ROBERT MURPHY NEVIN OF DAYTON: HIS ROLE

IN THE PROGRESSIVE ERA

A Thesis

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by

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PREFACE

The Progressive Era was one of the periods of the highest idealism and reforming zeal in American history. A spirit of change swept the country as people sought to preserve and expand their democratic institutions while, at the same time, making their government a guardian of individual economic rights. Politicians often found that, as a result, the public was demanding many modifications in their interests and attitudes. They had to adjust from their older ways of the nineteenth century to a posture more sensitive to the needs of the time. The careers of many were shortened by a failure to successfully make this transition.

One Ohio politician facing this dilemma was Robert Murphy Nevin, a longtime political figure in the Dayton area. He was nearing the end of his career at the time of the Progressive Movement, but with his fellow politicians faced the problem of adjustment to its demands. It is the purpose of this paper to examine the degree to which he succeeded and his overall role in the Progressive Era.

Unfortunately, as far as this author has been able to determine, none of Nevin's personal papers has survived the years. Those that did exist were either swept away by the major flood in Dayton in 1913 or were destroyed in a later fire at the family home. Consequently, most of the basic elements of this paper have been gleaned from the newspapers of the time and from other contemporary records.
To Professor Francis P. Weisenburger is owed a debt of gratitude for his help in the selection of this topic and for his sympathetic aid in seeing it to completion. Additional thanks are owed to Mr. Robert S. Kevin of Dayton whose cooperation and encouragement were of great value.
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CHAPTER I

THE PROGRESSIVE ERA

From the time of the Civil War until the turn of the century, American society was undergoing a very basic transition. As a result of the rapid settlement of the western plains, population patterns became very mobile and unstable. The rapid rise of the city with its growing pains further complicated the situation. This was accompanied by a rapid rise of industry and the great wealth which it produced creating economic, social, and political problems of considerable magnitude. As these changes occurred, scattered protest movements erupted, such as the Grange and Populist movements. It was, however, not until the turn of the century that the feeling became widespread that some adjustments were needed. From that time until the United States became increasingly occupied with World War I, a series of serious and often lasting reforms was undertaken. This period has become known in American history as the Progressive Era.

The progressive movement, in the most general sense, was a social and political effort to find solutions to an amazingly large number of domestic and foreign problems created by the numerous industrial, urban, and population changes of the late nineteenth century.\(^1\) There were

\(^1\)George B. Mowry, *The Era of Theodore Roosevelt, 1900-1912* (New York: Harper and Brothers Publishers, 1958), p. 86. (Hereafter this work will be cited as Mowry.)
several fundamental points about this movement which should be considered as we proceed. The most important of these is that the movement was not a single, nationally organised program with central direction. It grew up spontaneously in many places at once, often from the same causes and often with similar results. As time passed, a sense of unity developed among the various movements and a form of very general leadership appeared. The main strength of the progressive movements, however, remained on the local level.

The second point to remember is that the greatest portion of the reforms adopted was accomplished on the local and state levels. However, as time passed, common needs often became apparent which could best be satisfied by national legislation. It was in this sense that Presidents Roosevelt, Taft, and Wilson developed their progressive programs and the appearance of a national movement was realised. Theodore Roosevelt, to a large degree, came to personify the national movement. His personality and temperament ably suited him as a man of the progressive mentality and it was during his years in the presidency that the movement first reached national attention. Although not having created the movement, Roosevelt, by being in the right place at the right time, was able to introduce it into national politics and associate it with his political career.

A final point, to which allusion has been made, is the relative economic prosperity of the Progressive Era. Periods of unrest and reform are usually thought to occur in times of economic collapse or great political oppression or instability. By this standard, Americans should not have been looking to reform at that time, but should have been content with the political and economic system producing their prosperity.
When his personal nature and motivations were examined, the progressive reformer revealed himself as a very interesting person. The great majority of the progressive leaders came from what was often referred to as the "solid middle class." They were usually young, in their thirties, and native-born with a college education and a background of political conservatism. Very few were farmers or labor-union leaders, and the salaried managers of large industrial and transportation enterprises were completely unrepresented. A measure of their former conservatism was that in the presidential election of 1896, most post-1900 progressive Republicans staunchly supported William McKinley and most post-1900 progressive Democrats were either neutral toward or opposed to William Jennings Bryan. Some of these men were of self-made wealth and seemed in great measure to be apologizing for their affluence by associating themselves with the progressive movement.

This economically secure, well-educated, generally middle-class group, living in the midst of relative prosperity, would seem on the surface to have little reason to take part in reform movements. However, the reforms of the Progressive Era were those of the head and the heart but rarely of the stomach. These men were, at times, indignant but rarely angry. Thus, their motivations were different from those usually expected in reform movements but were, nevertheless, equally impelling.

\[\text{Richard Hofstadter, }\textit{The Age of Reform} (New York: Alfred A. Knopf, 1955), \text{ p. 144.}\]

\[\text{idem, p. 87.}\]

\[\text{idem, p. 88.}\]
The progressive's primary motivation developed from the rise of the new industrial rich. The middle class had traditionally dominated American life. This great influence was ebbing rapidly as the captains of industry more and more cast their shadows across all phases of the American existence. So great was their power that the traditional values of political democracy and individual economic opportunity were being threatened. Though motivated to a large measure by his loss of class status, the progressive aimed his reform at preserving democracy and individual initiative. By so doing, he could convince himself that he was looking after the interests of the people as they opposed special privilege and injustice. At the same time, perhaps not realising it consciously, he was seeking to restore the status of the middle class.

A second motivation was the reformer's dislike of the city. The problems arising out of its very rapid, usually unplanned growth and its large number of poverty-stricken people, many of them immigrants, were appalling. In an attempt to find a solution, many progressive reformers simply opposed cities as a way of existence and especially those elements within the city which seemed to be at the base of the problems — the political bosses and the very poor. These reformers began to romanticise the pioneer past and the agrarian background of American society. The simplicity, independence, and seeming incorruptibility of this older system became the ideal standard by which they often measured the city's problems. This tendency to look back, to attempt to achieve a past way of doing things as an answer to the present, was common among many progressive reformers. It was unfortunate that the progressive's reaction to the city was also one of superiority to the poverty-stricken masses,
especially to the immigrant. This form of prejudice was commonly held and was often extended to Negroes and religious minorities as well.

The progressive's dislike of excessive wealth and his idea that it was somehow immoral to make money on other men's products formed another of his motivations. This again referred to a simpler age in American history when every man was his own producer and reflected the reformer's tendency to attack the new industrial rich at whatever point they differed from the "traditional way."

Finally, a fear of labor organization motivated the reformer. To him, it marked as great a threat to his status from below as did the captains of industry from above. He saw himself as the protector of the laboring man's rights, and he opposed any effort by the laborer to move beyond his traditional position in society.

The progressive attacked some very real problems in the society. Some sort of adjustment of these problems was inevitable and his solutions had the freshness of idealism and the strength of moral conviction. As we look further into the progressive mentality, however, much of what the reformer did may appear somewhat hypocritical and self-serving. It was true that he sought to serve his own interests. He genuinely saw his interests as the best interests of all society. In a bleaker day, much of what he tried to do could have gone sour, but in the prosperous and hopeful atmosphere of 1900, he was able to accomplish his program with a fair degree of overall success.5

5Ibid., p. 105.
The progressive mentality thus combined its fear of the loss of group status with a confidence in man's ability to order the future.

This mood

...was a compound of many curious elements. It contained a reactionary as well as a reform impulse. It was imbued with a burning ethical strain which at times approached a missionary desire to create a heaven on earth. It had in it intense feelings of moral superiority over both elements of society above and below it economically. It emphasized individual dynamism and leadership.

One part of it looked backward to an intensely democratic small America; another looked forward to a highly centralized nationalistic state. And both elements contained a rather ugly strain of racism.  

By the time of World I, the progressive had accomplished most of his original goals and had contributed to one of the most unique and interesting periods in American history.

The progressive movement in Ohio was similar to that in other parts of the nation. The earliest signs of reform appeared before the turn of the century. During the nineties, many people had begun to protest against the control of both the local and state governments by the interests of big business and the political bosses who regularly courted their favor. This state of affairs had resulted from several longstanding principles. The first was the concept of laissez-faire, that the government should practice non-interference in purely economic matters. The second was the idea that what was profitable for big business was ultimately best for all economic levels of society. Finally, the idea of compartmentalism formed a third. This was the idea that the Christian ethic and moral rights were for one's private associations and Sundays but did not necessarily apply to business and political matters conducted during the week.

6Ibid., pp. 104-105.
Though scattered reform continued in the cities of Ohio through the early years of the first decade of the twentieth century, statewide efforts had limited success until after 1908. The peak of progressivism in Ohio was reached in the Ohio Constitutional Convention of 1912 and the first administration of Governor James M. Cox (1913-1915). As a result of these latter accomplishments, Ohio received nationwide publicity as a leading progressive state. This image would be very misleading, however, if applied to the years before 1908 when Ohio was relatively slow in developing the reform spirit.

As elsewhere, Ohio's progressive leadership was made up of men of middle-class background. Most were in their thirties, college educated, and Protestant. They were generally lawyers and professional people -- editors, clergymen, and educators; however, there was an unusually large number of labor leaders and members of the Democratic party. This was not generally true nationwide. Yet, it was still the Republican, white-collar and small business groups which lent the greatest rank and file support to the reform in Ohio.

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7 Hoyt Landon Warner, Progressivism in Ohio (Columbus, Ohio: The Ohio State University Press for the Ohio Historical Society, 1964), p. 28. (Hereafter this work will be cited as Warner.)
CHAPTER II

DAYTON AND ROBERT MURPHY NEVIN

Dayton, Ohio is located in Montgomery County in the midst of the agriculturally rich Miami River Valley and about fifty miles north of Cincinnati, which was in 1900 the second largest among Ohio cities. Dayton, then Ohio's fifth largest city, was a thriving commercial and growing industrial center, connected to Cincinnati on the Ohio River and Toledo on Lake Erie by the Miami and Erie Canal. The most important transportation connections, however, were the railroads and traction lines which linked Dayton to the entire country.

Through the eyes of a Cleveland newspaper reporter in 1905, Dayton appeared to have all the essentials of a major city. There were banks, great manufacturing plants, public service corporations, and live newspapers. According to this author, the city was not provincial and had great municipal pride and public spirit. He recognized some problems which he described as an embryonic tenement problem, the beginnings of a distinct foreign-born colony, and the rise of a number of music halls in which a fool could rapidly be separated from his money.9

Yet, he spoke highly of the city:

This is a beautiful city, too, clean for all the manufacturing done; with broad, well kept streets; pretty parks that lie in wait

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8 W. S. Couch, Cleveland Plain Dealer, September 6, 1905, p. 1.
9 Ibid.
in pleasant places; residence districts that speak eloquently of valued home life; and in a land of architectural monstrosities it is worth while to pote a beautiful courthouse...as evidence of good public taste.  

In 1905, Dayton stood ahead of Toledo and Columbus in both the number of manufacturing establishments and the amount of capital invested in industry. The items produced were varied but could generally be grouped under the headings of light machinery. The pre-eminent manufacturing concern was the National Cash Register Company which to this day continues to loom conspicuously in Dayton's economic picture. Labor was relatively plentiful, and labor organizations often found strong support among the working people of the city. Dayton had a strong Socialist party as was evidenced by its strength in the elections of 1912. With its excellent transportation connections, abundant labor supply and active, enterprising population, Dayton was moving into the twentieth century as a city experiencing rapid industrial development and facing an admirable economic potential.

Politically, the story was not so pleasant. Dayton was as "boss-ridden" as any city of similar size in the United States. In its corruption, it rivaled the infamous political machine of George B. Cox in nearby Cincinnati. The bosses and machines of Dayton usually identified themselves with the dominant Republican party; however, this did not

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10 Ibid.
11 Couch, Plain Dealer, September 7, 1905, p. 1.
13 Warner, p. 10.
prevent them from collaborating with sympathetic Democrats when a mutual advantage might be attained. Patronage was distributed in such a manner that the Democrats were neutralized as an opposition party but assured their share in the profits of the machine. This was particularly important in Dayton since the Democratic party possessed a voting strength which generally exceeded that in the remainder of Ohio.

At the turn of the century, Dayton was ruled by Joseph E. "Doc" Lowes, a Republican, whose political power was county-wide and was largely based on the four to five thousand veterans in the National Soldiers and Sailors Home, located just outside the city limits. Combining special favors with the traditional Republicanism of these Civil War veterans, Lowes was able to deliver that large block of votes for generally any purpose. Lowes did not enter politics to gain public office but to advance his personal business interests. These interests took the form of franchises from the city for various public service enterprises, including two street railways, an electric power company and a natural gas company.¹⁴ The natural gas interests were shared by the Democratic boss, Edward W. Hanley, who was Lowes' main political rival.

In non-local political affairs, Lowes was not at his best.¹⁵ After several unsuccessful forays into the statewide scene, he generally followed the leadership of Boss Cox of Cincinnati. This forged a link between the two machines which Cox tried to exploit following Lowes' death.

¹⁴Couch, Plain Dealer, September 6, 1905, p. 2.
¹⁵Ibid.
Municipal reform in Dayton was given assistance in 1902 when the state legislature approved a new municipal code improving the city's governmental organization. It reduced the City Council to a unicameral body, partially elected at large, and increased its powers. By state-wide provisions, appointments to the police and fire departments were put on a merit basis, and a uniform law put a stop to ripper bills which had for so long kept the cities under the domination of the legislature. 16

The local machine continued in strength, however, until "Doc" Lowes death in 1905. At this time, a struggle for power erupted among Lowes' lieutenants and Boss Cox of Cincinnati who attempted to retain or increase his influence on the Dayton scene. 17 The results were the division and weakening of the local Republican party, a great amount of political confusion which continued for several years, a drop in Cox's influence, and the election of a Democrat as mayor of the city. A great furor was raised in the newspapers about bossism and graft, but confusion rather than reform seems to have been the most significant result of the upheaval. No Tom Johnson or "Golden Rule" Jones stepped in to purify the Dayton political picture, and Democratic boss Hanley gradually filled the power vacuum.

Despite their fulminations neither of the two major daily newspapers was a strong leader of reform. The morning Journal was thoroughly Republican, and in the period of upheaval tended to side with one or another of the factions struggling to control the Republican party. The

16 Warner, p. 115.
17 Couch, Plain Dealer, September 6, 1905, p. 2.
Democratic Daily News, published in the afternoon, did little true crusading until after 1910 when the progressive climate in Ohio was more favorable.\textsuperscript{18} The one exception to this was its brief support of Tom Johnson and his gubernatorial program in 1903.\textsuperscript{19}

The Daily News was owned by James Middleton Cox who was elected to Congress from Dayton's Third Congressional District in 1908. He later became a progressive governor of Ohio from 1913 to 1915 and from 1917 to 1921, and he was the unsuccessful Democratic presidential candidate of 1920. Early in his political career, Cox found it advisable to work with Democratic boss Hanley, and he refrained from taking an active progressive role in Dayton until he felt himself powerful enough to do so.\textsuperscript{20}

The focus of this thesis centers upon an earlier (1901-1907) representative to Congress from the Third Ohio Congressional District, Robert Murphy Nevin. He was a noted lawyer, orator, and long-time Republican party leader in the Dayton area. His political influence, at one time, extended throughout Ohio Republican politics, and he was known well beyond Ohio's borders as a political orator of the first order.

Nevin was born in 1850 in Danville, Ohio, near Hillsboro. Having received his early education in the Hillsboro public schools, he enrolled at Ohio Wesleyan University in Delaware, Ohio, in the fall of 1864, and was graduated in the summer of 1868. While in college, he counted among

\textsuperscript{18} Warner, p. 367.

\textsuperscript{19} Ibid.

\textsuperscript{20} Ibid.
his classmates several men who later followed very distinguished political careers. Among these were Joseph Benson Foraker, later Governor and Senator from Ohio; Charles W. Fairbanks who was to become a Senator from Indiana and Vice-President of the United States under Theodore Roosevelt; and John M. Petterson, later Governor of Ohio. It was also at Ohio Wesleyan that Nevin first met Emma F. Reasoner of Dresden, Ohio, who became his wife in 1871. This union produced four children -- two boys and two girls. The most prominent was the eldest boy, Robert Reasoner Nevin, who followed in his father's footsteps in law and politics.

After being graduated from Ohio Wesleyan, Nevin, perhaps seeking greater opportunity than could be found in Hillsboro, moved to Dayton. There he began to study law, first in the office of Thomas O. Lowe, a prominent Dayton attorney, and later with the law firm of Conover and Craighead. Following his admittance to the bar in 1871, he continued for a time to be associated with Conover and Craighead. In 1876, he formed a partnership with Alvin W. Kuwals which lasted until Kuwals was elected Judge of the Court of Common Pleas in 1896. From this time until his death, Nevin was associated with his son, Robert, and another local attorney, John W. Kalbfus.

Nevin was both a corporation lawyer and a criminal lawyer, but it was in the latter pursuit that he seems to have received his greatest acclaim. In 1906, the Dayton Daily News described him editorially as an excellent criminal lawyer. 21 This was said to be not because he cited

21 September 8, 1906, p. 4.
voluminous legal precedents to the judge, but because he gave the jury three essential things --

rhythm and reason and heart action; rhythm because he is in harmony with his subject; reason because he is himself reasonable; heart action, because he has a great pulsing heart that beats for all mankind, and especially for poor, weak, and battered mankind. 22

Nevin was apparently a courtroom orator very effective in appealing to the emotions of a jury. A more sober account of his courtroom skills was found in a contemporary volume in which he was described as a distinguished criminal lawyer:

He is remarkable among lawyers for the wide research and provident care with which he prepares his cases. At no time has his reading ever been confined to the limitations of the question at issue; it has gone beyond and encompassed every contingency, and provided not alone for the unexpected... His logical grasp of facts and principles, and of the law applicable to them, has ever been a potent element in his success. 23

Despite his success as a lawyer, Nevin accumulated no great wealth. Many of the men he successfully defended were of meager material resources. He had a large family, swollen by a step-son and an occasional protégé, which put a serious demand on his income. In addition, his political career proved a considerable drain on his finances. He lived comfortably but was not of independent means.

Nevin was a gregarious person, who was very well liked by his associates, and was a man of wide interests. Such broad interests often caused the Daily News to criticize him for "not always concentrating on the business at hand." 24 He was an incessant reader who enjoyed history,

22 Ibid.
24 September 8, 1906, p. 4.
especially ancient history, and classical literature. Not a prohibitionist, Nevin supported several bills, while in Congress, making alcoholic beverages more easily accessible to the veterans at the National Soldiers and Sailors Home.  

The degree to which Nevin was esteemed in Dayton can be measured, in part, by a comment in the Democratic newspaper, the Daily News, at the time of his death. Allowing for the tendency of writers of obituaries to become overly enthusiastic about their subjects, it was still complimentary:

The great majority of Dayton people had learned to love genial, wholesome, companionable Colonel Nevin because they appreciated him according to the measure of his real value as a citizen and man. In his death, there was terminated an unique career, one of the kind that stumps itself upon the life of a community, and his death will be felt as a distinct less. His was a life of wide activity and its influence will continue ... in Dayton for many years.

Soon after he was admitted to the bar, Nevin became active in local Republican politics. After a short time, he began to be elected regularly as a delegate to the city, county, district, and state party conventions, and in 1892, served as a delegate to the Republican National Convention at Minneapolis, Minnesota. Known as an outstanding orator, he was often called upon to nominate someone at conventions and was in high demand as a political speaker in Ohio and even out of state in presidential years. An example of his political oratory was his speech

26 December 17, 1912, p. 1.
nominating William McKinley as the Republican candidate for Governor of Ohio at the Ohio Republican Convention of 1893 in Columbus. It was very colorful and very partisan. A part of the introduction was as follows:

For the first time in the history of the world a Republican Convention is held in the same city in which there is a man (the Duke of Veragua) in whose veins flows the blood of Christopher Columbus. The great discoverer found this country with its wild forests filled with wilder Indians and savage beasts. It was then in possession of the original Democratic party. Time has rolled on for four centuries and a distinguished son of the illustrious sire visits our country, and it is his fortune and our misfortune that he finds that party again in the possession of the descendants, if not lineal, then the logical descendants of the Democrats of that elder time. For the first time in a third of a century, the Democratic party is in possession of both branches of the National Government. 28

At one of these state conventions, Nevin received the nickname "Colonel Bob" and from that time on he was referred to as "Colonel Bob" Nevin or more simply Colonel Nevin.

From 1887 to 1890, Nevin was Prosecuting Attorney of Montgomery County. In succeeding years, he was twice a candidate for the nomination of governor and mentioned on various occasions as a senatorial possibility. 29 In 1896, he was unsuccessful in a bid for election to Congress from the Third District, which included Montgomery, Preble, and Butler Counties. Running again in 1900, he was successful by a narrow margin. Recalled by progressively larger margins in 1902 and 1904, Nevin served in the Fifty-seventh, Fifty-eighth, and Fifty-ninth Congresses (1901 - 1907).

In the House of Representatives, the Colonel served on the important Judiciary Committee, but his three terms were not noted by

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28 Smith, Republican Party in Ohio, I, p. 64.
outstanding accomplishments. Always a solid party supporter, Nevin, when running for reelection, stood solidly beside the accomplishments of the Republican administrations of William McKinley and Theodore Roosevelt. His pronouncements upon the floor of the House were infrequent and brief. He often missed roll calls but he was rarely absent from the House for long periods of time. Among his achievements were a new government building for Hamilton in Butler County; the establishment of Dayton as a port of entry -- important to its industrial growth; and an extra judge for the Federal District Court of southern Ohio, who was to share his time between Dayton and Columbus. Previously, cases from both cities were heard by a judge in Cincinnati. Because of political complications, it took all of Nevin's influence as a third-term member of the Judiciary Committee and as a loyal supporter of the Roosevelt administration to obtain approval for this measure, and it stood as his greatest congressional accomplishment.

While in Congress, Nevin was often criticized by the opposition Daily News and other Democratic papers of the Third District for his lack of accomplishment. They particularly attacked his frequent absenteeism and failure to make more speeches. Toward the end of his third term, the Daily News observed that

...the written record as published by the government is not to the credit of the man. In fact it is shown that during the three terms he has been in Congress he has made just one speech, a twenty-minute argument in favor of some insignificant bill.

This district is at least entitled to a member of Congress who will attend to business a portion of his time. The roll call of the House will show to what extent he has failed to be present and take part in the deliberations of the House.30

30 September 5, 1906, p. 4.
Though he did not seem to have pursued his job with great enthusiasm, such a lack of activity as described above cannot alone be the measure of a congressman. That the opposition found little else to attack is perhaps indicative of Nevin's local political strength and widely held personal integrity. It was not an idle boast when the *Journal* claimed that had he not retired he had no fear of reelection for a fourth term.\(^{31}\)

Nevin's decision to retire from the House of Representatives, announced to the public on September 7, 1906, took nearly everyone by surprise. Though it was widely known that he was not overly happy in Washington, he had been acting very much like a candidate in the preceding days and months. On July 14, the *Journal* had carried an article headlined, "Hon. Robert M. Nevin Will Succeed Himself,"\(^{32}\) and on July 26, while visiting Governor Harris in Columbus, Nevin again spoke to reporters on his expectations regarding the coming campaign.\(^{33}\) As late as September 5, the *Journal* was editorializing in support of Nevin's coming campaign for reelection with such statements as, "Colonel Nevin's record in the last session was one to increase his popularity. It is likely that he will have a much larger vote than ever before."\(^{34}\) Thus, his retirement brought widespread speculation among the people of Dayton as to the reason for his sudden decision.

In his letter of resignation to the Republican District Convention, published on September 8, Nevin explained that he had too long

\(^{31}\) December 21, 1912.
\(^{32}\) Page 9.
\(^{33}\) *Journal*, p. 1.
\(^{34}\) Page 4.
neglected his law practice and that his personal finances would not permit his return to Washington. At this time, he pledged his full campaign support to the convention's nominee. Both local newspapers contributed additional reasons to explain Nevin's sudden reversal. The Journal felt that declining and uncertain health almost certainly was a factor. The Daily News was of the opinion that Nevin was disgusted with politics and wished to return to his home, his family, and his books. It cited turmoil within the Republican party, both in Dayton and on the state and national scenes, as the cause of Nevin's disgust.

In the days immediately following his retirement, Nevin was caught up in the excitement of the Ohio Republican Convention being held in Dayton that year. Convening on September tenth, the Convention featured a major struggle between a dissident wing of the party headed by Congressman Theodore Burton of Cleveland and the entrenched leadership represented by Senators Joseph B. Foraker and Charles Dick. Nevin was to play a dramatic role in this struggle.

At the conclusion of the work of the Fifty-ninth Congress in March of 1907, Nevin retired from active political life. His health was precarious and continued to decline until December 17, 1912, when he died at the age of sixty-two.
CHAPTER III

PROGRESSIVISM VERSUS CONSERVATION

Colonel Nevin's days in Congress encompassed the beginning of
the Progressive Era and the rise of Theodore Roosevelt. Party loyalty
dictated that he support Roosevelt, yet, conflicting loyalties were
claimed by many of the older, more conservative members of the Republi-
can party. Faced with this growing division, Nevin, like many other
fellow Republicans, was sooner or later torn by indecision. To whom
should he be loyal? Should he cast his lot with the progressive or
the older party leaders?

Nevin had elements in his background which in the instances of
other individuals had sometimes turned them to progressivism. He had a
college education, he was a lawyer and a Protestant, and he ably quali-
fied as a member of the middle class. But, others, with not dissimilar
backgrounds had remained essentially conservative.

Perhaps the most significant evidence indicating progressivism
related to his son and law partner, Robert R., rather than to the Colonel
himself. Robert R. had successfully entered politics as the Montgomery
County Prosecuting Attorney at about the time of his father's retirement.
There seemed to be little question that the younger Nevin had set out to
pattern his career closely after that of his father. However, in 1912,
at the time of the progressive rebellion from the Republican Party,
Robert R. became an active "Bull Mooser." He attended the national
Progressive Party Convention in August at Chicago, and later at the Ohio
Convention, he became the Progressive candidate for the office of Attor-
ney General of Ohio. Throughout the intervening six years between his
father's retirement and this candidacy, Robert R. had continued as the
Colonel's law partner. Though he was declining in health and was rela-
tively inactive in these years, the elder Nevin must certainly have con-
tinued as a close political adviser to his son. It would seem unlikely
that, if the father had been anti-progressive, the son would have under-
taken this serious breach with the Republican party.

A second point indicating Nevin's possible progressivism was
his repeated election as a Republican in an area which traditionally
sent Democrats to the nation's capital. Montgomery County, in the
twenty-six years preceding 1900, had sent only two Republicans to Con-
gress for a total of three terms or six years. Before that, at the time
of the Civil War, the county had been in the district of the widely
known Peace Democrat, Clement L. Vallandigham. Two years after Nevin's
retirement, it returned to the Democrats under James M. Cox. Apparently
something besides Nevin's party affiliation was aiding his election to
Congress. "Doc" Lowes' Republican machine was efficient inside Montgomery
County but was less effective in the other two counties in the district.
Something personal in Nevin's appeal to the voters must have been provid-
ing his margin of victory. It could have been a feeling by the people
that Nevin held a greater concern for them and their future than did his
opponents.
During his third term in Congress, Nevin ran into a previously mentioned legislative difficulty which may have aligned him more closely with the Roosevelt interests. This difficulty was related to his effort beginning in the spring of 1906, to provide a federal judge to hear cases in Dayton for at least part of each year. As a member of the House Judiciary Committee, he had no difficulty in getting his measure approved by that body and by the House of Representatives. However, upon reaching the Senate, the provision ran afoul of Ohio's Senator Foraker, a member of the Senate Judiciary Committee. Despite his long association with Nevin, Foraker opposed the measure on two grounds. First, he felt there was not enough court business in Dayton or Columbus to justify removing these cases from Cincinnati. Being from the Queen City, Foraker was concerned that she might lose economically as a commercial center if litigants did not travel there to have their cases heard. His second reason was his opposition to the expected appointee to the new judgeship, David K. Watson, formerly a reforming Attorney General of Ohio at about the same time that the nonreforming Foraker was Governor.

President Roosevelt's Attorney General, William H. Moody, at first opposed the whole idea of a new judgeship, but soon reversed himself and supported Watson for the appointment. Relations between the President and Senator Foraker were somewhat antagonistic at the time and neither missed an opportunity to embarrass the other. Moody's reversal very likely took place as an effort to embarrass Foraker who had publicly expressed the opinion that "no new judgeship would be created."}

this time, Nevin was caught in the middle. To continue to press for his measure would have meant siding with the President and straining his old association with Foraker. To side with Foraker meant abandonment of the measure. Nevin chose to stay with his bill, thus casting his lot with the more progressive Roosevelt.

The following February (1907), the judgeship which provided for sittings shared equally between Dayton and Columbus was finally approved. The passage of the bill was achieved through a compromise in which Watson was bypassed and a neutral party acceptable to both sides was appointed to the judgeship. In the meantime, Nevin had chosen not to run for reelection. His awkward political position resulting from this affair may well have influenced his decision.

Nevin's sudden retirement in September of 1906 may have been a fourth piece of evidence indicating his possible progressive sympathies. As a result of his legislative struggle over the federal judgeship, he had found it necessary to conflict with Senator Foraker. Foraker, along with Senator Dick who led Mark Hanna's old organization, virtually dominated the Ohio Republican party. They were representatives of the old order and generally opposed the growing progressive reform movement. By alienating Foraker, Nevin may have lost the support of the state-wide machine. There was an indication that outside campaign funds, usually available to the candidate of the Third District, were not to be made available in 1906.39 In addition, Nevin's announcement of his retirement came the day after a mysterious meeting in Cincinnati with Senator

Foraker and several of Foraker's associates. It was possible that Nevin had become too progressive for the state Republican leadership and was forced to step aside.

Finally, the rather strange treatment of Nevin by the Dayton newspapers may have indicated that he held a degree of progressive sympathy. Throughout his career in Congress, the Republican Journal, not known for its progressive sympathies, supported him editorially but never with great enthusiasm. At election time, the Journal's editorials were few in number compared to those given many other candidates for office and were based on the argument that a Republican majority was needed in Congress. They rarely praised Nevin or his personal record, and were probably of little help to him in his somewhat pivotal district. In the following excerpt from one of these editorials, the reader will note that the Journal "expected" Nevin to carry out the "tenets of the Republican party" but did not sound overly certain that he would:

He was nominated to stand for the tenets of the Republican party and to join in the progressive work that will be continued in the next Congress and he...will again appear before the voters of the "Old Third" to remind them of the party he represents and the work that he is expected to resume when he returns to Washington next fall.

On another occasion, such editorial remarks as, "He has his enemies and he has his friends," and "Not that there are no other worthy candidates" could not be considered the type of statements that a man running for re-election would want said about him, especially in a supposedly sympathetic newspaper.

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40 September 5, 1902, p. 4. (The Journal was known at this time as the Daily Journal.)

41 September 4, 1902, p. 4.
The Democratic Daily News, on the other hand, rarely attacked Nevin on any ground other than that he was neglecting his job by not attending, speaking, and voting more regularly in the sessions of Congress. He was rarely mentioned by name and the appeal was more to Democratic unity and loyalty than to any perfidy on Nevin's part.

Notably, at the time of Congressman Nevin's retirement, the Daily News praised him lavishly in an editorial published the day after the announcement had been made. In contrast, the Journal made no editorial comment of any kind. In addition, the Journal's headline over its frontpage story dealing with the retirement read, "Eugene Harding for Congress Following Retirement of Col. R. H. Nevin." Supposedly, the retirement was a surprise to everyone, especially the Journal, yet it was already boosting a successor before it had gracefully disposed of Nevin.

This lack of enthusiasm for the Colonel by the Republican paper and the somewhat enthusiastic attitude of the Democratic paper published by James M. Cox, later a leading progressive, seems significant. Nevin was obviously not highly popular with the Journal, and, while partisan politics blocked the way, he was certainly popular personally, if not politically, with the Daily News. An element of progressivism could have accounted for this.

On the other hand, there is evidence which indicates that Nevin's political sympathies lay with the older leaders of the Republican party.

\[h2\] September 8, 1906, p. 4.

\[h3\] September 8, 1906, p. 1.
He was an older man in his mid-fifties and had been active in Republican politics for many years. His ties were not with the rising generation of progressives who were usually much younger and more intellectual in their approach to politics. As the Daily News remarked upon his retirement, "Men of the 'Bob' Nevin type are 'losing out' in politics because of this cool, calculating way people are acquiring." Nevin was an old-time, highly partisan stump-slayer who appealed to the voter's emotions with his personality rather than to his reason with a rational program. Reform and change were not readily familiar to Nevin. He was a man of an earlier era in Ohio politics.

Nevin's closest political friends and associates reflected this older image. Senator Ferraker, rarely identified with the progressives, was described by a newspaper as one of Nevin's "nearest advisors." William McKinley appears to have been another close friend and associate from early in Nevin's career until McKinley's death in 1901. Possibly growing out of this latter association was a close relationship with Mark Hanna which continued until Hanna's death in 1906.

In the pursuit of his law practice, the Dayton Colonel made another association which tied him to the non-progressive image. In his role as a corporation lawyer, he had obtained the position as legal counsel in the Dayton area for the New York Central Railroad. This

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44 September 8, 1906, p. 4.
46 Ibid., and Journal, December 18, 1912, p. 12.
relationship had its start in 1882, when Nevin was first entering politics, reached its height in the 1890's and his congressional years, and did not end until the year of his death, 1912. In the Progressive Era, much was made of politicians who took legal fees to serve the political interests of big business. An example was the scandal over Senator Foraker's association with the Standard Oil Company which in 1908 ended Foraker's active political career. There is no concrete evidence that Nevin used his political influence to aid the New York Central. However, while in Congress, one of Nevin's few utterances on the floor of the House was to defend a measure mildly limiting railroad practices in contrast to proposals in the House seeking more stringent regulations. The occasion may have arisen because the bill was being reported by the Judiciary Committee of which he was a member, but the fact remains that this speech was very sympathetic to the railroad and to the big business point of view.

Further indication of Nevin's lack of enthusiasm for progressivism came during the stormy campaign of the Dayton and Montgomery County elections of 1905. It was in that year that "Doc" Lowes had died and his machine had begun to dissolve. Charges of corruption among public officials became the main issue of the campaign and accusations flew from all sides. Robert R. Nevin was running for county prosecutor and, as a result, the Nevin family became deeply involved in the campaign.

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48 Ibid.
50 Congressional Record, 57th Cong., 2d Sess., 1903, XXXVI, pp. 1817-18.
A few days before the election, the Daily News responding to charges by the Journal of the practice of nepotism by Democratic officeholders, published a list of the political positions held by the Nevin family and its associates. Col. Robert M. Nevin was, of course, listed as a congressman and, ironically, Robert R. was listed as the prosecuting attorney despite the fact that the election had not yet been held. The Colonel’s young legal protegé, A. J. Fiorini, was listed as Deputy Fire Commissioner; Charles R. Nevin was the official auctioneer for the sheriff; the Colonel’s foster son, Nevin Brumbaugh, was secretary of the Board of Public Safety; and John W. Kalbfus, the Nevin law partner, doubled as secretary of the Board of Elections and the Colonel’s secretary in Congress. This produced an overall income of $16,600 annually by the tabulation of the Daily News. While the publication of this information was purely for political motives, it revealed the extent to which Congressman Nevin and his family were benefitting from the distribution of patronage by the local Republican machine. This put the Congressman in a rather poor position to advocate reform.

Nevin’s identification with the local machine can also be inferred from the bills that he introduced in Congress. It has been previously shown that the local Republican machine depended strongly upon the support of the Civil War veterans at the National Home on the edge of the city, and that they were treated to favored treatment in exchange for their support. In each of Nevin’s terms in Congress, he introduced an exceptionally large number of bills requesting new pensions, increases

51 November 4, 1905, p. 11.
in existing pensions, the removal of charges of desertion, or other
types of relief for veterans available only through special acts of
Congress. A peak was reached in the first session of the Fifty-ninth
Congress when he introduced 18th of these measures. Granting that Nevin
had an unusually large number of constituents in need of such service,
it was likely that many of these favors were a part of a close arrange-
ment between the veterans and the Republican power structure which Nevin
apparently was representing.

Throughout Ohio in 1905, sentiment against bossism was riding
high. 52 Democratic mayors were elected in Columbus and Dayton and the
supposedly entrenched Boss Cox was swept from power in Cincinnati.
Shortly before the close of the Dayton campaign, Colonel Nevin made a
speech at a major rally in which he further revealed his differences
with this growing need of reform. Failing to sense the progressive need
or ignoring it, Nevin attempted to distinguish between political bosses
and corrupt public officials -- a distinction full of obvious difficul-
ties. The general public and most reformers thought of them as in-
evitably one and the same. He said, "Bosses are born, not made. They
possess special qualifications. They are the real leaders of men." 53
Then he cautioned the people of Dayton not to worry about bosses else-
where:

If George B. Cox is good enough for the people of Cincinnati
and Hamilton County, what business is that of ours up here? I do
not defend bossism at all, for I do not believe in it, but I cer-
tainly want to be consistent, and therefore I say that people here

52 Warner, p. 160.

should not complain about what the people in another community want. We were accused once of having a boss in Dayton, and, indeed, I am sorry that he is not with us tonight, but that was our business and no concern of the people in another community. 54

The least that can be said is that both Nevin and his listeners must have been confused after that statement. More important, however, his failure to condemn bosom in principle, his indirect support of George B. Cox, and his declaration of loyalty to the memory of the recently deceased Republican boss of Dayton, Joseph Lowes, put Nevin entirely out of step with the mood of the people and with the progressive movement.

Further evidence of Nevin's support of the old party leaders came in the Ohio Republican Convention of 1906, when the State Chairman, Senator Dick, was challenged by a dissident group under the leadership of Congressman Theodore Burton of Cleveland. Many contemporary observers billed this confrontation as an attempt by Burton, the representative of the people, to overthrow the representatives of privilege and bosom, Dick and Senator Foraker. At the height of the turmoil and just before the vote on a motion to oust Dick as the party chairman, Robert Murphy Nevin committed his last major political act. When Harry Daugherty, an ally of Burton's and the last scheduled speaker before the vote, was finished, Nevin made an unscheduled and unexpected appearance on the floor of the Convention. The Cincinnati Enquirer described what happened:

..."Bob" Nevin...coastless and with collar hanging like a string about his neck, came down the aisle. With a remnant of his great

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54 Ibid., and Daily News, November 4, 1905, p. 11.
voice he protested against the humiliation of Senator Dick. To defeat him, he asserted, would be to humiliate the Republican party. This provoked jeers from the opposition and cries of "Oh no Bob." The speaker insisted that it would be an insult to the State Committee which had already elected Senator Dick. 55

With this done, Nevin retired from active political life. He finished loyal to the old party and its leaders. It was now up to Robert R. Nevin to continue the political career which his father had begun.

55 Cincinnati Enquirer, September 13, 1906, p. 2.
CHAPTER IV

CONCLUSION

There can be little doubt that a great many men in those early years of the Progressive Era were truly astounded by the great economic, social, and political changes they were seeing everywhere around them. This was no less true of many long-time Republican politicians who were witnessing a growing division within their party, resulting from these changes. This division was forcing them more and more to choose between a traditional leadership with the traditional ways and a new, young, and vigorous faction which, at once, seemed impertinent in its demands but increasingly popular with the people. The longer these old faithfuls were faced with this choice, the more confused they became. Party loyalty counted greatly with them and this meant loyalty to the traditional ways. Yet, as the older leaders came more into disrepute with the people, loyalty to them became progressively difficult for the politician who wished to be elected to office. In addition, these younger men had come up with something worth considering. It was becoming obvious that there was a great deal of injustice and unfairness existing in the American society and in the Republican party. Fair play and justice were foundation stones upon which America was built. Was the elder leadership really violating these hallowed maxims? Were the elder leaders seeking to gain profit for themselves and their mentors at the
expense of the people? The answers to these questions were vital. If affirmative, these answers certainly would bring disillusionment and disgust to the long-time Republicans. The questions had to be answered, but many dreaded the answer they would find.

Perhaps included among these undecided and confused Republicans was Robert Murphy Nevin. He had loyally served the party for more than thirty years and found it difficult to renounce many of the tenets of the Republican party. Conversely, he may have recognized that much was wrong with the existing system and that some revisions were needed. A revision to the extent being proposed by many progressives, however, may have caused him to react with concern and indecision.

This indecision may better have explained his frequent absences from roll-call votes in the House of Representatives than did the charges of laziness and disinterest on the part of the Daily News. On three of the most notable progressive measures which were passed while he was in the House -- the Elkins, Hepburn Rate, and Pure Food and Drug Acts -- Nevin failed to vote. He was not alone in hesitating to take a stand on these issues for on the Elkins Act there were 95 out of the 435 representatives who either failed to vote or voted "Present." There were 161 who did not take a stand on the Hepburn Act and 121 who failed to make their position clear on the Pure Food and Drug Act. Surely many had other reasons, but such an unusually high number could have indicated some reluctance to be placed on the record with regard to these bills. It would seem that Nevin as well as other members of the House reflected indecision on this progressive legislation.
Due to the particular nature of the Congressional political situation at that time, Nevin was able to postpone a definite decision on progressivism. The House of Representatives was not the battleground. Most of the opposition to progressivism and Roosevelt "came from powerful, able, conservative, and standpat titans led by Nelson W. Aldrich and concentrated in the Senate.... The growing tensions between elements in the Republican Party were not evident in the lower chamber because Speaker Cannon and the President worked well together." 56 The members of the House were thus spared, for the time being, the agony of decision.

It is possible to cast doubt on every piece of evidence that indicated Nevin's progressivism except that of his son's break with the Republican party in 1912. If Colonel Nevin had any role in the progressive movement, it was this contribution of his son and whatever he might have contributed indirectly through him. His own career was virtually void of any true progressive action.

It is then probable that his great popularity in the Third District might better have been attributed to his affable political personality rather than to any particular degree of progressivism. Likewise, his efforts in acquiring a federal judge for Dayton did not necessarily indicate a growing alliance with Roosevelt. Nevin was caught in a quarrel between two representatives of these opposing wings of the party -- Roosevelt and Foraker. He did not cause the quarrel and his role in it only further confused him as to where his loyalties should lie.

Following the quarrel, there is no real evidence which indicates that Foraker held any animosity toward Nevin.

Apropos to Nevin's retirement, it was possible but not probable that political pressure was its cause. He was a third-term congressman assured of election to a fourth. Whatever minor differences he may have had with Foraker, his record for party loyalty would have more than offset them. The meeting between Nevin and Foraker in Cincinnati, the night before Nevin announced his retirement, retains its ominous overtones. However, if the editor of the Hamilton Democrat were accurate, nothing unpleasant took place.\(^{57}\) The editor's account of the event was that Nevin appeared before Foraker and three other party leaders,\(^ {58}\) frankly admitted to being financially unable to continue in office, and announced his intention to retire. "Senator Foraker did everything possible to induce Mr. Nevin to reconsider, but Mr. Nevin was firm in his determination and told the men he was out of consideration."\(^ {59}\) Any further questions as to whether political pressure was used to force Nevin from office would seem to have been answered by his vigorous support of his successor, Eugene Harding of Middletown. Such support would not have been natural of a man disgruntled over being forced from office.

In fact, Nevin had other excellent reasons for withdrawing at that time. His badly weakened finances probably were the most valid. His son, who had been helping to keep their law firm running, had been elected Prosecuting Attorney the year before. This had left the entire burden of the law firm on his already overworked third partner, John

\(^{57}\) Hamilton Democrat, September 7, 1906, p. 7.

\(^{58}\) O. V. Parish, Charles Heiser, and Peter Schwab.

\(^{59}\) Ibid.
Kalbfus. Having no other significant source of income to supplement his hardly adequate congressional salary, the elder Nevin was faced with a serious financial shortage.

Another reason for his retirement was that the Democratic party in 1906 was showing few signs of coming up with an imposing challenger for his congressional seat. This made it possible for him to depart honorably and gracefully from his office without threatening his party's hold on the Third District.

There may also have been some truth to the Daily News' argument that one of Nevin's primary reasons for retirement was his disgust or, at least, discouragement with the Republican political situation. Torn between his sense of justice and his old loyalties to the Republican party and its leaders in Ohio, he may have reached the conclusion that he had outlived his political usefulness, and that he should step aside and let his son move into his place on the political stage. The younger Nevin would have been freer of the Colonel's old political ties, yet could have benefited from his reputation and advice.

Finally, the health factor cannot be discounted. As early as the fall of 1905, the Daily News had mentioned that Nevin looked well, in spite of reports that his health was not good. At the time of his retirement nearly every newspaper account referred to his poor health as a factor in his decision.

The relatively weak support accorded Nevin by the Journal and the surprisingly good treatment by the Daily News might also be explained by

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60 November 4, 1905, p. 11.
other factors than his progressivism. The Journal tended to represent factions within Dayton's Republican party and it may have been that the Colonel was with an opposing faction. The Daily News never referred to him as a progressive but seems to have admired him as a person and as a vote-getter, but not necessarily as a politician.

Much of the evidence indicating Nevin's more conservative position was also very circumstantial and open to question. His age did not prevent his being progressive since a number of progressives were older men who had strong attachments to the older Republican party. As for his close political friends, both McKinley and Hanna were dead by 1906 and he was on shaky relations with Senator Foraker. The relationship with the New York Central existed, but there is no real evidence that he ever represented the railroad's interests in Congress. Finally, the fact that many members of his family held appointive political positions would not necessarily prevent him from progressive sympathies.

However, some of this evidence is more concrete. Nevin did take a conservative position on trusts and railroad regulation in his speech on the floor of the House of Representatives. More important, there was no question about his guarded defense of political bossism at the 1905 campaign rally. Finally, his defense of Senator Dick at the Ohio Republican Convention of 1906 was not in the interest of the progressive movement. He may not have been a reactionary, but if he were a progressive, he was a very reluctant one indeed.

It would probably be best to describe Robert Murphy Nevin as a mid-western, solidly middle-class politician who was somewhat bewildered
by the wave of change sweeping across his party and his country. His political career had been long, honorable, and productive. As he tired of the political wars and was swept by the confusion of the reform movements, he became eager to relinquish his position of political leadership to a younger, more active generation. That this younger, more progressive generation might succeed in its goals, he may well have wished, but to describe his role in its Progressive Era as significant would be to greatly overstate the case.
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