty Years of It*, 225, et. seq.
The policy of defamation which privilege used in this case was similar to the attack on the city's credit standing made by the Standard Oil newspaper during the building of the municipal pipe line.

The moral issue was one of privilege's indirect weapons. Like the introduction of the single tax into the campaign of 1903, it was an extraneous question raised to avoid the necessity of facing more pressing and embarrassing problems. Frightening the people into opposing the Civic Revival by telling them that the success of the movement would hurt business, was a more direct method of attack. This argument was used in each of the elections in which the Civic Revivalists engaged, but was especially prominent in Jones' campaign for reelection in 1899, in the gubernatorial contest in 1903, in the Cleveland street railway referendums of 1908 and 1909, and in the campaign on the ratification of the Constitutional amendments in 1912. Sometimes, as in 1912, the argument was directed mainly at the businessman. Then it was claimed that the success of the movement would involve "uncertainty," "continuous political agitation," or, more baldly, loss of profit. At other times, as in 1899, it was aimed at the workingman. When this was the case the people were reminded that bad
business conditions resulting from the loss of business confidence meant low wages and unemployment. 16

The Civic Revivalists of course insisted that the only businesses that would be endangered by their success were the privileged or monopolistic ones. They claimed to be fighting for the things business pretended to want--competition, expanding opportunity, and freedom from excessive government regulation. Frederic C. Howe was so wearied by the constant reiteration of the "dangerous to business" refrain that he listed his belief that women would be less susceptible to it than men as one of the reasons why he favored woman suffrage. "Women may read the silly gossip of the society page," he said, "but they don't pay any attention to the equally silly gossip of the financial page." 17

During the last decade we have grown so accustomed to disregarding the advice of business leaders and financial experts in political questions that we are apt to overlook the possible effect that the "hurting business" argument may have had in less sophisticated days. Jones saw its significance more clearly than the other

16 For a typical example of this type of approach see an editorial in The Toledo Bee, March 25, 1899.

Civic Revivalists. In former centuries, he wrote in his remarkable book *The New Right*, when religion was the chief authority and when belief in the existence of a literal hell was strong, the threat of damnation was the favorite method of preventing people from questioning the status quo. Today, he continued, business is the greatest of our authorities and poverty is what we fear more than going to hell. Consequently, the threat that bad business conditions will make you lose your job is a form of tyranny. Jones and the other leaders of the Civic Revival hoped that one of the results of the popular movement they had started would be to hasten the day when the people would shrug aside their business superstitions even as they had earlier shed their religious ones.

The Civic Revivalists were convinced that the political party is one of the links in the chain binding the people to the System. Because they thought that privilege dominates the party by money, just as it dictates the attitude of the church and the press, they believed that loyalty to the party of Lincoln or to the party of Jackson often really meant only allegiance to the gas ring or to the street car company. In the mayoralty elections of 1907 in Cincinnati and Cleveland
they saw illustrations of how party expediency could act as a boon to privilege.

The election of a Democratic Governor in Ohio in 1905, combined with Republican set-backs in such former party strongholds as Cincinnati, Toledo, and Cleveland, caused the national leaders of the Republican party to take alarm lest the Democrats should carry Ohio in 1908. The restoration of Republican control in the two largest cities of the state was looked upon by men like President Roosevelt and Secretary Taft as a condition precedent to Republican victory in Ohio in the election of 1908. In Cincinnati the Republican defeat had been the result of the fusion of the reform wings of both major parties to overthrow the Cox machine. The remedy there was simple if not very palatable: the rascals must throw the reformers out. In 1906 the Republicans of Hamilton County heeded the urgent call for a united party with the result that Republican Congressmen were sent to Washington and the Cox men were returned to the county offices. In the Cincinnati city election of 1907 the harmony motif was repeated with success. In order that the still unnamed Republican presidential candidate might find it easier to carry Ohio in 1908 such very respectable Republicans as Nicholas Longworth and Charles Taft obediently supported the ticket selected by Boss Cox.
Johnson's proven strength as a vote-getter in Cleveland and the independent spirit he had fostered there made the situation in that city harder to handle. At length, importuned by Roosevelt, Taft, and the Secretary of the Interior, Harry A. Garfield, Theodore Burton accepted the Republican nomination for mayor. Burton was Ohio's most dignified and respected Congressman; but neither the prestige of his distinguished record of public service nor the popularity of the President who endorsed him were enough to induce the voters to desert Johnson. The Civic Revival had given Clevelanders more important things to think about than the fate of the Republican party.18

The Civic Revivalists did not pretend to see anything unique or particularly sinister in the interference of the national Republican leaders in these two local elections. They did not suppose that Roosevelt and Taft meant to give deliberate aid to the Concon in Cleveland or that they were anything but reluctant allies of Cox in Cincinnati. Roosevelt and Taft wanted to make sure

18 Burton's announcement that he would accept the Republican nomination is printed in Johnson, My Story, 268. Comment on the 1907 election in Cincinnati and Cleveland is found in the editorial "Mayor Johnson's Victory and its Significance in National Politics," The Arena, XXXVIII, 710-712 (December, 1907) and "The Political Situation in Ohio," The Outlook, LXXXVII, 500-502 (November 2, 1907).
that their party got Ohio's electoral votes in 1908. They thought that meant they had to accept Cox and defeat Johnson. What the Civic Revivalists resented (and what they defeated in Cleveland) was the attempt to make the voters sacrifice civic loyalty to party expediency and to reduce proud cities to the status of mere cogs in a state political machine.

No method was more frequently used by privilege to impede the progress of the Civic Revival than litigation. Men like Whitlock and Howe, lawyers themselves, believed that the conservatism of the legal profession combined with the fact that many judges owed their elevation to the bench to business groups gave privilege a definite advantage in court battles. 19 One thing our study of the Civic Revival should have made clear to us, however, is that winning law suits may not be the only, or even the principal objective contemplated by those who appeal to the courts. Even though the final court decision is unfavorable, litigation brings delay, uncertainty, and

19 On the legal temperament see Howe, Confessions of a Reformer, 198-205 and Whitlock Forty Years of It, 206. Howe describes the method by which Ohio judges were appointed in his day in Confessions of a Reformer, 202-203. For an example of a judge who owed his appointment to his services to privilege see Johnson, My Story, 157.
expense—all factors of benefit to a company seeking to prevent public interference with a private monopoly. Too often, the Civic Revivalists knew to their sorrow, privilege not only has more patience but more money than its public adversary.

The lawsuits growing out of Cleveland's attempt to oust several railway companies from some valuable lakefront land shows the value of the law's delays. In 1840 the city of Cleveland sold a number of railway companies a strip of land about one hundred and fifty feet wide on the lakeshore. In 1893 the city began a suit to oust the railways (i.e. to claim title for itself) from several hundred feet of "made" land, the accretions to the strip the railways had purchased. The railway companies had appropriated this land and on it were built their yards and station. Johnson estimated that by 1900 the land in dispute was worth from fifteen to twenty million dollars. His first service to Cleveland as Mayor was to prevent the carrying through of a settlement by which the city would have conveyed the land to the railroad companies without compensation. The litigation had begun in the Common Pleas Court of Cuyahoga County, but the railroads got the case transferred to the federal courts. After years of delay, during which one judge held the case before him, without decision, for twelve
years, the Federal Circuit Court decided that it had no jurisdiction. Now the suit went back to the Ohio courts. In the Common Pleas, in the Circuit Court, and in the Ohio Supreme Court the decision was favorable to the city's claim. Finally the case was appealed to the United States Supreme Court. In November, 1914, twenty-one years after the lawsuit had begun, the Supreme Court upheld the decision of the Ohio courts. A victory for the city, to be sure, but during all the years of delay in settling the question the railroad companies had been enabled to use the land without having to pay the city any rent.

In both Cleveland and Toledo litigation was joined with the non-political weapon of financial pressure as a means of defeating attempts at municipal ownership of public utilities. We have said that the desire to discredit the city's natural gas bonds was probably the chief reason behind many of the early suits against the Toledo pipe line. Even though all these suits eventually failed, and even though the pipe line was finally completed, legal entanglements and financial embarrassment

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20 Cleveland and Pittsburgh Railroad Company v. City of Cleveland, Ohio, 235 U. S. 50. For a history of the case see Cleveland Plain Dealer, November 17, 1914. Johnson discusses its background, My Story, 113, 117-118. Howe has an interesting comment on it, Confessions of a Reformer, 204. See also "Cleveland Gains Control of its Lake Front," The Public, XVII, 1141 (November 27, 1914).
held up the venture until the private companies had depleted the gas stores upon which the city system was dependent. In Cleveland the opponents of Johnson's three-cent fare railway project followed a similar credit-freezing policy. Then when Johnson tried to strengthen the financial standing of the low fare companies by guaranteeing investors against loss his alleged "financial interest" in the new companies was made the basis of numerous law suits seeking to have the franchise of the low fare companies set aside.

The injunction was the legal device most often used by privilege in fighting the three-cent fare movement. Johnson explained that the Concon divided each of its causes of action into the smallest possible fraction and then began suit on each technicality. In this way fifty-eight delay-producing injunctions were issued against the city and the low fare companies. No matter what the final disposition of a case, the street car company's attorneys could usually wrangle a temporary restraining order from the lower courts.\(^{21}\) This continual litigation was expensive to the Concon as well as to the city, but from the former's point of view it was less expensive than surrendering its monopoly without a fight. It did delay the building of the three-cent line, thus prolonging

\(^{21}\)Johnson summarizes the legal opposition encountered by the low fare movement in "Three Cent Fares in Cleveland," The Independent, LXIII, 335-337 (August 8, 1907).
the time when the old company could charge high fares. If one of its purposes was to wear down the public enthusiasm for a municipally controlled street railway system, it was partially successful. After nine years of struggle the people were more willing to accept a compromise leaving the management of Cleveland's street car system in the hands of the old Concon crowd than to continue a fight which threatened to go on indefinitely.
CHAPTER 6

THE POLITICAL TECHNIQUES OF THE CIVIC REVIVAL

The campaign methods employed by the leaders of the Civic Revival are an important part of this study both for the light they throw on the political theory of the men who led the movement and as an explanation of its relative success. The Civic Revivalists regarded themselves as educators and their political campaigns as educational programs designed to teach the people the dangers of privilege, the folly of partisanism, the ineffectiveness of the evangelistic psychology, and the benefits which an awakened people could derive from their government. It is with the progressive methods they used in their teaching that we will be concerned in this chapter.

The political scientist, looking at the Civic Revival and noting the insistence of the leaders upon municipal home rule, would say that this movement was an illustration of the traditional American distrust of centralized government. It is true that the Civic Revivalists feared centralization of political power in either
Washington or Columbus, just as they were uneasy about the concentration of financial power in New York. Their fear was not induced by any constitutional theory, however, nor by an unusual reverence for the political traditions of the past. To a certain extent it arose out of their belief that the city, as the nucleus of civilization, should have sufficient autonomy to carry out its mission as the hope of democracy; partly it came from their desire to insure an active role in the process of government to all citizens. More directly than from either of these philosophical sources their dislike of centralized government was the practical result of their suspicion that the agencies of centralization with which they came into most frequent contact were the puppets of privilege.

The Civic Revivalists were much more interested in questions of political control than they were in the details of political form. In trying to understand their political philosophy we should take careful note of their demand for free cities. After doing that we should place more emphasis on their concern with popular government than with the somewhat accidental circumstances which made them oppose centralization. Unlike many earlier democrats, they did not fear government. On the contrary, they wanted to assign it added functions so as
to increase its utility to its citizens. They were quite willing to give the agencies of government all the power needed to carry out their duties in an effective manner.\footnote{My interpretation of the Civic Revivalist's attitude toward government differs from the conventional view. Jones and Whitlock are usually called "philosophical anarchists." I have discussed the problem at greater length in the chapter on the single tax.} But the Civic Revivalists were very much interested in seeing that the actual as well as the nominal control of government was exercised by the people.

We do not have to go to the writings of the Civic Revivalists to find their political philosophy. Their campaign methods demonstrate it admirably. In each campaign their aim was to get back to the people. And when they spoke of "the people" they meant just what they said. Their appeal was never directed at a party or an economic class but always to the mass, the average man, the run-of-the-mill voter. Once again their philosophical ideas were geared to a practical necessity. Opposed most of the time by the machinery of the state and national government, the Civic Revivalists had no source to go to but the people. Confronted by the hostility of the institutions which customarily mold public opinion, they had to devise bold and dramatic ways to tell the voters their side of the story. The movement succeeded
as far as it did because the leaders were able to do this.

The Civic Revival began with two advantages: in Jones and Johnson it had leaders of strong personal magnetism and in the street railway question it had an issue which mustered all the popular prejudice against the public utility companies. Using these two advantages as backlogs, the Civic Revivalists were able to start a movement that for a considerable length of time dispelled the indifference the average voter usually felt toward municipal politics. They kept the interest in local affairs alive by continually stimulating it with controversial issues.

Of the two factors in the success of the Civic Revival, the personality of the leaders and the appeal of their ideas, the writer is inclined to give more weight to the latter. Of course the personal factor helped and if we want our study of the political methods of the movement to be realistic we must not overlook it. But the popularity of Johnson and Jones differed in important respects from that of the familiar type of politician whose assets consist of an Irish name, a hearty hand-clasp, and a talent for remembering other people's names. The leaders of the Civic Revival were popular not primarily because of their personal qualities but because
they had become identified in the public mind with certain ideas which attracted the people. Jones embodied the common man's aspiration toward brotherhood. Johnson was the symbol of the people's fight against privilege. Whitlock, Howe, and Baker all represented the up-to-date point of view on public questions. It was the things they stood for that made these leaders beloved.

For many years before the period of the Civic Revival students of municipal government had been urging that municipal elections be decided upon the basis of city, rather than upon national, issues. This was good advice, certainly, but it was hard to apply because only occasionally did the ordinary municipal office-seeker give the public any bona fide local issues to vote upon. They (the candidates for municipal office) pointed to their Civil War record, they argued about the tariff or imperialism or free silver, and when those issues were inexpedient, they begged the people to preserve party harmony. The only strictly local issues upon which municipal elections may be said to have turned with any frequency were the spasmodically revived "moral issue" and the occasional demand for a political house cleaning to rid the city government of the grafters. It is not surprising, then, that there was little interest in municipal politics once the voters had caught on to the
fact that the only real question in local elections was partisan advantage.

The Civic Revivalists made municipal politics interesting to the people of Cleveland and Toledo because the issues they introduced were significant ones and because they had a graphic manner of presenting them. Municipal home rule was just a legal concept until the Civic Revivalists showed the people what a city could do for its citizens if it were not hampered by an outworn State Constitution and hamstrung by a rural-minded, privilege-haunted Legislature. Johnson's talk of "the city on a hill" smacked of flag-waving, but as an instrument for harnessing popular idealism, "civitivism" (i.e. municipal patriotism) was a commendable substitute for party loyalty. Municipal ownership was a vaguely disturbing socialistic theory until the Civic Revivalists brought it down to earth with their "three-cent fare" slogan.2 After looking at Peter Witt's maps and charts in the tax school, taxation became a fascinating problem to people who had only taken it for granted before. The

2"Three-cent fare" was so popular in Cleveland that during the administration of Newton D. Baker three cents was the price charged for dance tickets at the municipal dance halls and for rides on city-owned boats in the parks. See Cleveland Plain Dealer, August 28, 1912. Baker made "three-cent electric light" the slogan of his effort to establish a municipal light plant.
golden rule policy put into effect in the police departments of Cleveland and Toledo by the Civic Revivalists gave the voters a practical demonstration of the theory that poverty was the chief cause of vice and crime. In an earlier chapter we have seen how the single tax philosophy helped people understand the concept of social value by pointing to the readily observable increase in land values with the growth of population. Johnson and the other Civic Revivalists gave the word "privilege" meaning by identifying it with the unfair economic advantage possessed by landlords and franchise holders who have been granted a legal right to pocket the wealth created by the needs of society.

The long and bitter debate centering about issues such as these, each one of which involved a problem vital to urban life, produced the thing called "civic intelligence," which visitors like Lincoln Steffens observed in Cleveland and Toledo. The campaigns of the Civic Revivalists made the people of the two cities more alert, more broadminded, and more conscious than they had been before that they were parts of a community. The enthusiastic response of the voters to the issues thrust at them in this period indicated, at least to the leaders of the movement, that the much-discussed apathy of city-dwellers to municipal politics was not a necessary evil.
They thought that the record of the voters of Cleveland and Toledo proved that the people were ready to vote intelligently and independently whenever definite issues, clearly presented, were submitted to them.

Independent voting was more noticeable in Toledo than in Cleveland, for in the former city both Republican and Democratic machines opposed the Civic Revival while in Cleveland Johnson turned the Democratic organization into a tool of the movement. Independency was important in Cleveland, however, because the city had normally been Republican in politics. The practical non-partisanship Johnson displayed in choosing the men he supported for or appointed to office was an object lesson to the voters in how to pick candidates with discrimination.

Johnson was a pioneer in political methods as well as in the issues which he supported. One of the first politicians to campaign by automobile, he was also one of the first candidates to appear in a newsreel. At a time when the typical Ohio politician was delivering conventional partisan harrangues, Johnson was encouraging

In 1901 the pictures of Johnson and his opponent were thrown on a movie screen in a Cleveland theater by a magic-lantern. Reported in Cleveland Recorder, March 7, 1901 (See Cleveland Political Scrapbook, II).
heckling and devoting most of his platform time to a question and answer period. While most political meetings were still strictly party affairs, Johnson was trying to attract Republicans to his meetings. He gave his opponents a chance to address his audiences and (when he could get past the doorkeeper) he attended Republican meetings.  

Johnson's most characteristic political innovation was the tent meeting. He had first held a political meeting under canvas during one of his early campaigns for Congress when he had been unable to rent a hall. He found tent campaigning so much to his liking that he eventually bought several tents and used them in all his later campaigns. He thought the informal atmosphere of the tent stimulated the members of the audience to take a more active part in the meeting. They laughed louder and clapped harder than they did indoors. Also they asked more questions. Like Jones, Johnson believed that heckling was a form of political education and a necessity for intelligent independent voting. The best way the people have of discovering a candidate's ability and

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4For an amusing account of Johnson's unwelcome visits to Republican meetings see The Cleveland Press, March 27, 1901 (Political Scrapbook, II). Elizabeth J. Hauser has a brief description of Johnson's campaign methods in her introduction to My Story, xiii, et. seq. Carl T. Robertson, "Mayor Johnson's Way as a Campaigner," The Public, VI, 444-445 (October 17, 1903) describes how Johnson handled a hostile crowd.
his true position on public affairs, both men agreed, was to get him up on a platform and have him pelted with questions. "Don't let him talk about what he did in the Civil War," said Jones. "Find out where he stands on the present issues."^5

Johnson also preferred tent to hall meetings because the tent could be moved from lot to lot all over the city. The tent was a literal and physical way of taking politics directly to the people. It not only made it easier to attend political meetings but the same absence of restraint which encouraged heckling also attracted people who might not otherwise have gone to political rallies. Everybody went to the tent meetings, Newton D. Baker recalled: "The women went with their baby coaches and pushed them up in the vacant space in front of the platform, and left the babies there while they sat back and asked Tom questions."^6

The program at a typical tent meeting in Cleveland during Johnson's administration was intended to instruct rather than to entertain. Frequently, however, it did

^5Johnson's views on heckling are stated in My Story, 82. Jones gives his view in The New Right, 384. Johnson was accused of having paid men to ask him questions in one of his early campaigns. See Thomas Beer, Hanna, 220.

both. The people were interested in the matters discussed and they often heard brilliant and witty speeches from the floor as well as from the platform. The meetings usually began with a forty minute talk on the street car situation by Peter Witt. Next Newton D. Baker would speak for an hour on the most recent legal developments in the three-cent fare fight. Baker's speech was bound to be fairly technical. Outsiders might have found it dull, but to an audience familiar with the problem his accounts of court decisions and presentation of the conflicting legal opinions on points of law was as exciting as an installment in a mystery story. The meetings closed with a thirty minute question period conducted by Johnson. People in the audience asked him questions about any civic problems in which they happened to be interested. Most of them, naturally, had to do with the street railway controversy but they might be on any subject.\(^7\)

Meetings such as these were held year in and year out in Cleveland during the Civic Revival. The Republicans, who had at first laughed at Johnson's "circus menagerie," were at length forced to take up tent campaigning too. Newton D. Baker had a favorite story he

\(^7\)See ibid., for a description of a tent meeting by Baker.
liked to tell to illustrate the educational effectiveness of the tent meeting. He once had a visitor who wanted to know all about the street railway situation in Cleveland. Baker was unable to talk to him at the moment because he was due in court.

"Go down to the Square," he told the man, "and pick out the most unlikely looking fellow you see there. Ask him about it. He'll tell you all you want to know."

Several hours later Baker's visitor returned and reported that he had picked out a very sorry looking loafer and had asked him what the status of the three-cent fare movement was. To his surprise, he said, the man gave him a very logical history of the movement, a concise summary of the more important legal decisions, a list of some of the most important injunctions issued against the city, and some salty comments on the personalities of the officers of the Concon.

"You don't have to tell me a thing," Baker's visitor told him. "That bum told me the whole story."8

The political methods Johnson introduced to Cleveland resulted in the discomfiture of at least one old-school campaigner. In 1907 Theodore Burton was persuaded to accept the Republican nomination for mayor against

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8Ibid., for Johnson's summary of the benefit derived from the tent meetings, see My Story, 83.
Johnson. He was not especially interested in municipal affairs, and, as it turned out, not very well informed about them. Under ordinary circumstances Burton's excellent record in Congress and the high personal esteem in which he was held by northern Ohioans would have been enough to make him a very dangerous foe. But Burton's rather pompous type of oratory seemed laughable to Clevelanders when compared to the factual discussions of civic problems they had grown accustomed to hear in the tent meetings. Burton began one of his speeches something like this:

I have spoken within the halls of Parliament in London, and in the Crystal Palace also in London, in Berlin, Germany, and with what poor French I could command in the south of France...and once my voice was heard within the confines of the Arctic Circle, in the valley of the Yukon, Alaska, but kind friends, I am glad to be here with you tonight.

Several days later Peter Witt began one of his tent meeting speeches with this parody: "I have spoken in the corn fields in Ashtabula, in the stone quarries of Berea and at the town hall in Chardon...."

Burton wilted before audiences thoroughly educated in all city problems and particularly well-grounded on the street car question. Mercilessly heckled, he

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9My Story, 273-274.
sometimes made "another engagement" an excuse to escape before the question period. "The trouble was," said Johnson, "that Mr. Burton was trying to discuss matters which were strange and unfamiliar to him with men and women who knew all about them, and when they asked him questions he didn't tell them he couldn't answer but tried to make believe that he could answer if he would, but that for some reason...he preferred not to do so."

Jones was more original in his style of campaigning than any others of the leaders of the Civic Revival. His unorthodox campaign methods were simply projections of his unique personality. As a man Jones was unable to accept the assumptions that most men make and in his political role he provoked a discussion of fundamental matters of life and government which are usually taken for granted. He made the Golden Rule the subject of such heated discussion in Toledo that, as Whitlock said, one might almost have assumed that he had invented it. "A stranger coming to Toledo at that time might have thought us a most unsophisticated people," Whitlock wrote of Jones' last campaign, "for there were speculations about the right of society to inflict punishment, 

10 Ibid., 271.
the basis of property, and a rather searching inquiry into the subject of representative government.  

At his political meetings Jones spoke in the same manner and talked about the same things that he discussed with his employees and friends at Golden Rule Park. "The Right to Work," "Public Ownership of Public Utilities," "The Golden Rule as Against the Rule of Gold," and "The Brotherhood of Man" were the titles of some of his political addresses. Whitlock said that any of the letters to his workmen that were printed in his Letters of Labor and Love might have served as the text of one of Jones' campaign speeches. In the course of his talks he would quote liberally from his favorite poems and books. Usually the people at his rallies joined in singing the songs he had written with as much gusto as they did at Golden Rule Park. "This is more like a university extension lecture than a political rally," remarked a visitor at one of his meetings.  

Jones had a more emotional approach in his campaigning than either Whitlock or Johnson. In this chapter we

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11 For descriptions of Jones' campaign meetings see the introduction Whitlock wrote for Samuel M. Jones, Letters of Labor and Love, and Herbert N. Casson, "Drain- ing a Political Swamp," The Arena, XXI, 766-772 (June, 1899). Jones' meetings are reported in The Toledo Journal, March 19, 1899 and the Toledo Blade, August 27, 1898.

12 Forty Years of It, 134-135.
do not have to argue whether or not his trust in "all of the people" was justifiable, naive, or sentimental. It is just one of the things we have to accept about Jones. It is important, however, for us to see that he was able to convey an understanding of his sincere love for humanity to his audiences. In the slums, crowds of social outcasts would listen to him intently. Whitlock said it was as if he called them back, if only for an hour, to the humanity with which they had almost lost touch. "I believe in the people," Jones would say. "I believe in all the people." Then with a sudden gesture he would point at someone in the audience and look at him searchingly, "I believe in you," he would say nodding his head slowly. 13

During his campaign for Governor in 1899 Jones stopped at an all-night restaurant which had a bad reputation. He was recognized and the male customers flocked around "Old man Jones" and shook his hand. A woman, presumably a prostitute, pushed her way through the crowd.

"Mr. Jones," she said, "some of us girls would like to shake hands with you." She signalled to her friends and while the crowd snickered the women filed by the candidate.

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One of them stopped for a moment. "Mr. Jones, we are going to do all that we can for you," she said.

"Thank you, my dear," Jones replied. He placed both hands on her shoulders. "I am going to do all I can for you."14

Perhaps because the people there had a thinner veneer covering their emotions, Jones was especially effective in the wards where immigrants lived. One time he walked into a dim little hall in the Polish section of Toledo. Without waiting to be introduced he sprang upon the stage.

"What's the Polish word for liberty?" he asked.

"Wolnosc," answered a few voices from the audience.

"What? I can't hear you," said Jones.

"Wolnosc," came the reply, this time much louder.

"Say it again," Jones called, making an elaborate pretense of deafness.

"WOLNOSC," everybody in the audience roared at the top of his lungs. They were wide awake now.

"Well," said Jones, "that's what we are fighting for in this campaign."15 No wonder he was the idol of the foreign population and especially of the Poles. Many

14 Unidentified newspaper clipping, Ohio Obituaries, VII, 126.

15 Whitlock tells this story in Forty Years of It, 127.
of them scrawled his name on their ballots even when he was not a candidate. 16

Jones' factory was the heart of the Civic Revival in Toledo. On one side of it was Golden Rule Park, an acre of ground boasting a few shade trees and furnished with swings and benches. Under a large willow tree was a platform from which Jones or some other speaker addressed the men and women who congregated there on Sunday afternoons. In the winter these meetings were held in Golden Rule Hall, a large room over the factory building. The hall served not only as an auditorium but also as a dining and club room for the men who worked in the factory. On its walls hung numerous mottos, pictures of Whitman and Tolstoi, and the tin sign bearing the commandment which Jones wanted to be the only rule of the factory. 17 So many distinguished people had visited Jones and been entertained in the Hall and so many liberal thinkers had addressed earnest audiences there and in the park that one reporter, Whitlock said, characterized the factory as "the center of intelligence in Toledo."

16See Whitlock's introduction to Letters of Labor and Love. Of Frederic C. Howe's comment on Jones' influence on the sixteenth ward in Cleveland, Confessions of a Reformer, 187.

17 Frank T. Carlton, "The Golden Rule Factory," The Arena, XXXII, 408-410 (October, 1904) describes the Park. There is a good write-up of Golden Rule Hall in the Cleveland Plain Dealer, July 3, 1904.
Whitlock continued the Sunday afternoon meetings after Jones' death, using them as an agency for keeping alive the kind of philosophical radicalism Jones stood for and also for spreading the ideas of the other leaders of the Civic Revival. In the spring of 1906 he arranged a series of meetings in Golden Rule Hall at which the outstanding figures of the Cleveland movement spoke. He called the Park an excellent school for public speakers. Years afterward he remembered trying to make himself heard above the noise of the trolley cars which would go clanging down the street in front of the tiny square and he remembered, too, how the children would shriek in the swings or yell as they raced in and out among the older folk clustered around the platform.

Golden Rule Park and the tent meetings in Cleveland were the two most prominent institutions the Civic Revivalists had for carrying their program straight to the people. In the tax school conducted by Peter Witt in the first year and a half of Johnson’s first administration

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we have seen another example of an agency created by them to present their ideas squarely to the voters. Much less important but no less direct in getting back to the people was the tour of Billy Radcliffe through parts of Ohio in 1906. Billy had once been a street fakir in Cleveland and he retained his ability to make a convincing sales talk after he became City Sealer under Johnson. In addition he was an accomplished "chalk-talk" artist. When some of the liberal members of the State Senate became disgusted at the way the conservative Senators were smothering all progressive legislation in committees, they decided to stir up sentiment for their measures among the people in the districts. Billy would spend two or three days in each county, his usual procedure being to set up his blackboard on the Court House steps or on a street corner in the county seat. When a crowd had been attracted by his pictures and talk, he would draw pictures to demonstrate how little the railroads actually paid in taxation in comparison to what the average property owner paid. When he had driven this point home he would describe and illustrate the liberal's plan of railroad taxation. Next, again using diagrams, he showed how the legislature was controlled by bosses and explained how the initiative and referendum would cure the situation. In this way, said Howe, who
was one of the originators of the plan, a fire was built behind the reactionary legislators. In several districts the fire got so hot that the Senators came to Howe and asked him to call Billy off. 19

"The crusade of my youth," said Frederic C. Howe of the Civic Revival, "the greatest adventure of my life, as great a training school as a man could pass through..." 20 But it was not alone the leaders who felt a thrill of joy and pride in the movement. Scores of people who made the fight against privilege possible by giving the leaders their enthusiastic votes felt a comparable excitement. Now at the conclusion of the section entitled "Fighting Privilege" a rush of pictures illustrative of their spirit reproaches the writer for being left out of the study. Just to say that the Civic Revival provoked an enthusiasm among the people who took part in it is not enough--their enthusiasm must be visualized.

One picture is of the people of Cleveland celebrating Tom Johnson's victory over Theodore Burton in the election of 1907. They had packed the Armory and the

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19 Howe, Confessions of a Reformer, 163.
20 Ibid., 113.
downtown theaters to get the results. When the returns began to indicate that Johnson's re-election was certain, they streamed outside, overflowed the sidewalks, and made traffic in the streets impossible. They seemed to think it was their victory as much as Johnson's. Congressman Burton left town abruptly, called back to Washington, so charitable people said, by the press of important national affairs. In the midst of the celebration Peter Witt sent a telegram to President Roosevelt (who had been instrumental in getting Burton to accept the nomination): "The next time you tell Theodore to run, tell him which way."21

Another picture is of the "Petition in Boots" in Toledo. On an evening in late summer 1904 the City Council is meeting to renew the franchises of the street car company. The Council's deliberations are interrupted by the ominous sound of men marching down St. Clair street. This citizens' army has been rallied by Negley Cochran's editorials in the News-Bee. The leader of the group is Johnson Thurston, an attorney who will be one of the prime movers of the Independent movement in Toledo. The men halt beneath the windows of the Council

21Johnson, My Story, 274-275.
chamber. There is a signal from Thurston. "LET THE FRANCHISE ALONE," they shout in unison and repeat it three times. Then, four abreast, they turn around and march back to their headquarters a few blocks away. Fear that they may return is enough to stop the Council from acting on the franchise for that night at least. But later it will be revealed that Thurston and his determined men have friends stationed in the chamber. They are armed with stench bombs and are ready to use them if the warning to "let the franchise alone" is disregarded.\textsuperscript{22}

Toledo is also the scene of the prettiest picture connected with the Civic Revival. In the spring of 1899 a great parade leading up to a giant Jones rally had been arranged as a climax to Jones' first campaign as an independent candidate for mayor. The parade and rally were to be held on the Thursday night preceding the election. But Thursday was one of those cold dark days that Whitlock, in a cynical mood, described as "meaner than the meanness of human nature." It had begun to snow during the afternoon and by seven o'clock a full-fledged blizzard was in progress. Nevertheless the

\textsuperscript{22}Whitlock, \textit{Forty Years of It}, 176-180.
paraders assembled and moved almost according to schedule. There were five bands and two drum and bugle corps. The Colored Jones Club was represented and so was the Newsboys' Union. Among the marchers were the young ladies of the Laundry Workers' Union. They had pinned up their skirts and carried umbrellas covered with a thick layer of snow. As they trudged through the slushy streets the girls sang the poem Jones had written to be sung to the tune of the good old Republican air, "Marching Through Georgia." Jones called it "Industrial Freedom."

Sing aloud the tidings that the race will yet be free
Man to man the wide world o'er will surely brothers be;
Right to work, the right to live, let every one agree
God freely gives to the people.

Hurrah, hurrah, the truth shall make us free,
Hurrah, hurrah, for dear humanity!23

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SECTION IV

MAKING THE CITY HUMAN
Frederic C. Howe's enthusiasm for the Civic Revival which was noted at the close of the last section was not wholly inspired by either Tom Johnson or the single tax philosophy to which Johnson had converted him. The future he limned for Cleveland gave the movement a tremendous meaning to him. The world is becoming industrialized, he reasoned, and in an industrialized world the most important commodity is steel. The kind of life that people lead in the steel manufacturing cities of today will determine the civilization of the twentieth century just as surely as the society of the commercial cities of the past shaped the culture of their respective eras. Howe thought that Cleveland's geographic position in the region where (he believed) coal and iron ore could be brought together more economically than at any other place on the globe destined her to become one of the world centers of the iron and steel industry. Whether she willed it or not Cleveland's industrial eminence would insure her a place among the great cities of
history. Like the medieval cities of Italy and the Hanse, like the later cities of Holland and England, Cleveland (and the other steel cities) would not only represent but make the civilization of her age.¹

Howe was ardently interested in what that civilization would be like. Remember he was an idealistic young man standing on what the Arena called the "stoa" of a still un tarnished century. The Civic Revival excited him because he thought it was influencing the course of Cleveland's development and so, indirectly, the pattern of world civilization. His hope was that Cleveland would be, not the biggest, the busiest, or the richest of the new cities but that through the stimulus of the Civic Revival her people would become the most earnest to devise an enlightened and humane civic life that would serve as an example to other communities.

In the books and articles that he wrote Howe expressed the spirit of his companions in the Civic Revival. The final section of this study of their endeavors begins with a digest of the ideas he presented in his book, The City, The Hope of Democracy. It is meant to be a

¹Howe states these ideas most clearly in "Cleveland--A City 'Finding Itself,'" The World's Work, VI, 3988-3999 (October, 1903) and "The Great Empire by the Lakes," The World's Work, I, 408-419 (February, 1901).
statement of the theory behind the Civic Revivalist's efforts to humanize Cleveland and Toledo. The second chapter gives some examples of the kind of things they did (or tried to do) to make life in their cities a richer experience for the people gathered there. The section concludes with a description of their treatment of the underprivileged classes of their cities and an outline of their attitude toward the problem of law enforcement.
CHAPTER 1

THE CITY, THE HOPE OF DEMOCRACY

Howe divided the evolution of all great cities into two stages. In the primary stage the chief concern is with the accumulation of wealth. In the second period there comes a heightened interest in cultural affairs and in what he called "civic activity"—the expenditure of money for individual and social improvement. Howe thought that American cities were still in the first phase of their development, but that most of them were ready to enter the second.¹

In the true sense of the word, said Howe, there are no cities in America. We have thousands of people concentrated in limited areas. We have houses, factories, offices, banks, churches, theaters, restaurants, streets, sidewalks, and sewers. But these are mere "economic accidents" or "industrial happenings." Away from the Atlantic seaboard the things we call our cities have mushroomed in the last generation. They are villages

¹The following paragraphs are based on The City, The Hope of Democracy by Frederic Howe and are intended to be a summary of the book.
transformed into sprawling urban aggregations by the influx of people to answer the demand for labor in the mills. They will not be cities until the people who live in them become conscious of their common, rather than their individual, rights and desires. In the industrial city the economic independence which a man enjoyed in the village or on the farm has been supplanted by an extraordinarily complex dependence of one individual upon all others. But the individualistic psychology of the village and the frontier has remained the guide of our conduct under the changed conditions of urban life. Howe was interested in promoting the growth of a social or community attitude which would fit the facts of urban existence. He felt this was necessary because the sheer bigness of the city very often destroyed the neighborly spirit which had tempered the practice of individualism in rural society.

According to Howe's rationalization of their development, people came to the cities to work. Poverty, prejudice and fear forced the immigrants to congregate in nationality districts where often their only American friend was the ward boss. Native Americans, lured to the city by the desire to escape from the boredom of the village and the drudgery and loneliness of the farm,²

²On the lure of the city to native Americans see Arthur Schlesinger, The Rise of the City, 53-77.
found their lives as empty in the city as in the country. They lived in rows of drab houses and apartments similar to, but less scientifically arranged than cells in a beehive. Their jobs were often as wearisome as the monotonous routine of farm work. Hanging over native and foreign born worker alike was the specter of unemployment. The industrial city was a workshop and it had no place but the workhouse and the almshouse for people who could not make the grade. "The city exacts an awful price for the gain it has given us, a price that is being paid in human life, suffering, and the decay of virtue and the family."3 The city is like an idol, said Howe. It feeds on human sacrifices. The lives that it consumes are those of the men and women who are weak in mind or body or character.

Comparing the industrial city to a man-eating idol was a grisly simile, indeed, and Howe's whole picture of life in the modern city was depressing. But the most characteristic feature of his mental outlook was its balance. He could see all the ills of the city and yet, without minimizing them, he could see the enormous possibilities for a better life that the city made possible.

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3Howe, The City, The Hope of Democracy, 32.
In the past, he said, the city has given men culture, enlightenment, and education along with industrial and commercial opportunities. In Howe's opinion this should be more true today than ever before. Diversified educational programs for adults as well as children, a wealth of facilities for the enjoyment of sport, literature, art, and music, and the opportunity to participate in government all unite to offer the mass of men a better chance for improving themselves than at any other period in history.

Howe believed that the time had come for people interested in municipal reform (and he included teachers, newspaper men, labor union officials, and clergymen as well as politicians in this category) to shift their emphasis from good government to human government, from private to community virtues. There is nothing wrong with the demand for efficiency in government, nothing wrong with the preachment of thrift and morality, he said. They just aren't enough for today. Take them all with you, Howe told the reformer, but remember that the real issue of city government today is not a matter of a businesslike administration but a question of decent human existence. The real problem is how we can make our cities provide the people who live in them with something more than "ten hours of work, eight hours of
sleep, a single room in a tenement for a home, and a few
hours in the saloon as compensation for it all.4

In the last generation, Howe noted, there have come
some movements to soften the rigor of life in the indus-
trial city. We have kindergartens, playgrounds, reform
schools, social settlements, and charity organizations.
Howe's complaint was not with the services these agencies
performed but with the philanthropic motive which animated
them. His conversion to the single tax philosophy had
made him believe that justice rather than charity dic-
tated that the city should be humanized. The single tax
had shown him in a very concrete way how everybody who
lived in the city contributed to the amassing of its
treasure. City land is valuable because there are many
people crowded into a restricted space; utility fran-
chises are of value because there are people to use the
services provided; stores make money because the people
buy the goods the merchants sell; and industrial profits
are possible because there are people to work in the fac-
tories. According to the single tax idea the so-called
human failures of the city contributed to its wealth just
as much as their more successful brothers.

4Ibid., 291, 287. This was exactly the same idea
that Jones was stating in each one of his annual messages
to the Toledo City Council.
Whether you are idle or industrious, said the single
taxer, whether you drink or are abstemious your presence
in the city adds to the riches that society creates.
"The vagabond, the sick, the destitute, the prostitute,
the flotsam and jetsam of the community who find their
way to the cheap lodging house, the streets, the prisons,
have lost their all, but they have contributed it to the
city, to its industry and life."5

What Howe and the single taxers were stressing were
the social aspects of money-making. Usually in America
we have paid more attention to the individual factors
involved in the building up of wealth. We say that
Smith is rich because his grandfather showed "foresight"
in buying what has since become a very valuable piece of
land. We attribute the steady dividends that so and so
draws from his street car stock to the "efficient oper-
ation" of the company. We assume that a store makes
money because of the "quality and taste of its merchan-
dise," and we credit industrial profits to the "vision"
of the capitalist and the "managerial ability" of the
entrepreneur.

The social interpretation of wealth which most of
them derived from the single tax was the reason why Howe

5Ibid., 34-35.
and the other Civic Revivalists were dissatisfied with the gradual amelioration of city life wrought by private benevolence. "Why wait for a rich man to give you the things that are yours by right," was the disturbing message Jones and Johnson were telling the people at Golden Rule Park and in the tent meetings. "Use the government to get all the good things you are entitled to." And it wasn't just playgrounds they were encouraging the people to demand, but cheap, publicly-owned utilities, fair taxes, and solutions for the housing and employment problems. They regarded all these things as parts of the effort to make the city human, just as they thought ousting privilege from the control of the government was the first step. The cities of other countries have been made beautiful through the largess of princes, said Howe; we will make ours livable by our own efforts. In the past municipal politics has been an exchange on which private interests bought special privileges. We can make the city government the agency through which the public interests will be served.

Howe took some encouragement from the functions already performed by cities. Municipalities oversee house construction and protect citizens from fire. They clean and light the streets, carry away garbage and refuse and sometimes supply water, electricity and gas. They
educate children, frequently providing students with books and occasionally with lunches. They maintain libraries, parks, and museums. They operate public markets, inspect food, and safeguard citizens against contagious diseases. They regulate traffic, administer justice, and provide an almshouse and a cemetery for the destitute. All of these services are of at least prospective benefit to all of the people of a city rather than to a small privileged group. All of them have been secured without the sacrifice of the personal freedom of the individual. Howe's point was that the further extension of municipal functions need bring no more interference with valid individual liberties than had been occasioned by the introduction of public activity into such a field as water supply or fire protection.

Of all the benefits Howe thought would result from the spread of municipal ownership he was fondest of emphasizing the effect he thought it would have on the citizens' attitude toward their city. Today Americans are indifferent toward the cities in which they live, he said. This is simply because the cities are not yet important in their daily lives. If the schools and parks were suddenly to close, or if the fire and police departments were abruptly disbanded people would be aroused. Howe liked to speculate on the continuing
interest people would feel in the city if the streetcars and other utilities were publicly owned. Only after municipal ownership has made the city really important, he thought, would the people finally become insistent in their demands for honest and efficient administration. He believed also that it was an axiom of the science of politics that the more services a state performs for its citizens, the more eager the citizens will be to serve it.
CHAPTER 2

HUMANIZING CLEVELAND AND TOLEDO

In many respects Cleveland and Toledo fitted the picture Howe drew of the developing industrial city. They were two New England villages transplanted to Ohio and almost miraculously transformed into great industrial and distributing centers by the accident of their locations. Within a very few years their populations had changed drastically not only in size, but in habits and national origins. Only the political and social ideas of the old families who still ruled the towns remained the same. "The City is Puritan in its social and ethical consciousness and almost as foreign as Chicago in its ethnic make up," Howe wrote of Cleveland. Toledo's fondest boast was that it contained more elms than Boston but when a visitor walked out such a street as Nebraska Avenue he might hear the babel of twenty different languages and see people living very much as they had in Poland or in Hungary.

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1"Cleveland--A City Finding Itself," The World's Work, VI, 3988-3999 (October, 1903).
The hordes of immigrants who poured into Cleveland and Toledo to work in the factories and mills disturbed the cherished Anglo-Saxon traditions of the two cities. The foreigners had their own notions of personal hygiene, their own ideas of how to spend the Sabbath, and most disturbing of all, their own attitude toward politics. They might ordinarily vote en masse for the Republican candidates but if they did it was not because they believed in the ideas for which the party was supposed to stand. They voted that way because they liked the jobs and favors they got from the Republican machine. Howe said the immigrants had what the Anglo-Saxon so often lacked, a social feeling for politics. It was to this wanting, sharing attitude of the foreign-born voters that Johnson and Jones appealed with such success.

Both Cleveland and Toledo contained private settlement houses and charity organizations staffed by trained social workers. Their job was to instill in the city's new residents the ideals of thrift, cleanliness, sobriety, and self-reliance. This was called Americanization. Perversely enough many of the immigrants seemed to prefer to acquire their Americanization in the saloons rather than in the settlement houses and from the ward boss and his lieutenants rather than from the social workers. The Civic Revivalists did not blame this entirely on the
depravity of the immigrant. A man like Howe whose experiences had made him familiar with both the saloon and the settlement knew that the first was often a cheerier, kindlier place than the second. Howe knew, too, that Harry Bernstein, the corrupt boss of Cleveland's biggest and toughest immigrant ward was a friendlier and more human person than the young ladies of the Charity Organization Society. If you were in trouble and went to an agency similar to the latter for help, you would be asked all kinds of personal questions. Form after form would have to be filled out. Only after the young lady who interviewed you had convinced herself that you were "worthy" would you finally get some assistance. Harry Bernstein asked no questions. Innumerable people in Cleveland could testify that he had lent them money, bought them coal, helped them to get jobs, aided them with the process of naturalization, and had gone their bail. All he expected in return (besides usurious interest) was that you vote for his friends.² Furthermore Howe thought the ideals that the earnest social workers tried to inculcate in the slum dwellers had little validity in the immigrant's new environment. "Thrift has no appeal when your weekly pay check is

²Howe describes the work done by Bernstein, ibid., 3989.
scarcely sufficient to meet your expenditures," he said. "There is little inducement for cleanliness when you live in a tenement; sobriety is mighty hard to practice when the saloon is the best place you have to go for recreation; and self-reliance is meaningless when you don't have a job, or when the one you do have is insecure."

The Civic Revivalists believed it was the city's duty to perform the humanizing activities which it had previously left to private benevolent societies or to the machine politicians. They disapproved of both the corrupt motive of the boss and the philanthropic attitude of the private society. In addition they were convinced that municipally-sponsored recreational facilities such as playgrounds, swimming pools, dance halls, and athletic fields were more effective ways of dealing with the problem of vice than regulation of saloons and recurrent raids on gambling establishments.

The new spirit which Johnson's administration brought to the city government of Cleveland was very clearly expressed in the park popularization policy carried out by two of his appointees, Charles P. Salen and Daniel Leslie. When Johnson became mayor, Cleveland was the possessor of a beautiful group of parks which had been donated to the city by wealthy citizens like J. H. Wade,
John D. Rockefeller, and W. J. Gordon. Salen and Leslie continued the work of beautifying the parks which had been begun by earlier park officials, but they also broadened the functions of the parks, changing them from sylvan rest spots to centers of active recreation. Baseball diamonds, football and soccer fields, skating rinks, and shelter and bath houses were constructed in them. Band concerts and athletic contests were inaugurated as means of attracting people to them.

The poor flocked to the parks but the policy introduced by Johnson's appointees was not universally popular. An influential portion of the population still thought parks should consist of broad expanses of well-trimmed lawns broken here and there by carefully tended flower beds and clumps of ornamental shrubs. These were the people who liked to take Sunday afternoon carriage rides through winding park boulevards. In particular they were incensed by the removal of the "Keep Off The Grass" signs from public property. So hot was their resentment at what they considered the desecration of the parks that in the session of the State Legislature which met in 1902 they obtained the passage of an act

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3 For a good picture of the attitude of the more sedate citizens toward the park popularization policy see Charles E. Kennedy, Fifty Years of Cleveland, 182-184.
which removed control of the parks from the Cleveland officials and vested it in a board appointed by county officers.  

Jurisdiction over the parks was restored to the city by the municipal code which went into effect in 1903. Yet even if the parks had remained under the control of the county board it is very doubtful if the old conditions could have been revived. Once the people had learned the varied uses to which the parks could be put it would have been difficult to have made them give up the practice of using them as playgrounds. Johnson's park policy was continued by Newton D. Baker. During his administrations new recreational devices were installed in the parks and the city itself began to take over the operation of the park concessions.

Not only in regard to the parks but in a great many other respects the work of humanizing Cleveland which Johnson had begun reached its peak during Baker's four years as mayor of the city (1911-1915). A native of West Virginia, Baker had roomed with Frederic C. Howe  

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4 This act is one of those discussed by Milo Roy Maltbie in "Home Rule in Ohio," Municipal Affairs, VI, 234-244 (June, 1902), 234-235.

5 A news item in the Cleveland Plain Dealer, March 24, 1913, gives an illuminating picture of Baker's park policy.
at Johns Hopkins University. He came to Cleveland in 1899 and entered the law office of a prominent Democratic politician. Almost immediately Baker overcame the handicap of a ridiculously youthful appearance (he was twenty-eight but looked about eighteen) to make a reputation for himself as an orator. It was not long before his legal talents had won him equal respect. As Johnson's law director he was recognized as the Mayor's most important assistant. Certainly the tasks he had to perform were the most difficult of those assigned to any of Johnson's subordinates. Baker's job was to direct the city's legal battles against the street car and other utility companies who sought the courts for protection against Johnson's program. Day in and day out for almost ten years Baker matched his wits against the most experienced and brainy lawyers privilege could obtain. The nature of the cases in which he was engaged was such that he had few opportunities to appeal to the sympathies of a jury, and the judges before whom he appeared were seldom in favor of the ideals for which he pleaded. When Baker won a law suit for Cleveland, it was because in handling the case he had proven himself the superior of

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6 On Baker's early career see Frederick Palmer, Newton D. Baker, 74-75. For character sketches of Baker see "Newton D. Baker," The Public, XV, 18-20 (January 5, 1912) and Carl Lorenz, Tom L. Johnson, 67-75.
his highly-paid antagonists in industry, intellectuality, and legal craftsmanship. We can only surmise how disheartening to him must have been the innumerable technical delays which so often nullified the gains of the decisions he won for the city. At any time during the period he served Cleveland as City Solicitor Baker might have withdrawn from his arduous, moderately-paid public duties and devoted his remarkable talents to the establishment of a remunerative private practice. That this fundamentally conservative lawyer preferred remaining in the ranks of the Civic Revival to accepting opportunities to advance himself professionally and financially is one of the best illustrations we have of Tom Johnson's ability to inspire loyalty to the principles he represented as well as a strong personal devotion. 7

All the while that he was City Solicitor Baker spoke frequently at the tent meetings in order to keep the people of Cleveland informed of the progress of the litigation in which the city was involved. Meanwhile he somehow found time to superintend the introduction of reforms which made the procedure of the municipal courts less formal and more intelligible to the people hailed into them. Two years after Johnson's defeat for re-election

7For Johnson's tribute to Baker see My Story, 173.
in 1909 Baker was elected mayor of Cleveland by the largest plurality any candidate for that office had ever received. As mayor he carried on Johnson's fight against privilege by attacking the electric power interests. He also played a very important part in drafting the liberal municipal charter which Cleveland adopted after the passage of the home rule amendment.

The most characteristic feature of Baker's administrations, however, was the advance that Cleveland then made toward becoming a beautiful and human city in which to live. Baker coined a word, "civitism," which he said meant city patriotism. He defined this attitude in numerous public addresses and tried to foster the development of such a spirit in Cleveland by sponsoring many projects of a service nature. During his two terms in office the building program at Cooley Farms and the Civic Center was accelerated. Municipal dance halls were installed in two city parks. A new market house, considered the most elaborate structure of its kind in the country and significantly located in the heart of a large foreign district, was opened in 1912. In 1913 Cleveland took


9On the West Side Market House see Charles Kamp, "Municipal Markets in Cleveland," The Annals, L, 128-130, (November, 1913) and illustrations in The American City, VII, 125 (February, 1913).
a step toward the solution of the housing problem by purchasing a large parcel of land far out on the East Side. It was expected that the allotment the city planned to establish there would provide attractive, low-cost building sites for approximately five hundred families. ¹⁰

Golden Rule Jones was no less desirous than Tom Johnson and Newton D. Baker of warming his city into a kindly, human institution. Toledo, however, has fewer memorials of his activity along this line than Cleveland has of Johnson's and Baker's work. In part this was because Jones was a little less eager for achievement than Johnson and Baker and a little more consciously interested in promoting a thoughtful, questioning attitude among the citizens of Toledo. He wanted to improve the physical surrounding of Toledoans, but even more he was intrigued by the possibility of dispelling the prejudices and

superstitions that he thought clouded their mental and spiritual outlook. "We are brothers, not competitors," he often repeated to his audiences at Golden Rule Park and he seemed to have a very pressing and sincere conviction that his mission was to free men (himself included) from all the shackles that kept the natural instinct of brotherhood from expressing itself. Consequently Jones' vision of the ideal city differed somewhat from Johnson's. Johnson spoke of "The City on a Hill." The picture this phrase evokes is architectural. In our minds' eye we see a group of stately buildings. To Johnson's motto Jones added "where people sing in the street." Instantly the buildings in our mental picture fade into the background and the happy people who make up the city are highlighted.

Jones was much more than a dreamer. The reforms he instituted in the Toledo police force show how ready he was to carry his philosophical ideas into practical operation. But under the Toledo charter the police and fire departments were the only divisions of the city government over which the mayor exercised direct authority. The real reason why Jones' administrations left so little tangible impress upon Toledo was simply that he never had enough supporters in the Council to enable him to get the measures he suggested adopted. In both
Cleveland and Toledo the fact that the Civic Revivalists were avowedly fighting privilege caused their whole program to be opposed by people who might ordinarily have supported their humanitarian proposals. In Toledo the philosophical radicalism which Jones stirred up made the blind opposition to anything he suggested particularly intense. His most innocuous suggestion for the beautification of a piece of public property was looked upon by the conservative classes and their representatives in the Council as either a wildly impractical dream or as an anarchistic attempt to undermine the foundations of society.

As a result of this hostility most of Jones' ideas for humanizing Toledo remain embedded in his Annual Messages to the Toledo Council. Nevertheless he constantly manifested his theories of government in humble ways. His first veto was issued against an ordinance which made the regulations against keeping geese in the city more stringent. In his veto Jones said this would work a hardship on the poor.\[^{11}\] Like Johnson he vetoed all ordinances requiring peddlers, junk dealers, second hand clothes merchants, and other people engaged in depression activities to purchase licenses for their

\[^{11}\]Reported, the *Toledo Blade*, November 9, 20, 1897.
businesses. By acts such as these, and by the never-failing sympathy he extended to the distressed who daily crowded his office Jones made his conception of the role of government plain to a great many of the voters of Toledo. He interpreted his repeated re-elections to mean that the common people of the city endorsed his theories.

Whitlock was as apt a pupil of Jones as Baker was of Johnson. "You are the father of all," the old foreign women said trustingly as they laid their intricate domestic problems before him. Like Jones, Whitlock was always ready to listen to the unfortunates who came to him seeking jobs for themselves or paroles for their relatives.12 But he was very conscious of the work that Johnson and Baker were doing in Cleveland and he was impatient to undertake similar projects in Toledo. Consequently he was sometimes goaded almost beyond endurance by the cranks and reformers who also looked upon him as "the father of all." They demanded that the mayor use his paternal power to secure the enactment of a curfew ordinance, to censor the movies, and to stop the young people from making love in the parks. Whitlock said

12Elizabeth J. Hauser, "Toledo--A Coaling Station," The Public, X, 536-538 (September 7, 1907) has a good picture of this aspect of Whitlock's work.
that he could not remember that any of the people who plagued him with such demands, or smacked their lips and wrung their hands while they told him exaggerated stories about the prevalency of the white slave trade in Toledo, ever showed any interest in the constructive labor of building civic centers, bridges, boulevards, swimming pools, and similar improvements. They could not understand why the city was exercised over the matter of whether street car fares were set at three cents or five cents. They were so much wrapped up in moral considerations, said Whitlock, so much under the influence of the evangelistic psychology, that they were disinclined to take part in any crusade except one against vice. "I think it is this spirit of Puritanism that has made the cities of America so ugly or permitted them to be ugly," he wrote after he left office.\footnote{\textit{Forty Years of It}, 254-255.}

The same debate over the functions of government which had raged all during the seven years Jones was mayor of Toledo continued throughout Whitlock's four administrations. One measure backed by the latter carried the issue up to the Ohio Supreme Court. After the passage of the Constitutional Amendment which supposedly extended the sphere of municipal ownership open
to Ohio municipalities, the Toledo Council passed an ordinance appropriating funds for the establishment of a municipally-owned motion picture theater. Previously there had been wide-spread criticism of the immoral and unsanitary conditions prevailing in many of the private movie theaters. Whitlock realized that the movies were becoming one of the chief sources of popular entertainment. He might have tried to improve conditions in the private theaters by censoring the films and drawing up a schedule of rules to regulate the operation of the private houses. Roughly that is the "solution" which most cities and states have since adopted. Whitlock, however, believed that municipal ownership of a movie theater would offer a more permanently effective way of dealing with the problem than either censorship or regulation. He thought that the municipal theater, besides providing entertainment at cost, could be operated in such a way that it would set a standard to which the private movie houses would have to adhere if they wished to attract any customers. It would bring about an automatic improvement in conditions.

The constitutionality of Toledo's attempt to establish a municipally-owned theater was challenged when the City Auditor refused to advance the money necessary to carry out the project. "The functions of the state are
governmental only," said Chief Justice Schauck in reading the decision of the Ohio Supreme Court in the case which Toledo brought to force the Auditor to surrender the funds. The Court refused to order the Auditor to turn the money over to the city because in its opinion Toledo was not justified in using money raised by taxation to operate such a non-governmental agency as a motion picture theater. One of the judges, disagreeing in theory with the very narrow interpretation of the function of government adopted by the majority of the Court, was nevertheless unprepared to countenance the establishment of a municipal theater. He held this to be an invasion of "the sphere of purely private enterprise wholly disconnected and divorced from public needs or public purposes."

The decision in this case, Toledo v. Lynch, was a great blow to the Civic Revival. It was the first case in which the Court was called upon to interpret the home rule amendment of 1912. By asserting its right to decide whether or not a given project was an appropriate subject for municipal ownership and by making it clear that in deciding this question it would continue to be guided by

\[14\text{The State ex rel City of Toledo v. Lynch, Auditor, 88 Ohio State 71. Judge Wannamaker dissented from the opinion of the Court.}\]
a conservative theory of politics the court greatly limited the fields open to municipal activity. In practice it meant that no matter what the amendment said, the judges of the Supreme Court and not the people of the cities would decide what services would be municipalized. In effect the Supreme Court substituted itself for the State Legislature as the supervisor of city affairs.

The grouping of the city, county, and federal buildings into a "Civic Center" was the most ambitious scheme of civic beautifications undertaken in either Cleveland or Toledo during the period we are studying. The Cleveland group plan was by no means the exclusive creation of the Civic Revivalists but it was built during the administrations of Johnson and Baker and one of the originators of the plan was Frederic C. Howe.

In the mid-nineties when Howe was a young and not too busy attorney in Cleveland his best friend was Morris Black, also a lawyer. They formed an eating and drinking club which met at Wohl's, a small but soon to be famous Hungarian restaurant. Both young men had toured Europe and they liked to talk about the beautiful cities they had seen there. About this time plans were under way for the construction of a new federal building in
Cleveland. There was also talk of building a new city hall because the rented quarters which then housed the municipal offices were day by day becoming more inadequate. It was expected that the rapid growth of the city would also require the erection of a new union depot, a new public library building, and a new county court house. Under ordinary circumstances these structures would have been put up here and there all over the downtown section, built of various types of materials, and done in different styles of architecture. Howe and Black, remembering the European cities they had admired, became enthusiastic about the possibility of grouping all of these public and semi-public buildings together and building them in a harmonious style. Henceforth their weekly dinners at Wohl's Restaurant became the center of agitation for what was later known as the group plan.

If they had had some real estate or building materials to sell the city, it is difficult to see how Howe and Black could have done a better job of lobbying than they did for the adoption of the group plan idea. Newspapermen were invited to dinners at Wohl's and while their resistance was broken down by rich food and generous drafts of a potent drink called Slivowitz Punch they were indoctrinated with the plan. The feature sections
of the Sunday papers carried illustrated articles, prepared anonymously by the two men, which showed how public buildings were grouped in Vienna, Paris, Budapest, Dresden, and Munich. Howe and Black induced the local branch of the Institute of Architects to hold a contest to find the best design for a Civic Center. Finally, to cap their work of promotion, they succeeded in interesting the Chamber of Commerce in the plan. About seven years after the idea had first come to him Howe had the satisfaction of introducing into Council the legislation which definitely committed the city to the project. 15

Work on the group plan began in 1902 when a supervising committee of architects was named by the city and given full authority to settle all problems relating to the layout, design, and construction of the buildings of the Civic Center. The men placed in charge of this undertaking were Daniel Burnham, John M. Carrere and Arnold Brunner. They were among the most dignified and expensive, if not the most original, members of the American architectural profession. By 1904 they had devised the plan which with one major change was later

15 For Howe's account of the promotion of the Group Plan see Confession of a Reformer, 80-82. A more detailed account of the building of the Civic Center and the steps leading up to it is to be found in Inventory of the Municipal Records of Ohio, No. 18, Volume V, xx-xxv.
carried out. To symbolize the wealth and commercial importance of Cleveland they chose a heavy Roman Classic style of architecture. The site they selected for the Civic Center was a piece of land stretching between Lake Erie and Superior Avenue and located just north of the Public Square. They proposed to place the Union Station on the lakefront. Fronting on Superior Avenue were to be the Federal building and the Public Library. According to their plan a mall or parkway which would form an imposing entrance to the city was to extend from the railway station to the Federal building and the Library. Situated on the mall were the City Hall and the county Court House.\textsuperscript{16}

Most of the land on which the Civic Center now stands was acquired by the city during Johnson's administrations. The first unit to be completed was the Federal building. The City Hall, begun in 1910, was completed in 1916. The most important respect in which the plan worked out by the supervising commission was disregarded was in the location of the railway station. After the World War a group of men using methods similar to those earlier employed by Black and Howe, but with

\textsuperscript{16}For a description of the Civic Center as originally planned see Frederic C. Howe, "Plans for a City Beautiful," Harper's Weekly, XLVIII, 624-626 (April 23, 1904).
less disinterested motives, succeeded in having the station lifted out of the Group Plan and located on the Public Square where it became the key unit in a private real estate development.

Many cities have since followed Cleveland's lead by grouping their public buildings into Civic Centers. One of the first to do so was Toledo. The group plan seems to have influenced industrial as well as civic architecture. While the Civic Center was being developed in Cleveland Nela Park, the home of the Mazda Lamp Division of the General Electric Company and the first important American example of industrial grouping, was built in the same city.

The Civic Revivalists believed that the concern for the beautification of cities thus evinced was an indication of an awakening civic consciousness. They were not content to have "civic consciousness" stop with the

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17 For the beginning of the Civic Center in Toledo see Whitlock's letter to Louis F. Post, November 15, 1910, Allan Nevins, ed., The Letters of Brand Whitlock, 141.

18 On Nela Park see Montgomery Schuyler, "A New Departure in 'Big Business,'" The Architectural Record, XXXV, 505-507 (June, 1914) and Florence Dempsey, "Nela Park," The Architectural Record, XXXV, 469-504 (June, 1914).

19 Howe, The City, The Hope of Democracy, 239 et seq.
mere adornment of cities, however. They believed that
the kind and extent of the public services the people
of a city required their government to perform was a
better index of civic spirit than the size and location
of that city's public buildings. A city whose people
and officials complacently allowed it to be ruled by
privilege was barren of civic spirit, in their opinion,
even if it had strewn massive piles of granite over a
spacious, tree-studded mall. The guide books might tell
the tourist this was a civic center and describe it as
"a monument to civic consciousness." If that is all it
is, said the Civic Revivalists, the tax payers could
have saved themselves a lot of money by simply buying a
marble shaft and carving an appropriate motto on it.

Men like Jones and Johnson, and Whitlock and Howe
had no interest in building monuments to ideas. They
were very interested, however, in finding ways to give
living expression to their principles of government.
In this chapter we have emphasized their desire to make
Cleveland and Toledo human--to find ways to make life in
the two cities more enjoyable and more worthwhile to the
people gathered there. Civic Centers appealed to them
not for aesthetic reasons alone. Primarily the Civic
Centers attracted them as suitable headquarters from
which all the new service enterprises in which they ex-
pected their cities to engage could be directed. The
buildings of the Civic Centers would be beautiful not just because of architecture and landscaping, but because the work done in them was dedicated to a wholesome end. The buildings would be impressive, too, instead of merely pretentious, because the business transacted in them was of a significant nature. They believed that when a city's positive activities in behalf of its citizens had been increased by the extension of municipal ownership into new fields and when the people had rid themselves of the domination of privilege the Civic Centers would really become the heart and center of community life.
CHAPTER 3

POVERTY, VICE, AND CRIME

The future of society depends on the solution of the problem of the weak, the unprivileged, and the outcast....To open opportunities for the poorest and the weakest is to render the highest and most permanent social service.

-- Harris R. Cooley

Cooley Farms

About ten miles southeast of the center of Cleveland lies a great tract of rolling land containing over two thousand acres of meadow, woods, pasture, and cultivated fields. This is the site of the city's most important charitable and correctional institutions. In contains four separate but co-ordinated estates known collectively as Cooley Farms. The settlements which make up this group (the poorhouse, the workhouse, the tuberculosis sanatorium, and the municipal cemetery) constitute a more fitting memorial to the movement we are studying than does the Civic Center in downtown Cleveland, for whatever the latter was originally meant to symbolize it turned into a kind of Chamber of Commerce project for
impressing tourists and travelling salesmen. Cooley Farms, on the other hand, is a tangible expression of the Civic Revivalists' attitude toward the problems of poverty, vice and crime. It is the most abiding reminder we have of their sincere attempt to make the governments of the cities of Cleveland and Toledo human in their treatment of the most unfortunate and degraded classes of urban society.

Cooley Farms was named in honor of Harris R. Cooley, the pastor of the Cedar Avenue Christian Church of Cleveland, who served as Director of Charities and Corrections under Johnson and Baker. Both the idea for the establishment of a farm colony and the responsibility for carrying out the project were his. In his attitude toward social questions Cooley shared the theories held by Johnson, Jones, Whitlock, and Howe. These ideas, which will be discussed below, were not peculiar to the Civic Revival. They were parts of the social gospel which was undermining the individualistic pattern of thought (i.e. the evangelistic psychology) in American religion as well as in American politics in the early years of the twentieth century. While the ideas he put

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1 On Cooley see Tom L. Johnson, My Story, 173 et seq.; Carl L. Lorenz, Tom L. Johnson, 54-57; and Winfred Ernest Garrison, The March of Faith, 156.
into practice in Cleveland's charitable and correctional institutions were thus not always original, Cooley gave them a more vigorous application than they received in any American city outside of Cleveland and Toledo. As Cooley explained to an interviewer, "nowhere in the United States had any one such a chance to apply them [the ideas] as Mr. Johnson gave me."2

One of the points stressed in the school of psychology to which the Civic Revivalists adhered was the importance of environment in shaping the individual. Cooley Farms was the outgrowth of Cooley's determination to provide Cleveland with institutions where the city's charges could be cared for in wholesome surroundings. Johnson gave Cooley's proposal for the establishment of a farm colony his vigorous support and the Warrensville site was chosen fairly early in his administration. The project, uncompleted when Johnson left office, was carried on by Newton D. Baker. As indicated above, Cooley Farms was divided into four estates: Colony Farm (the almshouse), Correction Farm (the workhouse), Overlook Farm (the tuberculosis sanatorium), and Highland Park Farm (the municipal cemetery).

2Webb and Marion Patton Waldron, We Explore the Great Lakes, 358.
For our purposes the significant parts of Cooley Farms are the almshouse and the workhouse. Nearly everybody feels tenderly for the sick and the dead but a kindly attitude toward the indigent and the delinquent is less frequently encountered among public officials. "They have made the human voyage," said Cooley of the old men and women who were sent to Colony Farm. That simple fact was enough to stir his sympathy. "Among the unfortunates are some who have been wasteful, intemperate, and vicious. Some are undeserving, some have done wrong, but these things are true of some of the children of luxury." Cooley claimed that his generous treatment of the people who were forced to come to the almshouse was not dictated by charitable motives. In providing them with a pleasant home for their last years he thought society was only giving them what was their due. In his opinion, they were the crippled veterans of industry, deserving of at least as much generosity as is showered on the wounded veterans of wars. "The bent backs, the swollen joints, the wrinkled faces of these underprivileged ones tell the story of trial, hardship and

3For Cooley's description of the work done at Overlook Farms see The Public, October 12, 1907, 650-651.

4Harris R. Cooley, "The Organization and Development of...Colony Farm," Proceedings of the National Conference of Charities and Correction, 1912, 437.
suffering. Most of them have done their fair share of the world's work."

Cooley placed the red-roofed, stucco buildings of Colony Farm on a hill which commanded a beautiful view of the countryside. In a spirit reminiscent of Jones he had "To lose money is better than to lose love" carved over the doorway to a building intended to house aged couples, and over the fireplace in the common living room of this building he inscribed the "grow old along with me" line from "Rabbi Ben Ezra." "Moorish palaces," gasped political enemies of Johnson who pretended to be concerned at Cooley's alleged extravagance. Cooley himself described the style of the dormitories as an adaptation of mission or monastic architecture. It was his plan that the old people who came to the farm would lead communal lives. He wanted the atmosphere of the settlement to suggest a home in which the inmates could live their declining years in comfort, security, and self respect rather than a mere retreat where they would be sent to wait for death to relieve society of their burden. Consequently, he was careful to see that every opportunity was offered them to partake in light, congenial work. Within easy access of the cluster of

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5 Ibid.
residence halls were barns, poultry yards, orchards, and vegetable gardens, each in Cooley's words, inviting the old people to "useful, helpful tasks." Around the court which formed the distinctive architectural feature of the main building was an arcade. Here Cooley hoped that the less vigorous inmates would find a pleasant shelter in which to practice the handicraft arts many of them had brought with them from Europe.

Colony Farm was opened in 1909 and the "service quadrangle" or main building of Correction Farm was erected in the same year. What Cooley called "the outdoor treatment of crime" had begun in Cleveland four years previously, however, when workhouse trusties were lodged in farmhouses scattered over the two thousand acres of land the city had bought in Warrensville as a site for its charitable and correctional settlements. The trusties performed most of the arduous work of clearing and grading the land in preparation for the buildings which were later constructed. After the Correction Farm had been officially opened the prisoners confined there were assigned to the heavier tasks required in the operation of the other units of Cooley Farms.

Cooley's theory was that outdoor life was just as beneficial in the treatment of crime and vice as it had proved itself in the treatment of tuberculosis. First
of all, said Cooley, Correction Farm offers a wholesome environment for the rehabilitation of persons whose previous surroundings have usually been abnormal. Next, he went on, it gives the prisoners a chance to put their bodies and minds and energies to work at useful pursuits. He thought that working with animals, fruits, vegetables, and grains was better for a man in every way than working with bricks. Furthermore, placing the workhouse prisoners on a farm required that much more trust be placed in them than if they were penned up in a jail inside the city. This trust is good for them, said Cooley, for they cannot build up confidence in themselves until they feel that society has faith in them.6

Much as he hoped to encourage the workhouse inmates to improve themselves, Cooley's ultimate concern was perhaps less with them than with the effect of the workhouse policy on the city as a whole. Kindly treatment would help the delinquents—he was sure of that. But he was equally convinced that the policy put into practice at Correction Farm would benefit the city as well. The exercise of mercy is always good for us, he said, and

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6Cooley discusses the Correction Farm in "The Farm Colony," Proceedings of the National Conference of Charities and Corrections, 1912, 191-195. In this article he explains some of the educational work conducted at the farm which is not discussed here.
its value is not dissipated even if all the people to whom we display kindness do not immediately respond to it. Cooley believed that the example of the humane treatment of crime which Cooley Farms provided was promoting a desire to understand the reason for crime among the citizens. Clevelanders were beginning to feel growing curiosity in the twists and blind alleys in what he termed "the paths up which the crime has come." Cooley hoped that eventually this objective attitude would entirely supplant the irrational malice we customarily feel toward the perpetrator of a criminal act. "As all of us come little by little to understand the why of crime," he said, "we will be ready to abandon the futile and cruel practice of punishing individual criminals and instead turn our energies toward the eradication of the conditions which produce crime."  

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7In evaluating the practical implications of this statement it should be remembered that workhouse prisoners are of the type known as "minor offenders"—men arrested for drunkenness, vagrancy, or offensive conduct. They are not Capones, Dillingers, or Karpels and their escape is not likely to precipitate a crime wave.

8Another farm colony, Boyville, the correctional institution for Cleveland's delinquent boys is discussed by Frederic C. Howe, "A Golden Rule Chief of Police," Everybody's Magazine, XXII, 814-823 (June, 1910) 1, 820.
Police, Police Court, and Parole Policies

In 1910, a distinguished Oriental visitor told Cooley that since coming to America he had been shown wonderful mills and factories and beautiful banks and office buildings. "But," he concluded to Cooley's great delight, "The most interesting thing which I have seen is the Colony out on the hill." From our standpoint, it is not the physical plant which makes Cooley Farms interesting. We are concerned with the Civic Revivalists' attitude toward poverty, vice, and crime. Cooley Farms was only one expression of this attitude. In the police, police court, and parole policies followed in Cleveland and Toledo in the period under consideration we can see other illustrations of the spirit with which the leaders of the movement we are studying approached...
the social problems of urban life.

Among the most controversial aspects of the Civic Revival was the Golden Rule police policy adopted in Toledo and Cleveland during the administrations of Jones and Johnson. The essence of the golden rule policy was to reduce the number of arrests for minor infractions of the law or morals, and in particular to cut down the number of arrests for drunkenness and vagrancy. Under this policy, men merely drunk were taken to their homes instead of to the police station and the police were instructed to refrain from molesting people who were "suspicious" only because they were poor or homeless. The Civic Revivalists could see no virtue in the common practice of arresting a large number of people on flimsy charges or for suspected infractions of conduct. They said it did no good to disgrace or embarrass people by bringing them into court and then to release them because the evidence brought against them was insufficient for conviction. The idea behind the so-called golden rule police policy was not to wink at lawlessness but rather to discourage the police from making casual, indiscriminate, or baseless arrests. Its aim was to make the police observe the rights of the underprivileged classes of the cities as scrupulously as they did those of the wealthier classes. In both cities the police
were given to understand that their efficiency was determined not by the number of arrests they made but by the number of convictions which resulted from their arrests.\footnote{11}

The police policy described above had its origin in Toledo while Perry D. Knapp, a Jones appointee, was Chief of Police. Knapp, who also served under Whitlock, was an enthusiastic disciple of Jones and an appreciative reader of Emerson and Whitman.\footnote{12} Against strong political opposition Jones managed to bring the police and fire departments of Toledo under civil service regulations and he substituted the eight-hour day for the twelve-hour day in these departments. The most typical reform which Jones and Knapp introduced in the police force, however, and the one which prompted the most vigorous disapproval from the law-and-order element of the city, was the taking away of the policeman's clubs. In itself, depriving policemen of their clubs was a little thing. Like the removal of the "Keep Off The


\footnote{12}{Whitlock writes of Knapp in Forty Years of It, 264-266. See also George Creel, "Perry D. Knapp," The American Magazine, LXXII, 306-308 (July, 1911).}
Grass" signs from Cleveland's parks it derived its importance from the fact that it committed the administration to a new viewpoint. The theory on which Jones and Knapp were acting was that the repressive functions of policemen were less important than their ministerial (serving) duties. Jones thought the primary work of a police officer was to perform helpful services such as directing traffic or providing information to strangers. Consequently, he could see no reason why a policeman should bristle with offensive weapons.13

In Cleveland an interesting corollary of the golden rule police policy was the method of vice repression used by Fred Kohler, the Republican whom Johnson made his Chief of Police. Most police departments try to handle the vice problem in their cities either by sporadic raids on suspected houses or by recurrent arrests of known offenders. If the first practice is adopted, the result is a great hullabaloo for a few days, a week, or perhaps a month. Then things quiet down and the vice business goes on as usual. If the second alternative is followed, the persons arrested plead guilty, pay their fines, and go back to their customary pursuits or professions.

13Jones' theories in regard to the police are stated in The New Right, 104 and also in some of his messages to the Toledo Council.
Kohler, whose insistence that his policy be called the "common sense" rather than the "golden rule" policy suggests his practical temperament, employed neither of these standard procedures. Instead he stationed a policeman in front of each disorderly saloon, gambling den, or house of prostitution which was called to his attention. The officer merely took the name of each person who entered the establishment. Almost invariably the effect of this was to cause the number of patrons to fall off so precipitously that the proprietor would close down in disgust. A rather naive critic of Kohler once protested that reducing the number of arrests deprived wrongdoers of the lessons they learned from being arrested.\textsuperscript{14} The vice repression part of Kohler's "common sense" policy provoked a more bitter complaint from a worldlier source:

"What do you think of Fred Kohler?" Frederic C. Howe asked a certain saloon-keeper.

"Kohler,—he's an anarchist," stormed the irate liquor dealer. "We know the law and we know our rights. If we disobey the law we've got a right to be arrested and to pay our fines. Kohler don't give us a chance for that. He ruins our business first."\textsuperscript{15}

\textsuperscript{14}Norton, "Chief Kohler of Cleveland and his Golden Rule Policy," \textit{loc. cit.}

\textsuperscript{15}Howe, "A Golden Rule Chief of Police," \textit{loc. cit.}, 821. See also Johnson, \textit{My Story}, 161-164.
At about the same time that the Civic Revivalists were active in Toledo and Cleveland many social-minded people and communities were becoming concerned about the problem of juvenile delinquency and were attempting to solve some of its evils by the establishment of Juvenile Courts and probation officers. The Civic Revivalists looked with favor upon such work but they could see no reason why the new court procedures should be reserved for the exclusive benefit of children. In a letter to Judge Ben B. Lindsey of the Denver Juvenile Court Brand Whitlock quoted with approval William Dean Howell's definition of criminals as grown up delinquents who had retained the ignorance of childhood but lost its innocence. He told Lindsey that when he had helped get Ohio's Juvenile Court law passed his real, albeit secret, hope had been that the establishment of such courts for juvenile delinquents would serve as the springboard for the development of similar institutions for adult offenders.

During the approximately ten years that he served Cleveland as City Solicitor Newton D. Baker was himself kept busy with the city's legal contests with the street car, power, gas, and railroad companies. The assistants he appointed to handle the Police Court work, however,
were able to bring about some important changes in Cleveland's Police and Municipal Court practices. The best known of Baker's assistants was Manuel Levine, a Russian Jew who had overcome the handicaps of poverty and ignorance without allowing his personal success to destroy his sympathy for men and women less able or fortunate than he. At the start of their work Levine and the other Baker appointees decided that their proper function should not be confined to acting as prosecutors for the city but that they should also serve as advocates for those accused of misdemeanors. Consequently, they gave defendants every opportunity to present the circumstances which might explain or justify their actions. The theory under which they proceeded was that securing convictions was not necessarily the only way by which justice could be served. They tried to get at the heart of the friction which so often produced charges and counter-charges between neighbors or relatives, and whenever possible they attempted to induce the persons involved to accept informal, out of court settlements. By acting as unofficial public defenders Baker's legal assistants protected ignorant defendants from unscrupulous lawyers. Meanwhile the substitution of the personal bond for the bail bond system in Cleveland helped to prevent persons accused of minor offenses from falling into the usurious
hands of professional bondsmen.

One of Levine's most notable accomplishments was the cleaning up of the Justice of the Peace Courts. He investigated these courts and showed that many of them had made a practice of extorting money from frightened persons who were accused of imaginary offenses. Another of his achievements was the destruction of the trade in stolen goods carried on by practically every peddler in the city. He discovered that all peddlers paid money to a certain political figure for the privilege of engaging in the peddling business and to insure immunity against arrest for dealing in "hot" goods. Levine found out that the boss of the racket made it impossible for the peddlers to stay in business if they did not pay him a weekly fee, and that in order to meet this charge, purposely set at a high figure, they had to accept goods which they knew were stolen. Levine successfully combated this racket, not by arresting and convicting an occasional peddler, but by organizing the peddlers into an association whose members were pledged, according to its motto, "to be free and keep on the level"—or in other words to pay no more tribute to the boss and to accept no more stolen goods. It was in recognition of such work that Baker wrote of Levine: "I sent him to the people who cannot speak for themselves, to be their
voice, to stand for their rights, and to make them feel that we have justice in America, and in this task Levine has made good.  

Such court reforms as were effected in Toledo during the period of the Civic Revival were of a more informal nature than those worked out in Cleveland. Until his authority to do so was taken away by statute, Jones occasionally served as judge of the Toledo Police Court and in this capacity rendered a series of highly original decisions. In his first appearance as a magistrate he refused to send three men to jail because he said he could not see how imprisonment could possibly do them or society any good. On another occasion he found a simple solution for the problem of what to do with slot machines by ordering the owner of such a device to turn it around so that it would face the wall. When a man brought before him on the charge of stealing bread from a bakery shop showed that he had been unable to get a job and that his family needed food, Jones fined everyone in the courtroom ten cents and himself a dollar for living in a country where social conditions drove a man to theft.  

Baker is quoted by Ernest Pool, "The Story of Manuel Levine," The Outlook, LXXXVII, 413-419 (October 21, 1907). On Levine, see also Newton D. Baker, "Police Court Prosecutions and a Public Defender," The American City, II, 266-267 (June, 1910). 

For an account of Jones' actions as judge of the Police Court see Ernest Crosby, Golden Rule Jones, 25-36.
Jones' light sentences and the unorthodox decisions
he handed down from the bench so disturbed the lawyers
of Toledo, and in fact, of the whole state, that they
secured the enactment of a law prohibiting anyone (like
Jones) who was not a member of the legal profession from
acting as a magistrate. Now that those who benefited
from his kindness are dead, Jones' decisions, if they
are remembered at all, are probably regarded as only
picturesque examples of the man's eccentricity. One of
the soberest and most thoughtful of his contemporary
admirers, however, was of the opinion that Jones' ju-
dicial work might someday be regarded as of high legal
significance. "The precedents of hatred, fear and retri-
bution are piled up in our law libraries," wrote the
poet and essayist, Ernest Crosby, "but the precedents of
love and sympathy have yet to be established and Mayor
Jones was a pioneer in this field."18

Unfortunately one of the immediate results of Jones'
decisions was only to pile up more "precedents of hatred,
fear and retribution." Some Toledo judges, worrried
lest Jones' light sentences might destroy respect for

18Ibid., 34. Crosby was himself a lawyer and once
served as a judge of the International Court in Egypt.
For a sketch of his very interesting career see Louis
Filler, Crusaders For American Liberalism, 62-66.
law in the city, adopted the practice of imposing cruelly heavy sentences for minor offenses. One judge, for instance, sentenced an old Negro to fifteen years in the penitentiary for stealing some chickens. Another Negro was given a long sentence for the theft of a bicycle tire.19 We cannot correctly gauge the significance of Jones' work as a judge, however, by looking only at its effect on the lawyers and judges. His most important contribution in this sphere, as in every other field that his activities touched, was to stir up controversy in the public mind about problems which were ordinarily accepted without question. Most people in Toledo assumed that the people who did evil things were themselves wicked and should be treated accordingly. Jones challenged this assumption over and over again. To every case brought before him, he applied the same formula: there are no good people, and no bad people; there are only people. Some of them, for one reason or another, do things that are wrong but their mistakes should not keep us from treating them with the same loving concern that we would bestow on our closest friends or relatives.

19 For these and similar instances see Nevins, ed., Letters, 69-76, passim.
if circumstances drove them to commit similar errors. These ideas were no more original than the theories of correction that Harris R. Cooley adopted several years later in Cleveland. What was unique was that both Jones and Cooley were ready to practice them. Each of these men dared to apply the principle of the brotherhood of man to the everyday and sometimes sordid problems of urban life.

The Golden Rule police policy and the various attempts made in Toledo and Cleveland to humanize courts and penal institutions were accompanied in both cities by a liberalized parole system. As the number of arrests was curtailed, so the number of paroles granted was increased. During the first Johnson administration, 1160 prisoners were paroled from the Cleveland Workhouse as compared to only 85 in the previous administration. In the first eight months of Whitlock's first term as mayor of Toledo approximately 200 men and women were

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20 The last few pages of Whitlock's novel, The Turn of the Balance, contain an epitome of the Jones-Whitlock attitude toward criminals.

21 Harris R. Cooley, "The Parole System in Cleveland," Charities and the Commons, XVIII, 609-610 (August 24, 1907). In this article Cooley states that up to 1907 over 4000 prisoners had been paroled or pardoned in Cleveland.
paroled from the Toledo Workhouse.\textsuperscript{22}

The chief reason for the large number of paroles was the Civic Revivalists' discontent with the prevailing judicial practice of making fines and imprisonments interchangeable. The typical sentence was a fine plus a certain number of days in the workhouse. Under Ohio law, however, it was possible for a man who had money to pay both his fine and an additional amount representing his jail sentence, thus evading imprisonment altogether. On the other hand, a man without money not only had to serve his jail sentence but also had to stay in prison until he had worked out his fine. To a man like Cooley this practice was intolerable and he believed one of the virtues of the parole system was that it offered a way of getting around it. Out of the 1160 persons paroled in Johnson's first administration Cooley reported that 900 had served their terms but were working out their fines.\textsuperscript{23}

\textsuperscript{22}Whitlock gives these figures in a letter to Lawrence Chambers, March 15, 1907, Nevins, ed., \textit{Letters}, 69-76.

\textsuperscript{23}Cooley, "The Criminal Treatment of Crime," \textit{The Arena}, XXX, 617-622 (December, 1903), 620. Perhaps the most heartening result of the new workhouse and parole policy in Cleveland was the establishment in 1905 of the organization known as the Brotherhood. It was composed of men who had been released from the Workhouse and was started when a former prisoner set aside ten dollars of his earnings to grubstake a recently released jail mate. These two men took a room together and later helped another discharged Workhouse prisoner. The process
Theory of Law Enforcement

The theory of law enforcement upon which the Civic Revivalists based their humane treatment of minor offenders was determined by their view of the cause of vice and crime and by the definition of law which they accepted. The concept of privilege influenced their ideas on the cause of vice and crime just as we have seen that it shaped their thinking on many other problems. In this case the idea of privilege made them see crime and vice as economic and social issues rather than as moral and individual ones. Their understanding of privilege made it impossible for them to take the orthodox view that the blame for a criminal act rests on the

continued until the group grew so large that by pooling their funds it was possible to rent a house. Here men who had been released from the prison were housed and fed and given the benefit of congenial society until they had found a job. In the first two years of its operation, the Brotherhood took care of over four hundred men. The Brotherhood is described by Frederic C. Howe in "A City in the Life-Saving Business," The Outlook, LXXXVIII, 123-127 (January 18, 1908), 125-126.

The letters which Jones, Whitlock and Johnson each wrote to the clergy of their respective cities provide concise statements of their theories of law enforcement. For Jones' letter see, The New Right, 102-104; Whitlock's letter was reprinted in pamphlet form under the title, On The Enforcement of Law in Cities; and Johnson's letter is printed in the editorial, "Mayor Johnson on Municipal Control of Vice and the Chief Causes of the Social Evil," The Arena, XXXV, 400-409 (April, 1906).
offender. In fixing the ultimate responsibility for criminal and vicious behavior they were more inclined to point to the system under which our society is organized than to single out erring individuals. "Crime may be but the manifestation in individuals of a social disease," wrote Harris R. Cooley, "and those who are punished may be simply victims and not wilful transgressors." 25

The social causes of vice and crime loomed especially large to the Civic Revivalists because they thought that men and women were very largely the products of their environments. The environmental factor which they believed most likely to develop unwholesome or even criminal habits was the condition of involuntary poverty. In considering this point we must emphasize the word "involuntary." When Tom Johnson wrote "Involuntary poverty is the most menacing fact in modern society and almost the sole cause of vice and crime," 26 he did not mean merely the state of being poor. The Civic Revivalist


26 "Mayor Johnson on Municipal Control of Vice," loc. cit., 404.
would say that there are different kinds of poverty. The poverty of the pioneer's son is not the same as that of the child born in the slum or on a tenant farm; the poverty of the philosopher who does not wish to be encumbered by material things is very different from that of the laboring man who cannot get a job. Involuntary poverty as they used the term referred to the kind of indigence induced neither by choice nor fault but thrust on people by the failure of our economic system to provide adequate opportunities for individual advancement.

According to the Civic Revivalists the denial of economic opportunity was caused by privilege. By privilege, as we have already seen, they meant the monopolization of natural resources by private interests. Their view was that by permitting our production to be governed by the profit motive of the monopolist instead of by the legitimate needs of society we had allowed our whole economic life to be twisted out of its natural course of development. They thought it superficial to say that poverty was caused by "shiftlessness" or "lack of

27 On this point see Jones, The New Right, 243-244.

28 Men like Jones and Johnson would admit that there is always opportunity for the extremely talented or the very unscrupulous. They were interested, however, in typical, rather than extraordinary cases.
initiative" on the part of individuals. The real reason for economic distress, they said, was that privilege had both curtailed industrial expansion and caused an unequal distribution of the benefits of such expansion as had been achieved. The result in either case, they maintained, was an enforced poverty which destroyed hope and self-respect, encouraged the formation of vicious habits, and sometimes drove men to crime. Furthermore, they thought, the revengeful spirit society customarily displayed toward people who had made even one slip made it difficult or impossible for "criminals" to resume their place in the world. 29

Given such an interpretation of the cause of vice and crime it is not surprising that the Civic Revivalists possessed a more tolerant attitude toward law-breakers than most municipal reformers. Nor is it surprising that they felt little interest in the methods which the ordinary reformer used to combat vice. Believing that the most important duty of the municipal statesmen was to destroy privilege so that involuntary poverty would be impossible, men like Johnson and Whitlock had no enthusiasm for conducting crusades against prostitutes and

29 Whitlock presents the Civic Revivalist's theories of the social causes of crime in his novel, The Turn of The Balance.
liquor dealers. "I am not the beadle of a New England village in the year 1692," Whitlock curtly reminded the clergymen of his city when they petitioned him to close the saloons and drive the prostitutes out of town.30 None of the Civic Revivalists had any faith in punitive legislation as a solution for either crime or vice. Like Frederic C. Howe, they scoffed at the idea that any such measure as the revival of the whipping post would provide a cure for problems which they maintained were essentially economic.31 Whitlock summarized the attitude of all the leaders of the movement in a letter to a friend:

I do not belong to the anti-other-Folks-Enjoyment League. I have very little patience with all this effort by legislation to make people good; I do not believe it can be done. I do not believe that the way to make people moral is to beat them over the head with policemen's clubs; I think it is much better to make conditions such that they will have a chance to grow strong and healthy physically, and you can trust them to be pretty good after that.32

30On The Enforcement of Law in Cities, 7. Neither Whitlock nor Johnson defended the vice repression policy carried out in Toledo and Cleveland during their administrations except as methods of removing the most obvious incentives to vice.

31For Howe's opinion on this problem see The City, The Hope of Democracy, 227-238.

Although their beliefs as to the cause of vice and crime were of fundamental importance in their theory of law enforcement, the Civic Revivalists' definition of law was of more immediate influence in determining how far they were willing to go to carry out the provisions of a statute. The problem of the definition of law received particular attention in Toledo during the period of the Civic Revival both because Jones and Whitlock were interested in provoking philosophical speculation and because the continual agitation of the moral issue in Toledo made the question a vital one in that city.

Disturbed by what they considered their mayors' sentimental feeling for criminals, some citizens of Toledo frequently charged that Jones and Whitlock had no respect for law. These officials might have replied that while they were sometimes contemptuous of statute they had great reverence for law. To determine whether a given piece of legislation was really a law or only a statute Jones and Whitlock habitually applied two tests, one subjective and one objective. The subjective test was an evaluation of a legislative enactment on the basis of individual judgment to discover how nearly it conformed to long-run standards of reason and justice.
(i.e. to the natural law). Jones was unconsciously using this test when he said that he would have resigned his office rather than have imposed a sentence which he personally felt was unwarranted. More noteworthy from our standpoint, since it relates to their belief in popular government, was the second, or objective test which Jones and Whitlock applied to legislation. "The law in America is what the people will back up," Whitlock quoted Jones as saying. Jones presented a more formal definition of enforceable law in a public letter addressed to a committee of citizens who were investigating vice conditions in Toledo: "No matter what law is on the books, the only law that can be enforced is the law that the public sentiment of the community will uphold." In defending his record against critics who claimed he had allowed too many violations of certain city ordinances Jones wrote: "I have enforced and shall continue to enforce all the laws according to the standard of existing public sentiment."
In his essay entitled *On the Enforcement of Law in Cities* Whitlock recalled an amusing anecdote which reveals the method Jones once employed to discover the state of public opinion on a controversial issue. During Jones' first administration there was staged one of the politically-inspired moral campaigns which were to be of such frequent occurrence in Toledo in the next decade. Tongue-in-cheek, Jones went the reformers one better by ordering the police to enforce rigidly every ordinance relating to the observance of the Sabbath found on the Toledo statute books. After two Sundays the people of the city were so incensed at the interference with their accustomed liberties that the Council hastily took steps to repeal all the blue laws.  

Whitlock used this incident to underline the necessity for municipal home rule. Public opinion can bring about the repeal of an unpopular statute only when the legislative body is responsible to the people directly affected by it. This is not the case, he pointed out, when the State Legislature, composed largely of representatives of rural districts, is empowered to pass measures regulating life in the cities.  

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37 *On the Enforcement of Law in Cities*, 83-84.

38 Ibid. The specific measure Whitlock had in mind was one requiring saloons to close on Sundays.
secure legal relief, all the people of the cities can
do is to make the law inoperative by refusing to obey it.

Sometimes public opinion lagged behind Jones' and
Whitlock's enlightened views on matters relating to law
enforcement. In such cases both men unhesitatingly
chose to follow their own convictions rather than to
accept the popular judgment. With all of their belief
in the necessity of popular government, neither of them
was willing to accept the opinion of the majority as an
infallible guide to personal decisions. "My anxiety is
not to be with the winning side," wrote Jones. "My only
concern is to be with truth." He sincerely believed
that in the long run the majority of the people would
choose the right course, but he recognized that when it
came to deciding immediate problems the majority was as
likely to be wrong as it was to be right.39

While they were thus prepared to disregard the
public attitude toward any problems when that view con-
flicted with their personal convictions on the subject,
Jones and Whitlock never doubted that public opinion de-
termined the extent to which a statute could be enforced
at any given time. Among the proposed Constitutional
Amendments submitted to the Ohio electorate in 1912 was

39For Jones' views on majority rule see Letters of
Labor and Love, 114-115.
one abolishing capital punishment. It was not ratified. Whitlock, who had been one of the most active supporters of the measure explained its rejection by pointing out that the Puritan spirit was still strong in rural Ohio. In a letter written shortly after the election he assured an admirer that he would continue his efforts to secure the abrogation of the death penalty. "But it won't do much good," he confided to his correspondent. "Revenge will not be taken out of the law until it is taken out of the human heart." Long before capital punishment is formally abolished, he said, it will have disappeared in fact. As more and more people come to realize the futility of capital punishment, juries will refuse to report verdicts which make the imposition of the death sentence mandatory.

The intimate connection which Jones and Whitlock believed to exist between law and public opinion made them think that the true reformer should be more anxious to change public attitudes than to rewrite the statutes. In their opinion the function of the democratic statesman was confined neither to the rigorous enforcement of the existing statutes nor to unthinking and unquestioning obedience to the temporary whims of the majority.

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They thought that the highest duty of the statesman in matters relating to law enforcement, as in all other cases, was to be on the alert to reveal new and sounder ideals of conduct to the people. His responsibility was to present these ideals in the most graphic and convincing way possible. Then it was up to the people to decide for themselves whether or not they would follow the road their leader had pointed out to them.
CONCLUSION

WHAT HAPPENED TO THE CIVIC REVIVAL
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WHAT HAPPENED TO THE CIVIC REVIVAL

In this essay the writer has attempted to present the Civic Revival in such a way that it would be clear to the reader that the movement was not an isolated local phenomenon but one of the many and continuing efforts that generations of Americans have made to put their idea of democracy to work. The purpose of this concluding chapter is to indicate what happened to the men who led the movement and to the ideas which animated it in the years after 1912. That is the date with which the writer has rather arbitrarily chosen to close the study. It has been selected, not because the Civic Revival may be said to have come to an abrupt end in any given year, but because if the issues and personalities described in the paper are to stand out in clear relief it seems wiser to leave the movement at its peak than to attempt to trace its slow running down through all the intricacies of local politics.
Two of the leaders of the Civic Revival died while the movement was in progress; two others are still alive today. Two more achieved national prominence during the administration of Woodrow Wilson; and one lived long enough to take part in the new revival of Franklin D. Roosevelt's New Deal.

Neither Samuel N. Jones nor Tom L. Johnson was yet sixty years old at the time of his death (Jones died in 1904; Johnson in 1911) but their fight against privilege had been so strenuous that physically, at least, each had become a bright-eyed old man. In the last few years of his life Jones turned an increasing share of his attention to the problems that he necessarily encountered in his private attempt to lead a Christian life. Johnson, on the contrary, his faith unshaken in the social efficacy of the teachings of Henry George, was little disturbed by conscious aspirations for personal virtue. Despite this fundamental difference both men were gentle and reasonably happy in their last years because they possessed to an extraordinary degree a conviction that there was such a thing as truth and that in the long run it was sure to prevail.

Peter Witt and Herbert S. Bigelow are the only surviving leaders of the Civic Revival. Both are genially regarded as "characters" by their townsmen of today.
Bigelow, who was so overwhelmingly defeated when he ran as Johnson's candidate for Secretary of State in 1902, again displayed his abiding power to frighten privilege when he appeared as the old age pensioners' candidate in a recent gubernatorial campaign.

Both Newton D. Baker and Brand Whitlock derived from Woodrow Wilson some of the inspiration they had earlier found in Johnson and Jones and both held positions of extreme importance during his administration. After the war Baker returned to Cleveland and resumed the practice of law. Though frequently mentioned as a possible Democratic candidate for the Presidency, Baker devoted the majority of his time to private affairs, eventually building up a substantial fortune. Whitlock, who in the election of 1920 narrowly escaped being placed on the Suffragist ticket as the running mate of Mrs. Carrie Chapman Catt, remained in Europe after the close of his tenure as Ambassador to Belgium. Unable to bring himself to make more than brief visits to post-war America, he and his wife lived modestly in Belgium and France. There he finally achieved his long-thwarted ambition to become a full-time literary man. Though he turned out a respectable number of novels and a biography or two, his productivity was hampered by rather frequent illness.
Neither Whitlock nor Baker was at home in the society of the post-war radicals. The doctrine of the class war was alien to men of their background, though it was perhaps the Marxists' dogmatism as much as their principles which Baker and Whitlock found uncongenial. It is commonly assumed that their earlier radicalism faded into a kind of uncertain liberalism. In reality the attitude of both men remained pretty much the same as it had been in their crusading years. Their ideas were not much altered; what was gone was the energy with which they had formerly tried to apply them. They had drained themselves of enthusiasm in their earlier struggles and all that was left them was a sad residue of disappointment that the people were so stolid and indifferent to progress.

Though his activities were less spectacular than those of Baker and Whitlock, Frederic C. Howe also rendered important services to the administration of President Wilson. He may be regarded as the founder of the United States Employment Service for in 1916, while serving as Commissioner of Immigration at the Port of New York he organized the first Federal Employment Bureau. Later, when the progressive spirit seemed to go to sleep in America, Howe's discovery of the cooperative movement refreshed and deepened the belief in everyday men and
women which he had gained from participation in the Civic Revival. In his autobiography Howe described the delightfully characteristic way in which he stumbled on the cooperative movement: One morning in London he noticed a strange mark stamped on the shell of his breakfast egg. It awakened his curiosity to such an extent that he determined to trace the egg to its home nest. His search eventually led him to a farmers' cooperative association in Denmark. Howe was tremendously excited by what he saw. It seemed to him that cooperative marketing and production offered both an effective weapon against privilege and a warming demonstration of the competence of the average man to govern his own economic life. With the exception of a short period of semi-retirement in the nineteen-twenties (during which he produced his autobiography), Howe continued his active public career until his death in 1940. In the early days of the New Deal he was Consumers' Counsel for the AAA. Later he became a special adviser to Henry A. Wallace, then Secretary of Agriculture. At the time of his death this most useful of citizens was working with the Federal Monopoly Committee.

Throughout this study the writer's view has been that the notable thing about the Civic Revival was the
fact that it was a conscious fight against privilege. That the leaders of the movement did not succeed in destroying privilege and ending poverty has been regarded as of less importance than the fact that they identified the forces and attitudes which always oppose and often defeat liberal movements in America. According to this interpretation the clear concept of privilege which the Civic Revivalists brought to their cities was more responsible than any other factor for the rise of the democratic and humanitarian spirit which characterized Cleveland and Toledo during the period of the Civic Revival. Conversely, it appears to the author, that the decline of those qualities in the years after the demise of the movement came largely as the result of the lessening emphasis which later reformers put on privilege.

It would be wrong to assume that the concept of privilege disappeared entirely after the Civic Revivalists left office. As a vital issue, however, the theory lost much of its force. For instance, there is plenty of evidence that popular distrust of utility companies continued throughout the nineteen twenties and into the early nineteen thirties. Ordinarily, however, this discontent was the product of suspicions of flagrant stock manipulations and not of an urgent conviction of the indecency of allowing privately owned corporations to
benefit from the social necessity for such services as electric power.

The most obvious reason for the decline of the concept of privilege was the mere fact that a change in political administrations in Cleveland and Toledo (as in the Federal government some years later) brought a return of a businessman's government. The conservative administrations which followed Baker and Whitlock into office, if interested in reform at all, were more willing to consider the alteration of the structure of municipal government through such experiments as the City Manager plan than to try to work any fundamental changes in the economic basis of urban society.

Another reason for the decreasing interest in the concept is that the form and manners of privilege changed so rapidly after 1912 that the condition was not as easily recognized as formerly. Meanwhile the new issues of war, prohibition and prosperity were distracting popular attention from social reform. During the nineteen-twenties the doings of Hollywood, Gangland murders, and the fluctuations of the stock market made better reading than the injustices wrought by the System. When the depression of the nineteen-thirties reawakened interest in economic and political problems it was the national government instead of the states and the cities
which took the lead in efforts to win social justice and security. Consequently, except in rare cities like New York where there has been a large-scale extension of municipal activity the long-decried popular indifference to city government has continued to the present time.

Although the theory of privilege has lost some of its clarity in the years since the Civic Revival, privilege itself remains and flourishes. It does so because society still needs land, fuel, metal ores, power and transportation. The private enjoyment of the profit resulting from the supplying of these necessities is still the most precious of all privileges.

An awareness of the survival of privilege is fundamental to an understanding of the causes of our present economic and political discontent. In recent years we have made slight progress toward removing the conditions which permit privilege to develop. On the other hand we have succeeded in confining privilege within a maze of legal restrictions and regulations. To use a phrase popular with the Civic Revivalists we have not taken down all the prizes, but we are passing rules intended to make the prize winners behave.

Up to the present our efforts have been moderately successful. This is partly because President Roosevelt
has introduced to national affairs the same kind of resourceful leadership that Tom Johnson brought to Cleveland. Furthermore two national emergencies have enabled the Federal government to impose much stricter regulations on private business than any of the adherents of the "private ownership--public regulation" school ever contemplated. Nevertheless the prospects for future progress are uncertain. As long as privilege remains the permanence of any system of controls is open to question. This is especially true in a nation in which the three most important methods of molding public opinion (press, radio, and moving pictures) are run for private profit--i.e. are for sale to the highest bidder.

Many, if not most of the social advances introduced by the New Deal will undoubtedly continue after the war. Perhaps the socializing effects of the war economy of the nineteen-forties will exert an even more lasting influence than the social legislation of the nineteen-thirties. Yet realization of the survival of privilege should act as a sobering influence when we contemplate ambitious plans for a post-war world. One does not have to subscribe to the theory that the world's production is governed by a diabolical cliche of international bankers to realize that our system is not primarily designed for such purposes as producing steel for national
uses or for insuring employment to the worker. As long as privilege endures, the basic purpose of our economic system will always be to insure that the private groups which own or control resources and facilities which possess a social utility get their share of profit before anybody else receives a taste of the benefits.

One of the results of the New Deal has been to popularize government to such an extent that in a sense we are all privilege seekers now. Previously exploited groups like labor and agriculture have joined the business man in trying to secure the advantages of friendly legislation. This is very disconcerting to groups which in the past have been the exclusive recipients of legal privilege. What it means is that larger and larger sections of the public are coming to realize the useful functions to which a democratic government can be put. For the privilege of having a job, of receiving equitable compensation for one's labor, and of being able to face any situation without the haunting fear of poverty is quite different from the type of privilege which the Civic Revivalists set out to destroy. Men like Johnson and Jones would regard the rising surge of "wanting" among the masses of men as something to be encouraged. It is exactly the attitude they tried to develop among the citizens of Cleveland and Toledo. To their way of
thinking, a vigorous popular demand for the use of politics as a medium for securing the welfare of all the people was the best possible guarantee that government would not be subverted to private, class, or party benefit.

The Civic Revival occurred during one of those epochs of American history in which the traditional faith in the common man burned especially bright. As in the period of Jackson and Lincoln it was a time when Americans gave more than lip service to the belief that the average individual citizen was the most important element in the nation's political and social life. We cannot say that Americans lost this faith in the years after the first World War for in the last decade we have seen remarkable demonstrations that appeals to the forgotten man remain the most dynamic factor in our politics. Nevertheless, just as the concept of privilege received scant attention from post-war thinkers, so the vocal elements in the United States in the nineteen-twenties were not impressed by the capabilities of the common man.

The Civic Revivalists and the Progressives had been in love with the people; their fervor for popular rights was as much mystical as rational. This romantic interest was not shared by their successors in power. For one
reason certain conspicuous aspects of everyday life in America were not such as to evoke confidence or respect. At a time when both radical and conservative philosophers placed more emphasis than formerly on economic considerations, the typical American made his living in such a way (by tending a mass-production machine or by drawing dividends from investments) that he got little real satisfaction out of his work. Consequently he sometimes went to fabulous and pathetic attempts to enjoy himself, thus earning the contempt of both the intelligentsia and the sober citizen.

The Civic Revivalists had relied on "the people" to break the political power of privilege. During the nineteen-twenties, a few thoughtful Americans began to question the existence of the people as a political force. One of them, Roger Baldwin, laughed at the "phantom public." "There is no 'Public'," he wrote. "The 'People' as a political party are unorganizable. Only economic classes can be organized. The only power that works is class power."¹

Significantly enough the waning faith in the people was accompanied by a loss of assurance in the future of

¹"Where are the Pre-War Radicals," The Survey. Graphic Number, LV, 556-566, (February, 1926) 560.
America. The Progressives had not doubted that the nation had a great promise which would inevitably be fulfilled. A few years later the outstanding liberals, to whom the average man was no longer a heroic figure, began to look to Russia, India, China, Mexico, or even to the British Labor Party rather than to the United States to furnish the leadership for the future.

It had never occurred to the Civic Revivalists to use any but peaceful political methods to attain their ends. In later years one man who had once been prominently identified with the Civic Revival discarded his earlier reliance upon political action in favor of revolutionary force as a means of attaining the goal of a privilege-free society. He was Lincoln Steffens. A student of revolutions, he eventually became convinced that democracy could never be obtained by democratic methods. Privilege is so firmly intrenched, he wrote, that it can be uprooted only by force. He warned that no matter how earnestly the radicals might desire to bring their reforms about gradually and bloodlessly a point was bound to be reached beyond which the privilege-holders would refuse to retreat without first trying battle.2

2Letter to Marie Howe, November 15, 1924, The Letters of Lincoln Steffens, edited by Ella Winter and Granville Hicks, 667-668. See also letter to Daniel Kiefer, August 20, 1920, ibid., 551-552.
A Civic Revivalist of the stamp of Frederic C. Howe would have agreed with Steffens that any one who fights privilege must be prepared to meet violence. Howe would not have agreed with Steffens, however, in the latter's contention that the only way that privilege could be destroyed was by having the people surrender their power to a highly organized, minutely disciplined minority. That would have smacked too much of the evangelical psychology to him. "After all," Howe would have said, "there is not a whole lot of difference between the program of the Communist Party and that of the Anti-Saloon League. One wants the dictatorship of the proletariat and one wants the dictatorship of the righteous. Both are ready to use force and guile in order to make the people be good."

Democratic advance is a slow and discouraging process to the impatient. The people are not an army and they are not always on the march. It would be easy to ascribe our halting progress to "human nature" or "natural cycles" of radicalism and reaction. The whole point of this essay, however, has been to show that a more pertinent explanation is the survival of privilege in our economic life.
The Civic Revival did not destroy privilege even in the two cities of Cleveland and Toledo. Yet it would be shortsighted for us to assume that the movement was therefore a failure. The Civic Revival was an episode only, and not the final chapter in a long story. The end of the story has not yet been written. We are today in perhaps a better position than ever before to continue and to reap the benefits of the fight against privilege. This is not only because of the gains secured by local and national political movements such as the Civic Revival and the New Deal, but because of the disruption of our traditional economy by the war. The success of our efforts is not certain; neither is their defeat inevitable. If we would have our measures be effective, however, there is much that we can learn from a study of the segment of local history which we have called the Civic Revival.

The Civic Revival has given us tangible examples of privilege, which though perhaps not entirely applicable today, still serve to help us identify the condition in its present-day manifestations. In public ownership of public utilities, municipal home rule, non-partisan voting, and direct legislation the movement has furnished us with tools for fighting privilege. Despite the fact that some of the tools may now appear out-moded the basic
technique of the Civic Revival, which was the encouragement of popular participation in all decisions affecting social welfare, is still valid. The movement has provided us with notable demonstrations of rational and humane methods of treating crime. The work of its leaders should help us understand the barrenness of personal or moral diagnoses of social and economic ills. Most important of all the enlightened spirit that the Civic Revival kindled in Cleveland and Toledo should be both encouraging and instructive to us as proof of what some Americans have been able to accomplish toward the realization of the opportunities democracy has for so long promised.

We are accustomed to hail the contributions of the frontier to American life and have been taught to ponder the significance of its closing. Yet expansion relates not to development in size alone but to growth in experience as well. At the very same time that the old agrarian frontier was disappearing the Civic Revivalists were opening up for democratic settlement the wastelands of urban, industrialized society. Frontiers are not necessarily, or even primarily, geographic areas. They are new environments, offering new problems, suggesting new experiments, and providing fresh ground for the reworking of the ideas we carry with us.
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B I B L I O G R A P H Y

I. BIBLIOGRAPHICAL ESSAY

In order to properly evaluate the references listed below it is necessary to restate the broad purposes of this study for these ends have necessarily influenced the selection and organization of bibliographical data. The writer's objective has been to describe the aims of a political and social movement in an understanding fashion, to characterize the leaders of the movement, and to give a clear exposition of the theory of privilege.

Because they provide by far the best fund of information on these points the writings of the men who played leading roles in the Civic Revival may be regarded as source materials for the study. Since nearly all of the Civic Revivalists were more than ordinarily interested in expressing their ideas in literary form it has been deemed advisable to give much more weight to their writings than to other types of documentary material.
The foundation stones for an understanding of the meaning of the Civic Revival are Tom L. Johnson's *My Story*, Samuel M. Jones' *The New Right*, Frederic C. Howe's *Confessions of a Reformer*, and Brand Whitlock's *Forty Years of It*. The writer has also relied heavily on Jones' songs and magazine articles, Whitlock's novels, and the numerous books and articles written by Howe. Of these probably the most influential in shaping the writer's presentation of the Civic Revival and its leaders were Jones' *Letters of Labor and Love*, Howe's *The City, the Hope of Democracy*, and *Confessions of a Monopolist*, and Whitlock's *Turn of the Balance* and *J. Hardin & Son*. Although he was not himself a member of either the Cleveland or Toledo groups the early writings of Lincoln Steffens, such as *The Shame of the Cities*, have been accepted and used as expressions of the political philosophy of the Civic Revivalists.

The excellently edited *Letters and Journal of Brand Whitlock* contains material of great interest to students of the Civic Revival. Besides a valuable collection of letters the first volume of this work contains a foreword by Newton D. Baker and a biographical introduction by the editor, Allan Nevins. Another collection of letters which is worthy of careful study is the Granville Hicks-Ella Winter edition of the correspondence of Lincoln
Steffens. The letters which Steffens wrote to Frederic C. and Marie Howe and to the Cincinnati single taxer, Daniel Kiefer are of special interest.

In writing this essay very considerable emphasis has been placed on contemporary comment about the Civic Revival as reflected in articles and editorials in periodicals. Undoubtedly the most intelligent contemporary interpretations of the movement are those to be found in the columns of two comparatively little-known publications, The Arena and The Public. Among the more widely circulated magazines The Outlook and The Independent devoted most space to reporting and commenting on the progress of the Cleveland and Toledo movements.

Needless to say a mass of information relating to the Civic Revival is embedded in newspapers like the Cleveland Plain Dealer, Press, and Leader and in the Toledo News-Bee and Blade. To avoid being overwhelmed by the weight of all this information the writer made frequent use of collections of newspaper clippings on file in the Cleveland and Toledo Public Libraries and in The Ohio State Library. Reprints of some early speeches of Samuel M. Jones, not easily available elsewhere, were discovered in a short-lived Toledo paper called the Toledo Saturday Night.
The local governmental publications to which most frequent reference was made during the course of the writer's research were the yearly volumes of the Toledo Annual Statement. A W. P. A. writers' project, The Inventory to the Municipal Records of Ohio proved to be a good guide to the public documents of Cleveland. As a result of information supplied in this latter work I was able to locate several volumes of the official Letter Books of the city of Cleveland for the period when Tom Johnson was mayor.

In addition to the sources already mentioned the writer has had the benefit of useful letters from Mrs. Percy Jones of Toledo and the Reverend Herbert S. Bigelow of Cincinnati. Further information was obtained from interviews with Mr. Paul H. Jones of Toledo, and Messrs. Peter Witt, Frederick W. Green, and Thomas P. Schmidt of Cleveland. Mr. Jones allowed me to examine the Jones family scrapbooks.

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