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The Ohio State University, Ph.D., 1968
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THE POLITICAL CAREER OF HARRY M. DAUGHERTY

DISSERTATION

Presented in Partial Fulfillment of the Requirements for the Degree Doctor of Philosophy in the Graduate School of The Ohio State University

By

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* * * * *

The Ohio State University
1968

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INTRODUCTION

"Anyone who wants the truth has ample facilities for finding it out," Harry Daugherty wrote of his past less than three years before his death in 1941. It was in that vein that this work was inspired. Truth, however, is not always easily discovered under favorable circumstances. It is doubly difficult when retracing the political career of one so controversially and covertly involved as Daugherty. He contributed significantly to these hardships by destroying his extensive papers just prior to his death. The remaining Daugherty correspondence, located in the collections of his contemporaries, could provide only a narrow base for this study. By also utilizing newspapers, periodicals, public records, and other sources, a rough conception of Daugherty's political life gradually took shape. It was a much more arduous task to provide meaning, understanding, and truth to specific aspects of his career. In a few cases, lack of evidence made this an almost insurmountable effort.

1 Harry M. Daugherty to Cyril Clemens, June 16, 1939, Cyril Clemens Papers, Box 1/13, Ohio Historical Society.
Despite these obstacles, the political career of Harry Micajah Daugherty is worth investigating. He was politically involved with four Republican Presidents: William McKinley, William Howard Taft, Warren G. Harding, and Calvin Coolidge. Active in the McKinley presidential campaign of 1896, Daugherty also managed the Ohio segment of Taft's presidential race in 1912 as well as representing him at two Republican national conventions. He reserved his greatest political venture for 1920 when he served as Harding's presidential sponsor. Historians have attributed Harding's nomination more to the efforts of Daugherty than to any other factor. In addition, Daugherty served as Attorney General under both Harding and Coolidge during the critical postwar period. Throughout his long association in politics, Daugherty had his controversial side. Investigations, impeachment attempts, and scandals often faced him. Daugherty also failed significantly as a political candidate despite his many attempts in that area.

The intention of this work is to study the political involvements of Daugherty from 1881 to 1925. He mirrored the activities of the Republican party in Ohio in a period when that state played an indispensable part in national politics. Consequently, Daugherty's association with the important political figures of his day has significant interest. His impact upon them deserves an assessment.
Was Daugherty responsible for Harding's nomination in 1920, for example, or was this an assertion of the myth makers? Questions of this nature will undergo careful analysis. Daugherty's failure to achieve success as a political candidate also evokes additional queries. Did this relate to flaws of character and technique, or was it a matter of political retaliation because Daugherty fought too hard for his friends and his beliefs at party conventions? Again, did Daugherty perform successfully as Attorney General as he later claimed, or was he a colossal failure as critics asserted? Few men in public life have ever encountered the criticism that confronted Daugherty from the time he had first accepted this post. Was he misrepresented or accurately judged? This work will critically assess these aspects of Daugherty's career.

The writer's thesis is that Daugherty's own actions inspired the controversy and the abuse that surrounds his career. Even in a period where self-interest greatly abounded in politics, Daugherty stood above his contemporaries in this category. His political activity, too, was not always the sort that benefited the party or the country. More often than not, Republican leaders who received Daugherty's support paid for it in the end as a result of his embarrassing actions. Taft and Harding were the notable examples.
CHAPTER I

INTRODUCTION TO LAW AND POLITICS

In 1881 Harry M. Daugherty, a young man of twenty, nailed his "shingle" to the law office door of Daugherty and Gregg in Washington Court House, Ohio. Situated next to Paint Creek in the center of Union Township, this small community of 3,798 people did not compare with the large urban cities of Ohio. Yet it was the most important municipality in Fayette County. Washington Court House represented the commercial and governmental hub of the county: here, the farmers auctioned their hogs, sold their agricultural products, transacted their legal affairs, and saw their county governed. Although a small spinning business, a tool-handles factory, and a stamping works existed, Washington Court House was devoid of large industries. It instead serviced the predominantly agrarian elements of the county.

Fayette County is situated in one of the most productive farming regions in southwestern Ohio. Bordered by Pickaway and Ross Counties on the east, Highland on the south, and Madison on the north, it is rooted between Franklin and Hamilton, the most
politically important counties south of Cuyahoga. Located in the center of the county, Washington Court House is only thirty-nine miles southwest of Columbus, the state capital, and sixty-nine miles northeast of Cincinnati, the industrial and trading center of southern Ohio.

Unlike Hamilton, Fayette has always lacked the necessary ingredients to become a significant manufacturing community. Not only is the county deficient in swift rivers, there is negligible iron and coal deposits in its soil. Fayette earth, however, is rich in other resources. It has proved its worth in the production of cereal grains and nutritious grasses. Farming and stock raising have been the traditional occupations of Fayette County residents. The prosperous farms have been large, causing a sparseness of population throughout the countryside. Prosperity abounded in the county in the early 1880's when Daugherty began his legal career. Good times were not too disrupted in the early 1890's despite a severe economic depression that crippled the nation as a whole. Populism was neither a significant nor an imposing movement in this county.

Instead, Fayette became one of the hotbeds of Republicanism in a state that dominated Republican national politics in the last three decades of the nineteenth century. The county voted Republican presidential candidates sizable majorities from 1872
to 1912. \(^1\) Fayette held its own on the county and state tickets as well. The County Republicans were especially fond of Senator John Sherman of Mansfield who, as Secretary of the Treasury in Rutherford B. Hayes's Administration, had been responsible for the redemption of the inflationary greenbacks. Fayette County not only favored Sherman's restrictive currency programs but supported the Republican shibboleths of protective tariffs and Civil War pensions, for a large number of its sons had fought in the conflict.

Harry Micajah Daugherty lived his first thirty-three years in this community. Born in Washington Court House on January 26, 1860, he was the son of John H. and Jane Draper Daugherty. His father, a merchant tailor, was a son of a Scotch-Irish immigrant. Spending his childhood in Lancaster, Pennsylvania, John Daugherty had come to Ohio while still a young man, living initially in Zanesville and then moving to Washington Court House. Harry's mother, Jane Draper Daugherty, came from a prominent local family. The Drapers had migrated from Virginia to Washington Court House in 1810. They came one generation after the initial groups of Virginians who took advantage of the provisions of the Virginia Military Survey

\(^1\) Frank M. Allen (ed.), History of Fayette County Ohio: Her People, Industries, and Institutions (Indianapolis, 1914), p. 117.
of December, 1783 which provided entries between the Scioto and Little Miami Rivers for Virginia officers, soldiers, and their immediate families.

Micajah, one of the original Washington Court House Drapers and Harry's maternal grandfather, became one of the most respected men in the county. A township trustee in 1839, he later held several important county positions. The elder Draper was a farmer and a grain merchant and owned one of the most successful farms in the Washington Court House area. By the time of his death in 1889, Micajah Draper had accumulated a comfortable fortune. 2

Harry Daugherty's childhood in Washington Court House was nonetheless inflicted with hardships. His father died of diphtheria when Harry was four years old. Two of his three brothers also died in the epidemic, and Harry Daugherty himself was left in a weakened condition. Later the energetic but frail youngster had to undertake an assortment of jobs to complete his local education and to help out at home. In the process, he learned to take care of himself. Daugherty became so independent that even a strict mother

2Daugherty genealogy can be found in the following Fayette histories: Allen, History of Fayette County, R. S. Dills, History of Fayette County (Dayton, 1891), and Chapman Brothers, Portrait and Biographical Record of Fayette, Pickaway and Madison Counties, Ohio (Chicago, 1892).
could not control him. Upon completion of his secondary education, Harry's mother wanted him to be a Methodist minister, and his family doctor, who had partially restored Daugherty's health, counseled him to become a physician. He studied under the doctor for one year, but medicine did not interest him. After a brief sojourn as a cub reporter for John McLean's Cincinnati Enquirer, Daugherty, against his mother's wishes, decided to enter the University of Michigan Law School.

Daugherty chose Michigan in part because it had a colder climate than Ohio. Weighing only one hundred pounds, he hoped the harsher weather would increase his resistance and strengthen him from the after-effects of diphtheria. Michigan's reasonable tuition also influenced him, for he had saved little money. While a student, Daugherty supplemented his finances by betting on election contests. He later claimed that his wager on James Garfield in the 1880 presidential election enabled him to complete his last year of law school in "good style." The young law student's desire for easy money would soon embarrass him. Presumably upon one of his recesses

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3 Columbus Citizen, January 29, 1939.

4 Daugherty to Ray Baker Harris, June 7, 1938, Ray Baker Harris Deposit of Warren G. Harding Material, Box 9/3, Ohio Historical Society.

5 Columbus Citizen, January 29, 1939. See also New York Times, October 13, 1941.
from Ann Arbor, Harry and his brother, Mally, set up a device in a culvert just outside of Washington Court House to tap telegraph wires to obtain sporting news in advance. Their betting success puzzled the local gamblers, but Harry M. Weldon, later a sports editor of the Cincinnati Enquirer, soon exposed them.  

Harry Daugherty graduated from the University of Michigan Law School in 1881 at the age of twenty. Compelled by law to wait until twenty-one before admittance to practice, he returned to his hometown and read law with Gregg and Creamer. He formed a partnership with Nye Gregg before his admission to the bar so that he would be ready to practice upon the completion of his examination. This young lawyer was too energetic to limit himself to one activity. Daugherty, therefore, looked to politics to occupy his spare time. Political affiliations could also augment the reputation and supplement the income of a young attorney struggling to earn a living.

He took an interest in the Republican party and attended its meetings at Washington Court House in 1881. That summer he was chosen a delegate from his township, Union, to the county judicial convention held later that year. In the spring of 1882 the

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7 Daugherty to Harris, June 7, 1938, Harris Deposit, Box 9/3.
county Republican central committee made him its secretary. His participation within the party county organizations increased when he became secretary of the county executive committee in 1883. Despite his age, Daugherty's aggressiveness and his organizational ability placed him in good stead with the party leaders, most of whom were members of the legal profession.

Party organizational work was not his only commitment to politics. In 1882 Daugherty was elected Union Township clerk. Later describing himself at the time of his election as "a beardless and probably brainless boy," he served one two-year term, earning an annual salary of $1,500 which comprised most of his income in the period. This position provided him with legal experience, and it later enabled him to enhance his private law practice. Upon the completion of his term, he was elected to the city council for a two-year period.

Daugherty received his first introduction to state politics in 1883. He was one of five delegates appointed at the Fayette Republican convention on May 25 to represent the county at the Republican state convention to be held in Columbus on June 6.

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8 *Fayette Republican*, May 31, 1882. See also ibid., July 25, 1883.

9 Daugherty to Harris, June 7, 1938, Harris Deposit, Box 9/3.
Daugherty's selection was not without incident. Previously associated with the older Sherman politicians of the county, Daugherty committed himself to the support of a young Republican clique that wanted representation on the proposed county delegation to the state convention. He and this faction tried to obtain the consent of the old crowd for the selection of two young Republicans. When the organization failed to accede, Daugherty served notice that he and his young associates would make a fight at the county convention and would reorganize the county executive committee. This is what happened. Daugherty became secretary of the delegation representing Fayette at Columbus. 10

The primary objective of the Republican state convention in 1883 was the nomination of a gubernatorial candidate. Charles Foster, twice Republican governor, was unwilling to run for an unprecedented third term. Possible successors included Senator Sherman, Benjamin Butterworth of Cincinnati, and Judge William Lawrence of Bellefontaine. Joseph B. Foraker, a judge on the superior court of Cincinnati, was Foster's personal choice, however, and he was nominated. Foraker represented the young Republicans of the state who wanted a more responsible role in state party politics. Daugherty consequently

10 Daugherty to Harris, June 7, 1938, Harris Deposit, Box 9/3.
supported his nomination. Daugherty's pretty fiancée, Lucy Walker of Wellston, Ohio, may also have influenced him. She was a cousin of Foraker's wife.

After the state convention, Daugherty returned to his Washington Court House law practice. He married Lucy on September 3. She was not only an attractive young lady but an accomplished vocalist and an active worker in the Methodist Church. It was a happy marriage and Daugherty was always a considerate and faithful husband. While scandals later touched his political career, his devotion to his wife remained unquestioned.¹¹

Daugherty did not play an appreciable part in state politics in the year immediately following his marriage. His defiance of the county organization in 1883 proved costly. He was not selected as a delegate to the 1885 Republican state convention when Fayette sent a delegation pledged against Foraker's candidacy as governor. In the next three years Daugherty dedicated his efforts to the building of a successful law practice. In 1887 he formed a new partnership with Colonel Horatio B. Maynard, a Civil War veteran and a prominent attorney. Maynard and Daugherty soon became one of the leading law firms in the county.

In 1889 Daugherty's full-time devotion to law gave way when Republican David Worthington was serving his final year as Fayette's representative in the Ohio General Assembly. Daugherty ran for the nomination in the county primaries and defeated his Republican rivals by less than two hundred votes. He conducted a vigorous campaign against his Democratic opponent, fully endorsed by the local Republican organ as one who would best serve the interests of the business classes and the farmers. The battle was intense. Reaction against "Forakerism" was almost as strong among Sherman Republicans as it was among Democrats. Daugherty, a Foraker supporter in the Governor's quest for a third term, wrote to Foraker's campaign manager, Charles Kurtz of Columbus, that "our friends are pretty scarce." He suggested that "some money might be used to good advantage in getting out the vote."^13

On November 5 Daugherty was elected to the Ohio House of Representatives. Foraker, however, failed in his bid for a third term, and the Democrats gained control of the state legislature.

As a member of the minority party in the house which convened on January 8, 1890, Daugherty had an excellent record during his

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^12 Cyclone and Fayette Republican, August 7, 1889.

^13 Daugherty to Charles L. Kurtz, October 30, 1889, Charles L. Kurtz Papers, Temporary Box 3, Ohio Historical Society.
first term. At least, this was how some Ohio newspapers evaluated it. 14 He did reflect the sentiment of his county. His bill on February 12 made farmers "special constables" to arrest hunters who trespassed upon their land. 15 Daugherty opposed the repeal of the Owen Sunday Bill which prohibited the sale of liquor on the Sabbath. 16 He initiated a bill authorizing the Washington Court House council to borrow money to improve the streets. 17

The Republican state convention, held on July 15-16 at Cleveland, enhanced Daugherty's reputation as a coming political leader. One week prior to the convention he was elected chairman of his county delegation, and during the convention he was selected to the state central committee for the tenth congressional district. 18 This gave him some influence in formulating party policies in Ohio. Daugherty continued to impress party leaders in the second year of his first term. He was friendly, an aggressive partisan, and an

14Cyclone and Fayette Republican, April 30, 1890. See also ibid., July 30, 1890. The Cyclone reprinted an editorial from the Chillicothe Gazette on Daugherty.

15Ibid., February 12, 1890.

16Ibid., April 2, 1890.

17Ohio, Journal of the House of Representatives, 68th General Assembly, 1890, LXXXVI, 245.

18Cyclone and Fayette Republican, July 16, 1890.
excellent organizer. The young legislator was also regarded as an expert on parliamentary law and a good speaker. On several occasions he occupied the speaker's chair. Daugherty was considered a possible choice as speaker of the house in the event the Republicans regained a majority in the fall elections. The Cyclone and Fayette Republican considered his re-election "reasonably sure." \[19\]
CHAPTER II

THE FORAKER-SHERMAN FEUD
1891-1892

The revival of factionalism within the Ohio Republican party in the summer and fall of 1891 complicated Daugherty's re-election bid. He eventually found himself caught in the midst of the feud between Senator John Sherman and ex-Governor Joseph Foraker, the leading Republicans of the state. Their organizations had fought each other intermittently since the Republican National Convention of 1884 when the Sherman forces had accused Foraker of deserting the presidential-seeking Senator for the candidacy of James G. Blaine. After that incident, the party war had focused on the perennial issue as to who would control state politics--Sherman or Foraker?

The fight reached more serious proportions in 1891 due to Foraker's desire to unseat Sherman in the January 1892 senatorial contest. The ex-Governor's friends, Kurtz, A. L. Conger of Akron, and Asa Bushnell of Springfield, began campaigning for him in the spring of 1891. Foraker, however, did not immediately announce
his candidacy. Instead, he agreed, in the interest of party harmony, to nominate William McKinley of the Sherman-Hanna contingent for governor. At the Republican state convention in Columbus on June 17, 1891, "Republicanism" prevailed, and McKinley of Stark County, the only prominent candidate, was the recipient of one of Foraker's most successful orations. The Cincinnatian's administration as governor in turn received endorsement in the party platform. Intraparty differences seemed momentarily resolved to the casual observer.¹

In the weeks that followed, Foraker openly renewed his rivalry with Sherman. He reiterated to his political associates that Sherman could not be re-elected because of the opposition of both the party and the Farmers Alliances. Foraker, confiding that he originally had no intention to return to politics, said he resented the manner in which the Sherman crowd tried to obtain his promise not to contest the Senator's re-election. On July 19 Murat Halstead, the publisher of the Cincinnati Gazette and a friend of Foraker, publicly disclosed Foraker's candidacy.²

Foraker's senatorial aspirations brought Representative Harry Daugherty into the contest in August. Since senators were

¹Everett Walters, Joseph Benson Foraker: An Uncompromising Republican (Columbus, 1948), p. 99.
²Ibid., p. 100.
elected by the Ohio legislature, the ex-Governor needed not only a Republican General Assembly but one that contained a majority of Foraker Republicans. Consequently, he sought the support of Republican assemblymen like Daugherty. Daugherty had rendered Foraker useful service in the past, and family ties also bound the two. Local political conditions, however, put Daugherty "on the fence." Republican leaders in Fayette County, who were overwhelmingly for John Sherman, tried to pressure Daugherty to commit himself to the Senator's candidacy. Joe Gest, the editor of the Cyclone and Fayette Republican, published an article in the Cincinnati Enquirer on August 1, declaring that Daugherty "will be uncerremoniously shelved" as representative unless he ended his neutrality.  

Immediately upon reading Gest's article, Foraker wrote Daugherty that he did not want to embarrass him. Explaining that we would rather lose the support of his friends than have them suffer, Foraker nevertheless told Daugherty that he needed his vote. He then called the Sherman forces cutthroats who had knifed him in 1889 and who would do so again if he were now nominated as senator.  

Daugherty replied that the "Sherman issue was messy and active" in the

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3 Cincinnati Enquirer, August 1, 1891.

4 Joseph Benson Foraker to Daugherty, August 1, 1891, Copy, Joseph Benson Foraker Papers, Box 27, Cincinnati Historical Society.
county: He indicated that the pro-Sherman Gest and Thomas Marchant of Fayette were attempting to elicit his pledge to Sherman for a guarantee that he would be renominated and then re-elected to the General Assembly that November.  

Daugherty's renomination was unopposed at the Fayette County Republican convention in mid-August. The convention also endorsed the candidacies of Sherman and McKinley. After Daugherty's nomination, the assemblage appointed three delegates to escort him to the convention hall, and he delivered a short address in which he pledged that if re-elected he would work in the interest of his constituency and would support "the candidate for United States Senator who may be the choice of the Republicans of Fayette County." That evening Daugherty assured Charles Kurtz in Columbus of his allegiance to Foraker.  

For the next two and one-half months, Daugherty and Foraker plunged into the fall campaign. Foraker made thirty-one speeches in

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5 Daugherty to Foraker, August 3, 1891, Foraker Papers, Box 32/D.

6 Cyclone and Fayette Republican, August 20, 1891. Daugherty told a local political leader at the convention that he would not only support Sherman's re-election in the General Assembly, he would also back his renomination in the party caucus. Mills Gardner to John Sherman, December 15, 1891, John Sherman Papers, Vol. 561, Library of Congress.

7 Cox, Journey, p. 304.
this period in the behalf of McKinley and the state ticket. Daugherty stumped the county for his own candidacy. The senatorial issue reappeared, however, when Foraker saw him on October 31, three days before the state elections. He asked Daugherty if it were permissible for the Cincinnati Commercial Gazette, which was publishing senatorial preferences, to indicate that he was for Foraker. As Foraker wrote Kurtz the following day, Daugherty "at once hemmed and hawed, and said that was a matter he ought to keep quiet about for the present."8

Foraker asked Daugherty at this same meeting if he had made any pledges to the Sherman people. Replying that he had not, Daugherty told Foraker that he would be all right when the time came, but that he had a difficult county to handle and was much embarrassed by the situation there. Foraker then spoke frankly. Realizing that the Sherman forces had probably already promised to provide for Daugherty in the organization of the legislature in January, the ex-Governor told the Fayette representative that "we had not forgotten him in considering these matters; that on the contrary, we had kept him in mind, with a view to making for him a suitable and satisfactory provision." Foraker related to Kurtz on November 1 that

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8Foraker to Kurtz, November 1, 1891, Kurtz Papers, Temporary Box 2.
Daugherty "may be alright, but my confidence in him is not very strong." 9

The state election swept Harry Daugherty into the General Assembly on November 3 for another two-year term. William McKinley was elected governor, and the Republicans captured the Ohio legislature by a near two-thirds margin, insuring the election of a Republican to the Senate that January when the legislature again convened. Based upon the selection of the legislature, it appeared Foraker had the initial advantage in the senatorial contest. On November 5 he claimed a majority of eleven over Sherman. 10

Sherman's friends took Foraker more seriously after the election. Mark Hanna continued to raise thousands of dollars in Sherman's behalf. The pro-Sherman William Hahn, the Republican state executive committee chairman, became the dispenser of the funds. Agents were also selected to enter doubtful districts to bring local public pressure to bear against vacillating legislators. Sherman gave state committeeman, J. C. Donaldson, $10,000 to direct the canvass. 11 Daugherty remained one of Sherman's prime

9Foraker to Kurtz, November 1, 1891, Kurtz Papers, Temporary Box 2.


targets, for his name often appeared on published lists as a Foraker supporter in the post-election period. In turn, he remained curiously silent about supporting the Senator. Sherman's lieutenants worked in conjunction with the *Cyclone and Fayette Republican* to pressure Daugherty to declare for the incumbent. The newspaper reproduced the August resolutions endorsing Sherman's election and demanded to know whether Daugherty intended to keep his word. The *Cyclone* reminded him of the county's overwhelming support of Sherman and predicted the Senator's re-election by a large majority. Fayette Republicans also coordinated with Sherman leaders in an effort to bring Daugherty into line. They conducted a canvass in the county to overwhelm him with the expression of individual county Republicans.

In the face of increased pressure, Daugherty's intentions remained uncertain. Privately sympathetic to Foraker, he failed to reaffirm his August pledge to support "the choice of the Republicans

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12 *Cincinnati Enquirer*, November 14, 1891. See also *Cyclone and Fayette Republican*, November 12, 1891.

13 *Cyclone and Fayette Republican*, November 12, 1891. See also *ibid.*, November 26, 1891.


of Fayette County" which happened to be John Sherman. Foraker, however, was beginning to lose patience with him by December 4. He confided to Kurtz that Daugherty neglected to answer his correspondence and saw other signs that he did not like. Foraker's assumptions turned out to be correct. On December 11 Hahn arranged to have Daugherty visit Sherman in Washington, D. C. He assured Sherman that Daugherty would depart and return on an evening train so that "no one would know anything about him being there." Confident of success, Hahn told Sherman that the Fayette representative would now vote for him. In almost the same breath he warned the Senator that it "will require considerable money to carry on our work," although "nothing will be done at these headquarters that will in any-way compromise your personal honor." No record exists as to what transpired in Daugherty's consultations with Hahn and Sherman. There is little doubt, however, that Daugherty assured them that he would honor his August pledge and signed a card to that effect.

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16 Foraker to Kurtz, December 4, 1891, Kurtz Papers, Temporary Box 2.
19 Daugherty showed Foraker the card on December 29. Although he did not indicate when he had signed it, his mid-December meetings with Hahn and Sherman seemed the only logical time. Foraker to Daugherty, January 18, 1892, Copy, Foraker Papers, Box 27.
The Fayette representative arrived in Columbus on December 29, four days before the speakership and nine days before the senatorial contests. That evening he went to Foraker's hotel room to tell him that sentiment for Senator Sherman was so strong in Fayette County that he could not, under any circumstances, vote for him. Daugherty then showed him the card on which he made his Sherman declaration. Foraker requested Daugherty to delay making his announcement until the day before the caucus.20

In the party caucus on January 2, Lewis Laylin, Sherman's candidate for speaker of the house, defeated John F. McGrew, Foraker's choice, by four votes. Much to Sherman's dismay, Daugherty voted as pledged for McGrew, a close friend who resided in neighboring Clark County. Foraker's defeat in the speakership contest placed him at a disadvantage for the senatorial caucus to be held on January 6.

20 Daugherty showed Foraker the card on December 29. Although he did not indicate when he had signed it, his mid-December meetings with Hahn and Sherman seemed the only logical time. Foraker to Daugherty, January 18, 1892, Copy, Foraker Papers, Box 27.
Daugherty publicly reaffirmed his pledge to Sherman the day before the senatorial caucus. He justified his protracted silence in a tongue-in-cheek fashion:

Having up to this time remained silent as to who would receive my vote for United States Senator, only for the purpose of being consistent with the position I have taken from the opening of the campaign, i.e., to hear from the friends and supporters of both the candidates, fully and fairly, . . . and having given all a fair hearing, waiting until a late date before indicating what my decision might be, so that no evidence or argument should be excluded, I now announce to my fellow Republicans that in my opinion the sentiment of the Republicans of Fayette county (the only county I am expected to represent) is in favor of the return of Hon. John Sherman to the United States Senate. That being so, I will cast my vote for Mr. Sherman for United States Senator.

On the following day Daugherty presided over the caucus. After his opening remarks, a debate ensued among the delegates on whether to use an open or secret ballot to nominate a senatorial candidate. Foraker favored a secret vote because he had more to gain in not forcing legislators to stand by their pledges. He, perhaps, reasoned that the cagey Daugherty, who had favored a secret ballot, could then dishonor his pledge to Sherman and vote for him. Others could do likewise. By a forty-seven to forty-four vote, the open ballot prevailed. The nomination followed, and Sherman became the party's choice, obtaining fifty-three votes, including Daugherty's to

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21 *Cyclone and Fayette Republican*, January 7, 1892.

Foraker's thirty-eight. This vote insured Sherman's election since the Republicans dominated the General Assembly.

The pleased Sherman, immediately after his re-election, expressed his deepest gratitude to Mark Hanna. In reviewing the campaign, he told Hanna:

It is a source of great satisfaction to me that our canvass was made without the expenditure of a single dollar for boodle, with no bitterness to our adversaries, and with no appeals for our candidate to the interested cupidity or ambition of the senators and members.23

Others would not share the sentiments of Sherman's amazing statement, for "boodle," "bitterness," or "cupidity" often accompanied politics in the Sherman-Foraker era.24

The Democratic Columbus Post, in several editorials following the caucus, accused Daugherty and twelve other legislators of changing their pledges from Foraker to Sherman because of "intimidation, threats, promises and actual purchase."25 The Post especially damned Daugherty, accusing him of accepting seven crisp $500 bills from Hahn in exchange for his vote.26 A grand-jury

23Croly, Hanna, p. 163.
24Walters, Foraker, p. 108.
26Ibid., p. 39.
investigation of the charges ended without returning any indictments.

Foraker refused to cooperate with the inquiry. "As to the Grand Jury business," he wrote Kurtz, "I sincerely hope that no friend of mine will have anything to do with it." He made it clear that he would not accept responsibility for the disclosure of any charges. The contest, according to Foraker, had ended with the caucus. 27

Intraparty unity transcended intraparty factionalism to oppose any threat of exposure by an outside force.

The grand jury's failure to return any indictment enabled Daugherty to act on January 26. In a speech in the house, he asked for a bi-partisan committee to investigate the Post charges. 28

Daugherty went into the inquiry with letters from both Sherman and Foraker attesting that he had acted honorably in the senatorial contest. 29 He expected full vindication of the accusations. The select house committee of two Republicans and two Democrats conducted

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27 Foraker to Kurtz, January 14, 1892. Kurtz Papers, Temporary Box 2.

28 Cincinnati Enquirer, January 27, 1892.

29 Daugherty wrote freely and extensively to Sherman in this period. His response to Sherman's letter exonerating him especially revealed his gratitude to Sherman. He said: "I will long preserve the letter and hand it down to those I love. I would rather have that letter Senator than the $3,500 I have been charged as having received for voting for you." Daugherty to Sherman, January 19, 1892, Sherman Papers, Vol. 573.
an investigation which extended into April. The Columbus Post manager, Charles Davis, failed to substantiate his charge in the inquiry that Daugherty had accepted a bribe from William Hahn. Davis' accusation was, in part, based upon an alleged conversation he had overheard between Daugherty and an unidentified person near a cigar stand in the Neil House sometime before the caucus. Daugherty, according to Davis, had commented that Sherman would not receive his vote unless he "put up for it." Davis had no witness to confirm Daugherty's suppose statement. The Post's charge that Hahn had withdrawn seven $500 bills from the Deshler National Bank of Columbus on the day of the caucus and had given them to Daugherty met the same fate, for again proof was not forthcoming.

Neither Daugherty nor Sherman, however, derived credit from the committee's hearings. Daugherty amazingly asserted that he had consistently supported Sherman's candidacy since the August resolutions of the Fayette County convention. Sherman's testimony was also misleading. Apparently forgetting about Daugherty's trip to Washington in mid-December, he stated that he did not know anything about Daugherty's position on the senatorial contest aside from

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30 Senatorial Bribery Investigation, p. 47.
31 Ibid., p. 63.
32 Ibid., p. 64.
what he had heard from Daugherty's constituents. Indeed, Sherman claimed that he had never seen the Fayette representative in the entire preliminary caucus. It was not, according to Sherman, until two or three days before the speakership contest that he had first talked to Daugherty about the campaign.  

Daugherty was unanimously exonerated by the house committee in April. The matter "was so well settled," according to Daugherty, that "there is no one believing any of the charges against me or any of the other gentlemen mentioned by the paper." He was right in one respect. The Post's inability to substantiate its charges damaged its reputation, and it shortly suspended publication without any compensation to its staff for arrears of salary. Daugherty distributed $1,800 among the hard-pressed staff with the wry remark that there were no "crisp $500 bills" in the disbursement. He then filed suit against the Post, recovered staff salaries, and made no charge for legal services.

The senatorial contest altered Daugherty's political career. He became a member of the Sherman-Hanna-McKinley wing of the

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33 Senatorial Bribery Investigation, p. 68.
34 Daugherty to Sherman, May 6, 1892, Sherman Papers, Vol. 579.
35 Adams, Incredible Era, pp. 40-1.
party after previously associating himself with the Foraker element. He was rewarded, if not monetarily, in other ways in voting for Sherman. Upon the convening of the General Assembly in January 1892, Laylin, speaker of the house, appointed Daugherty chairman of the important corporations committee and placed him on the judiciary committee. Foraker representatives were excluded from all chairmanships.  

But more importantly, Daugherty lost the support of Foraker and his followers. They never forgot his betrayal in the senatorial fight. Kurtz sarcastically stated that he saw little of Daugherty after 1891. 37 On the other hand, the Sherman-Hanna faction failed to trust him fully. Daugherty was too independent and too crafty. His vote for "Uncle John" came after much hesitation despite the sentiment of his county. Daugherty's delaying tactics only served to drag Sherman into an embarrassing investigation which did Daugherty, the Senator, or the party little good.

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36 Cincinnati Enquirer, January 13, 1892.

37 Cox, Journey, p. 304.
Harry Daugherty was one of Governor McKinley's most active supporters while serving his second term in the house from January 1892 to January 1894. Despite his previous independence, the administration sought his organizational ability. The McKinley-Sherman faction selected him chairman of the caucus, entrusting him with the responsibility of organizing party legislative support for the Governor's programs. Daugherty, in later years, claimed that all McKinley had to do was talk to him about what he wanted done, and, as leader of the house, he would put McKinley's program through, sometimes with alterations to which the Governor consented.  

1 It was Daugherty who engineered the joint resolution empowering McKinley to appoint a commission to codify the tax laws of the state and to recommend new tax provisions in the Ohio

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1Daugherty to Harris, June 7, 1938, Harris Deposit, Box 9/3.
law which eventually provided for more equitable state excise and corporate tax statutes.²

The legislative leader was an extreme partisan. Daugherty created no small stir in January 1892 when he introduced a bill in the house designed to alter Columbus' form of government. His ripper was a typical municipal bill of the period. Used by both parties, the reorganization bill sought to place control of city administration into the hands of the group initiating ripper legislation. Such bills were introduced under the pretext of reform to disguise the real intent. Daugherty's bill proposed to revoke a previous Democratic-inspired ripper in Columbus by transferring appointive power from a Democratic mayor to a Republican control board. Republican Probate Judge L. D. Haggerty was to select the four-member board, although its members were to be elected in succeeding years.³

Opposition to Daugherty's bill emerged upon its introduction. Washington Gladden, the minister of the First Congregational Church, spoke out against it.⁴ Even the Republican Columbus Dispatch

²House Journal, 71th General Assembly, 1893, LXXXIX, 169.

³Ohio State Journal, January 5, 1892.

⁴Ibid., February 10, 1892.
balked, suggesting that the legislation "is inspired and is demanded by interests wholly selfish. . . . It was prepared with a view of getting the most possible out of the city government for the few schemers who are pushing it for personal aggrandizement." The bill remained buried in the house municipal committee until it appeared in March in an amended form. Despite a committee recommendation for passage, it was defeated by thirty-seven votes. The Foraker opposition strongly backed the Democrats. The fact that Daugherty sponsored the bill influenced their opinion of it. On March 22 a disappointed Daugherty referred to their obstruction in a house speech attacking the Democrats:

I congratulate you on your success in the last legislature. We tried the same tactics . . . ; we ignominously failed. You today are more fortunate and I notice your appreciation by the smiles and applause which greets the remarks of those Republican members who oppose the measure.  

Daugherty's defeat was only temporary. The crippled bill reappeared in the house and was finally accepted after the attachment of some Foraker amendments. It passed the senate in April 1892. When the Columbus mayor refused to implement several provisions of the bill on the supposition that it was unconstitutional, Daugherty and his cohorts applied for a writ of mandamus from the Ohio

\[5\] Columbus Dispatch, January 26, 1892.

\[6\] Ohio State Journal, March 23, 1892.
supreme court, compelling the mayor to execute it fully. 7 Ironically, Daugherty was employed as one of the counsel in the court proceedings. 8 The court allowed the writ in June 1893, thus upholding the constitutionality of the amended Daugherty bill.

Daugherty's municipal reorganization schemes were not limited to Columbus. His home town suffered the same fate. On April 21, 1893 the Daugherty-Washington Court House bill passed the state legislature. Abolishing the offices of marshal, street commissioner, and city solicitor, the bill, in turn, created the positions of chief of police, street supervisor, and corporation counsel, placing these offices under the appointive power of the city council instead of filling them by popular vote. 9 Party control replaced the will of the people at the Fayette County seat. Daugherty was elected to the city council in November, and he personally implemented the new charter. 10 It was no wonder that factionalism broke out within the Fayette Republican party against his strong-armed methods.

7 Cincinnati Enquirer, June 7, 1893.
8 Cyclone and Fayette Republican, April 27, 1893.
9 Ibid., See also Ohio State Journal, April 22, 1893.
10 Daugherty to Harris, June 7, 1938, Harris Deposit, Box 9/3.
Resentment against Daugherty in Fayette had actually intensified in mid-1892, especially after his peculiar behavior in the Sherman-Foraker contest. In March the Cyclone considered Daugherty either a likely choice for U. S. Congress or secretary of state of Ohio. His ambitions directed him to the former. He met opposition, however, in his own county when a Republican mugwump element backed A. R. Creamer, a former Fayette state senator. Because of an impending county party battle in June, the Cyclone suggested a primary to resolve the intraparty squabble. Creamer assented but not Harry Daugherty. Daugherty used his influence with Ace Gregg, chairman of the Fayette Republican executive committee, to let the Republican county convention settle the issue, thinking that he could get its support. The result was that two Fayette Republican delegations went to the seventh district congressional convention held at Washington Court House—one favoring Daugherty and the other, Creamer. The committee on credentials decided to split Fayette's vote evenly between the two delegations. This hurt both candidates' nomination chances. On June 23 George Wilson, a dark-horse candidate from Madison County, received the

11Cyclone and Fayette Republican, March 10, 1892. See also ibid., March 24, 1892.
12Ibid., June 16, 1892.
nomination after three days of balloting. The _Cyclone_ blamed the Daugherty faction for this predicament. 13

Daugherty rejected Senator Sherman's offer of an assistant district attorneyship at Columbus after his congressional defeat. 14 He instead moved his law practice to the Ohio capital in early 1893 while still living in Washington Court House. He ran for city council in March and was elected that November. On June 7 and 8 Daugherty was instrumental in the renomination of McKinley. Supported by the young Republicans of the party, he was chosen chairman of the Republican convention at Columbus which endorsed McKinley for a second term. 15

Daugherty privately insisted after the McKinley gubernatorial campaign in November that he was through with politics. 16 He was completing his last term in the state legislature with only a seat in the Washington Court House council to look forward to the

13 _Cyclone and Fayette Republican_, June 30, 1892.

14 _Daugherty to Sherman_, August 21, 1892, _Sherman Papers_, Letterbook 586.

15 _Ohio State Journal_, June 9, 1893.

16 _Daugherty to Foraker_, November 11, 1893, _Foraker Papers_, Box 32/D.
following year. Still considered a young and promising political leader he could afford to wait. Some newspapers thought him a likely choice to succeed McKinley in 1896. 17

The colorful Daugherty strengthened his domination of county politics during his "retirement." Even though he now practiced law in Columbus, his political control tightened in Fayette. This did not occur without criticism. In August 1893 an outspoken Republican minority had accused him of bossism when he had selected his friend Ace Gregg for a common pleas judgeship. 18 Gregg died the following spring and Daugherty's law partner, H. B. Maynard, replaced him. Daugherty came under fire when he again used his political power to obtain Maynard's nomination at the district judicial convention. His dominance of the Fayette executive committee enabled him to choose delegates who favored Maynard. Daugherty's political association with the party boss of Pickaway County provided Maynard with the additional support to win. 19

17 Cyclone and Fayette Republican, March 29, 1892. See also ibid., August 16, 1894. The Cyclone cited a Daugherty article from the Columbus Dispatch.

18 Ibid., August 31, 1893.

19 Circleville Democrat and Watchman, October 19, 1894.
The same opposition that denounced Daugherty's political regimentation also cast shadows upon his integrity as an attorney. In September 1894 Daugherty and fellow lawyer, Joseph Hidy, were charged with unprofessional practice, allegedly diverting over $2,500 from an estate to their own pockets. The Fayette boss asked Judge Maynard for an investigation of the charges. His friend appointed a three-man investigating committee which exonerated Daugherty after a lengthy inquiry. He was, most likely, justly absolved, but, like his involvement in the Sherman-Foraker fight, the air remained clouded after his acquittal. This time skeptics pointed to the lack of a grand-jury investigation. They thought Maynard's committee a "whitewash." Daugherty, choosing to ignore the above factors, later placed sole blame for his unpopularity in the county on the Washington Court House riot of October 1894. The incident that caused the riot occurred on October 9 when a Negro raped a prominent white woman at Parrett's Station. After apprehending the assailant the

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20 Cincinnati Enquirer, September 7, 1894. The Enquirer dismissed the charges against Daugherty as "malignant and devilish" after its own informal inquiry. See also Cyclone and Fayette Republican, October 4, 1894 and ibid., November 1, 1894.

21 Circleville Democrat and Watchman, October 19, 1894.

22 Daugherty to Harris, June 7, 1938, Harris Deposit, Box 9/3.
following week, the sheriff requested national guard troops to prevent an angry mob from lynching him. On October 17 Governor McKinley sent two companies of national guard troops under the command of Colonel Alonzo Coit to guard the prisoner; the latter was removed to the courthouse following a sentence of twenty years imprisonment at a trial held the previous day. The prisoner was to be taken to the Columbus penitentiary on the day the troops arrived. It was at this time that the mob tried to lynch him. Coit instructed the militia to fire upon the crowd as they were hammering down the doors of the courthouse. The shots killed seven and wounded fifteen. McKinley ordered a court of inquiry to investigate Coit's actions; it subsequently indicted the colonel for manslaughter.

Being in Cincinnati the day of the shooting, Daugherty did not hear about it until his train trip home. In Washington Court House he found the people in a terrible state of anger. He accepted McKinley's invitation to be one of the attorneys to defend Coit despite the opposition he knew it would evoke in the county. The issue soon developed into a political one. Months after Coit's acquittal on March 5, 1895, the Democrats and anti-Daugherty Republicans both jabbed at Daugherty for deserting Fayette to defend

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23 Daugherty to Harris, June 7, 1938, Harris Deposit, Box 9/3.
The opposition that Daugherty faced in 1894 and early 1895 did not deter him; he fought all the harder.

In fact, Daugherty, sometime in late 1894, decided to become a candidate for public office again the following year. It was certainly an auspicious time, for McKinley was serving his final term as governor. One of the most important tasks of the 1895 Republican state convention was to choose his successor. Daugherty hoped that he would be its nominee. Indeed, he had rendered McKinley no little support while he had been Republican floor leader in the house. In 1893 he had backed his gubernatorial renomination as chairman of the state convention and had introduced a resolution endorsing his administration at the Fayette County convention the following spring. Nevertheless, Hanna made it known that he would favor Judge George K. Nash of Columbus.

Daugherty sought the allegiance of the Hanna faction for the attorney general nomination upon realizing that he had little support from them for governor. He first had to win the endorsement of the county Republicans, which he had not been able to do in 1892. Upon the convening of the May 18 county Republican convention, it appeared that the delegates were as divided as they had

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24 Cincinnati Enquirer, May 19, 1895.

been in the past. The mugwumps, as it turned out, lacked sufficient strength. David Worthington, Daugherty's new Columbus law partner, and other loyal supporters dictated the permanent organization of the convention. They secured an endorsement for Daugherty and authorized him to select Fayette's delegation to the May 28-29 state convention at Zanesville. Daugherty happily announced to his friends that the mugwump opposition has 'been laid on the shelf in politics here and I have assisted in that job with much delight.'

Daugherty's friends, the majority of the business and the professional men of the county, gave him tremendous backing before the state convention. They chartered a special Pullman sleeper for the Zanesville entourage. On the side of the car as it left Washington Court House on the evening of May 27 was a large streamer, "For Attorney General, Harry M. Daugherty of Fayette." The train first stopped at Bloomington in Paint Township. The Bloomington Republican women presented Daugherty with a huge floral bouquet with an attached "Paint Township for Daugherty" card. The Fayette candidate was the recipient of additional boosting before the train pulled into the Zanesville station.

26 *Cincinnati Enquirer*, May-19, 1895.
28 *Ohio State Journal*, May 28, 1895.
Zanesville was a compromise site between the Foraker faction who had wanted Cincinnati and the Hanna-Sherman forces who had leaned toward Columbus. As it turned out, this was one of the few convention compromises Foraker made. His tactics surprised the Sherman forces so completely that he was able to dominate the convention. He received the endorsement of the assemblage for Senator in 1896, wrote the party platform, and chose almost the entire state ticket, including the gubernatorial nominee, Asa Bushnell. Since Foraker controlled the key committees and many of the large delegations, Sherman and Hanna were both rendered powerless. Their only consolation was that McKinley received an endorsement for the Presidency in 1896.29

Foraker's convention strength weakened Daugherty's nomination chances. The man from Fayette was not likely to be Foraker's choice for attorney general. Foraker instead wanted William L. Parmenter of Lima.30 Daugherty and Frank S. Monnett of Bucyrus, however, were the leaders on the first two ballots with Parmenter a poor third. On the third ballot George B. Cox, the Hamilton County boss and a Foraker supporter, gave his delegation's eighty


votes to Monnett. The result was inevitable; Monnett defeated Daugherty 486 to 236. 31

The newspapers blamed Daugherty's defeat on geographical factors. Bushnell came from Clark County, and many of the other nominees who preceded Monnett's selection were also from southern Ohio. Logic dictated that the ticket be balanced geographically by nominating a northern Ohioan for attorney general. Thus, Monnett and Parminter were more suitable choices. 32 While geographical considerations were often important, it probably mattered little to Foraker and Kurtz whether Daugherty was from northern or southern Ohio. Daugherty, more significantly, had offended Foraker in the 1891-92 senatorial contest; he was now considered a strong Hanna-Sherman man. It was the irony of fate that Foraker's return to power paralleled Daugherty's own political ambitions.

While he lost a tough fight at Zanesville, Daugherty had some reason for not feeling dejected. He not only brought with him a united delegation of cronies but was able to make a good impression among delegates from other counties. Many were or would become

31 Cincinnati Enquirer, May 30, 1895.

loyal friends. No headquarters was as crowded as Daugherty's with well-wishers and allies. Although he had his detractors, Daugherty was no amateur in making political friends.

In mid-February 1896 Daugherty again itched for public office. He announced in an interview with the Cyclone that he was a candidate for U. S. Congress on the condition that Fayette hold a Republican primary preceding the congressional convention and that a majority of the county Republicans vote for him. Daugherty stated later that the 1896 primary was his most bitter fight in politics. Blaming his participation in the Coit trial as the cause, he claimed that feeling against him was so great in the county that the harness was removed from his horse while he was addressing a crowd. Nevertheless, on March 14 Daugherty defeated A. R. Creamer by one hundred and nine votes. The editorials of the Cyclone helped; Creamer was portrayed as a disgruntled mugwump who had attempted to weaken the Republican county organization since 1892.
At the seventh congressional district convention in Springfield, McKinley's desire to gain control of the Ohio delegation for the Republican national convention at St. Louis that summer interfered with Daugherty's candidacy. A week before the convention Daugherty had requested McKinley to endorse his nomination. The Governor had replied that it "would be a manifest impropriety" for him to express "any preference among the candidates."^37

Hanna asked Daugherty, shortly thereafter, to insure that the convention select pro-McKinley delegates to support the Governor's presidential ambitions at the national convention. This was incompatible with Daugherty's nomination strategy.

Daugherty's nomination plan centered upon Madison County, one of the five counties which comprised the seventh congressional district. Pickaway and Miami sent anti-McKinley delegations to the Springfield convention while Fayette and Clark were both for McKinley. The balance rested with Madison which dispatched two delegations, each contesting for the right to be seated. George F. Wilson, the incumbent McKinley-Hanna congressional candidate, headed one, and John Locke led the anti-McKinley group. Locke

^37 William McKinley to Daugherty, March 25, 1896, William McKinley Papers, Microfilm Series II, Reel 17, Library of Congress.

^38 Cincinnati Enquirer, May 21, 1899.
promised Daugherty that he would commit his county's twenty votes to him, provided that Fayette voted to recognize his rump delegation. This would have given Daugherty fifty-nine votes, more than enough for the nomination. 39

Daugherty elected to change his plans upon hearing from Hanna. He had no choice but to drop the scheme unless he wished to alienate the party boss. Daugherty wired Hanna that he would "seat the Wilson delegation from Madison [even] if they cut my throat a moment later." After the pro-McKinley delegation had been selected and he had lost the nomination to Walter L. Weaver of Clark County, Daugherty again telegraphed Hanna that he had "seated the Wilson delegation, and they have cut my throat." 40 Daugherty was somewhat consoled when he was appointed a delegate to the Republican National Convention in June, 41 his first of five such conventions.

After the St. Louis convention Daugherty took part in the fall presidential campaign. The McKinley-Bryan fight developed into an extremely crucial contest. The Democrats' acceptance of free silver threatened to crystalize over twenty years of dissatisfaction with Republicanism among the farming and laboring elements.

39 Cincinnati Enquirer, May 21, 1899.
40 Ibid.
41 Ohio State Journal, March 11, 1896.
Especially was this true of the far-western farmers. Daugherty traveled over nine-thousand miles in the campaign. Not only speaking in Ohio, he campaigned extensively in the West at the request of the Republican National Committee. Generally, he focused his attack on the unfairness of free silver. Daugherty spoke at Howard, South Dakota a few hours after Populist Mary Lease to contest her denunciations of McKinleyism and the gold standard. The Cyclone claimed that at the conclusion of his speech Daugherty received "rousing cheers."

In 1897 Daugherty gained some recognition for his work for McKinley the preceding year. On June 22 he was selected chairman of the Republican state central committee at the Republican state convention at Toledo. The Hanna forces dominated the convention as the Foraker faction had done in 1895. Now, Foraker was fortunate in securing the gubernatorial nomination for Bushnell; it was all that his lieutenants were able to obtain. George K. Nash replaced Kurtz as chairman of the state executive committee, putting the pro-Hanna Nash in charge of the campaign.

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42 Cyclone and Fayette Republican, September 17, 1896. See also Ohio State Journal, November 6, 1898.

43 Ibid., October 8, 1896.

44 Ohio State Journal, June 23, 1897.
The fall contest indirectly led to Daugherty's first altercation with Hanna. Hanna, who had been appointed to the Senate in February 1897 after Sherman became McKinley's Secretary of State, was anxious to be elected in his own right. For the first time in his career, the Senator went on the stump in an effort to insured the election of pro-Hanna legislators at the November polls. The Foraker and Democratic opposition seemingly failed, for Hanna appeared to have secured enough pledges as the result of the election. But Foraker's lieutenants continued to collaborate with the Democrats in the post-election period. Led by Mayor Robert E. McKisson of Cleveland and Kurtz, they had enough Republican support to defeat Hanna at the convening of the General Assembly in early January. Despite their power, Hanna won by the narrowest of margins. An anti-Hanna Republican, James Otis, however, accused a Hanna agent of bribery even before the final vote in the legislature. On the morning of January 12, the day of the election, state senator Vernon Burke introduced a resolution calling for the investigation of Hanna's election. Quickly, the senate appointed a committee of investigation.

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45 Croly, Hanna, pp. 250-51.
46 Ibid., pp. 251-53.
Hanna's friends thought it imperative that he be represented with counsel to keep him informed as to the progress of the committee and to safeguard his own interests. Charles Dick, Secretary of the Republican National Committee, employed Harry Daugherty and Cyrus Huling, a Columbus attorney-politician, to represent Hanna. This seemingly routine incident contributed to a rift between Daugherty and Hanna which remained unresolved at Hanna's death in 1904.

The controversy erupted in May 1898 after the state senate committee and the United States Senate Committee on Privileges and Elections failed to find enough evidence to implicate Hanna or his lieutenants. On May 16 Daugherty wrote Hanna, enclosing bills to the Republican National Committee totaling $7,500 which was to be divided among Daugherty, Huling, and G. L. Marble for legal services in Hanna's behalf. He justified these charges in alluding to the "constant and careful work" that he and his associates had performed throughout the investigation. Daugherty claimed that he had practically set aside his other legal work from January to May because of his extensive surveillance of the investigating committee. He believed the National Committee should pay the

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48 Judge George K. Nash, according to Huling, advised Dick to employ counsel. Nash most likely suggested both Daugherty and Huling. Cincinnati Enquirer, May 12, 1899.
expense since Hanna was its chairman and the attack was indirectly centered upon the Republican party. 49 Dick, who intercepted the letter, quickly replied that Daugherty's services were not a National Committee matter and even if they were the Committee did not have sufficient funds. He concluded his letter to Daugherty by questioning various aspects of the bills:

> It appears to me the bills are exorbitant and entirely out of proportion and I am sure they will so impress the Senator. I know nothing of the employment (sic) of Mr. Marble; by whose authority or for what purpose he was retained in the matter. I don't think the matter ought to be presented to the Senator in this shape and I believe after you have had an opportunity to consider it you will thank me for speaking frankly. 50

Daugherty refused to make revisions in the fee. He replied that Dick's "conduct in regard to our communications to Senator Hanna is a great surprise and an insult to us." Unwilling to impose upon Hanna, Daugherty told Dick that he and his colleagues were also equally unwilling to be imposed upon. Consequently, he informed the secretary that they were coming to Washington to speak to Hanna personally. 51


50 Dick to Daugherty, May 19, 1898, Dick Papers, Box 1/5.

51 Daugherty, et al. to Dick, May 27, 1898, Dick Papers, Box 1/5.
There are two accounts on Hanna's reaction to Daugherty's insistence that he or the Republican National Committee pay the $7,500. Dick stated the following year that when he had asked Hanna what he should do, Hanna had replied: "Do? Do nothing, that's what the fellows have done—nothing. Put it all in the hands of Andy Squire and let him settle." George A. Myers of Cleveland, a Negro barber and a local Hanna politician, elaborated upon Hanna's recoil in his correspondence with historian James Ford Rhodes over twenty years later. Myers claimed that Hanna had told him that he (Hanna) had said: "pay the ________ and let him go." Whatever his specific response, Hanna was incensed at Daugherty, even though he eventually paid him.

The differences between Daugherty and Hanna were a carefully guarded secret in 1898. In fact, it appeared that Daugherty was still on Hanna's good side. At the June 21-22 Republican state convention at Columbus, Daugherty was named chairman of the state executive committee and his friend, Huling, replaced him as the state central committee chairman. Hanna men were instrumental

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52 Cincinnati Enquirer, May 10, 1899. Andrew Squire was Hanna's personal attorney.


54 Ohio State Journal, June 23, 1898. Daugherty's selection, according to the Journal, was almost unanimous.
in these selections. Hanna, busily occupied in Washington, did not attend and, therefore, played no part in the convention proceedings. It is doubtful, however, that Daugherty was Hanna's choice under any circumstances. As chairman Daugherty engineered the successful Republican campaign that fall. Secretary of state Charles Kinney, the head of the ticket, easily won re-election.  

Daugherty broke completely with Hanna the following year. The break came over Daugherty's desire to seek the Republican gubernatorial nomination. Deterred by Hanna in 1895, Daugherty now decided in the summer of 1898 that he must make the race in 1899. Bushnell was approaching his last year of two terms. There might not be another opportunity until 1903, if Bushnell's successor were a Republican. Besides, Daugherty felt that the Administration owed him an open field, for he had worked extensively for the McKinley organization since 1892.

Both Ohio Senators rejected Daugherty's candidacy. On January 5, 1899 Senator Foraker sarcastically stated in an interview that it was natural for him to be for Daugherty since Daugherty had provided such loyal support in the 1892 senatorial contest. A day

55Ohio State Journal, November 10, 1898.

56Kurtz to Foraker, June 3, 1898, Foraker Papers, Box 36. Kurtz told Foraker that "stranger things than this have come to pass."

57Cincinnati Enquirer, January 6, 1899.
later the Cincinnati Enquirer predicted that George K. Nash was Hanna's choice for the nomination, although Hanna had not as yet openly supported any candidate. 58 Daugherty visited Hanna in Washington later that month to tell him "that a free field and no favor would be a desirable thing in Ohio. . . ."59 In early March Hanna, however, told Daugherty that it was not his year to make the race. Nevertheless, Daugherty, according to the Enquirer, returned to Ohio, announcing that Hanna favored his nomination. 60 Daugherty and his followers attempted to create the impression that the Administration regarded him as favorably as Nash. On May 10 this strategy came under alteration when either Charles Dick or one of his lieutenants released a statement to the Enquirer, elaborating upon how Daugherty "held up" Hanna in the bribery investigation the previous year. 61 The Daugherty forces retaliated when Cyrus Huling issued a rebuttal the following day, claiming that the bills were reasonable and justified because of the extent of the work. 62 Daugherty and Huling concentrated their ire upon Dick

58 Cincinnati Enquirer, January 6, 1899.

59 Ohio State Journal, January 23, 1899.

60 Cincinnati Enquirer, May 15, 1899.

61 Ibid., May 10, 1899.

62 Ibid., May 11, 1899.
in the various newspaper exchanges that week. They portrayed Dick as a jealous man who resented Daugherty's elevation as chairman of the state Republican executive committee. The selfish Dick, they felt, was deliberately using his position with Hanna to curb Daugherty's influence in the party. 63

Because of their open fight with Dick, the Daugherty forces were no longer able to assert that Hanna approved of Daugherty's candidacy. It was evident, too, that Hanna was more responsible than the puppet Dick for the anti-Daugherty publicity in mid-May. 64 All had not ended for Daugherty, however; he controlled the Republican state executive and the state central committees, enabling him to dominate the convention organization. The Republican convention temporary and permanent chairmen would be both Daugherty men. He had the support of dissident forces who were dissatisfied with Hanna's leadership in the Ohio party. James Holcomb, the chairman of the Cuyahoga organization who had managed to supplant the pro-Foraker McKisson and the Hanna forces, was in constant communication with Daugherty before the Republican convention. 65 In addition, Daugherty had his own organization of loyal followers

63 Cincinnati Enquirer, May 12, 1899.

64 Ibid.

65 Ibid., May 17, 1899.
which included Huling; Charles Kinney, Ohio secretary of state; and Howard Mannington, former assistant secretary of state of Ohio and now Daugherty's campaign manager. Daugherty's strategy precluded any combination with the Foraker crowd. He planned to present his case before the convention as a deserving Administration man who sought an open convention in which Hanna would not dictate. His fight, however, was not so much one of principle as he himself claimed. He believed in the same boss-oriented party system as Hanna. Daugherty instead was inspired out of political frustration.

In the week before the state convention in Columbus, Daugherty appeared to have the most delegates upon the conclusion of the various Republican county assemblages. Judge Nash, Hanna's choice, closely followed with Lt. Governor Asa Jones, Foraker's selection, a poor third. On May 27 Daugherty announced at his Neil House headquarters that 300 delegates were pledged to him while Nash's managers stated that their candidate had at least 275 votes.  

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66 *Cincinnati Enquirer*, May 12, 1899.
although I do not propose to know anything about the matter." 69
Such statements were designed to weaken Daugherty's chances.

On the day preceding the convention, Daugherty and Boss
George B. Cox of Hamilton County agreed to join forces on the com-
mittee of credentials, giving them virtual control of the committee. 70
This meant that the contested Cox delegation and the Holcomb group
would both be seated. The agreement initially aided Daugherty's
position, because it not only assured the seating of Holcomb's dele-
gation but also created the possibility of Cox eventually swinging his
delegation to the support of Daugherty. David Walker, Daugherty's
brother-in-law, later asserted that Cox at least had promised not to
use his votes in Nash's behalf. 71 Later that day Daugherty left his
headquarters and walked down the Neil House corridor to Hanna's
rooms. Daugherty shook his hand, whereupon Hanna stated:
"Well, Harry, this is a great fight that you have been putting up."
Daugherty retorted that it was not a fight but a contest. He went on
to say that he did not relish being denounced as an anti-Administra-
tion man. Hanna replied: "That is wrong, Harry; I consider . . .

69 Ohio State Journal, May 28, 1899. The Enquirer claimed,
however, that the President had no desire to endorse any candidate
or faction. Cincinnati Enquirer, May 29, 1899.

70 Columbus Dispatch, June 1, 1899.

71 Cincinnati Enquirer, June 4, 1899.
you... as good an Administration man as I am." This was Daugherty's last conversation with Hanna until after the contest.

Daugherty's chances for success faltered in the early hours of convention morning. A number of conferences were held from the previous evening until the convention convened the next day. The most important was a Cox-Hanna meeting just after midnight. Cox, who had wanted a compromise candidate from Hamilton County, allegedly agreed to favor Nash until the third ballot, if Hanna promised to nominate Judge John A. Caldwell, the ex-mayor of Cincinnati, for lieutenant-governor. Cox's eighty-six votes now gave Nash a tremendous advantage.

James Holcomb nominated Harry Daugherty on the second day of the convention. According to the Cleveland Plain Dealer, the cheering which followed Holcomb's speech meant very little as the men who cheered were soon ready for the slaughter. Nash led Daugherty at the end of the first ballot, 289 to 211. On the second vote Nash was nominated as Cox swung his eighty-six cohorts over to the Hanna side, causing a bandwagon to mount. Nash received

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72 Cincinnati Enquirer, June 1, 1899.

73 Toledo Blade, May 31, 1899. See also Cincinnati Enquirer, June 3, 1899.

74 Cleveland Plain Dealer, June 3, 1899.
461 to Daugherty's 205 on the final ballot. Amid the demonstration Daugherty proceeded to the platform where he spoke briefly:

This is a good deal like dancing a jig at my funeral, but it is a pleasure to stand here and tell you, my friends and fellow Republicans, that I cheerfully ratify your choice. To my friends who voted for me I cherish no malice. I shall remain a private citizen, though perhaps not by choice, but that is a privilege that no man can deny me. 75

Daugherty waged a good fight in spite of being opposed by the Hanna and the Foraker factions—the two major Republican wings of the Ohio party. His smooth organization surprised both Hanna and Nash. 76 He failed to win not only because of the duplicity of Cox but because Hanna was adamant in his refusal to allow an open convention. Many Hanna delegates were suddenly reluctant to vote for Daugherty when it became crystal clear that Nash was Hanna's choice. 77 Daugherty did not have the necessary majority to assure them of a certain nomination. They had their state jobs, patronage, or political influence to weigh in the balance.

Harry Daugherty's own political career was temporarily ruined as the result of his defeat. 78 He was never included in the

75Ohio State Journal, June 3, 1899.
76Cincinnati Enquirer, June 2, 1899.
77Ibid., June 3, 1899.
78The Enquirer published several articles on Daugherty's proposed punishment in the week following the election. See, for example, ibid., June 3, 1899 and June 6, 1899.
party councils as long as Hanna lived or Charles Dick, Hanna's senatorial successor, remained powerful. The many friends who fought so courageously for him met the same fate. Daugherty, at first, neglected these bitter realities; he retired to French Lick, Indiana for a vacation and then returned to campaign for Nash in the fall.
CHAPTER IV

ON THE POLITICAL FRINGE
1899-1910

The elimination of Daugherty as a significant political factor in the Ohio party began immediately after the 1899 Republican state convention. Dick replaced him as chairman of the state executive committee, and Myron Norris of Youngstown became Cyrus Huling's successor as state central committee chairman. The harmony program of Hanna in the fall campaign, however, curtailed any further action. In the gubernatorial race Nash faced the strong opposition of John R. McClean, the Cincinnati Enquirer magnate, and Samuel "Golden Rule" Jones, the independent mayor of Toledo. Consequently, Hanna sought to postpone intraparty differences to insure that Nash and the remaining state ticket survived the strong progressive campaigns of the two gubernatorial opponents. Daugherty, as promised, energetically campaigned for Nash's re-election. ¹

¹ Cleveland Leader, November 1, 1899.
Daugherty's refusal to accept political extinction in the post-election period caused an intraparty battle in early 1900. His following joined with the Democrats in an unsuccessful effort to defeat the Nippert reorganization bill in the Ohio legislature. The Cincinnati ripper enabled Boss Cox to return to power after a fusion group had overturned him in 1898. Daugherty's actions, however, induced the aroused Hanna-Cox organizations to work with the anti-Hanna Kurtz forces to settle with a common enemy—Daugherty. As a result, the Daugherty men found themselves politically checkmated. Never was this so evident than at the April 24 and 25 (1900) Republican state convention in Columbus. The assemblage was so controlled by the Hanna followers that some observers claimed that Dick himself brought the party platform with him from Washington to be rubber stamped by the delegates. Whether the allegation was true or false, a growing resentment against Hanna's "undue

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2 Ralph W. Tyler to George A. Myers, March 8, 1900, George A. Myers Papers, Box 8/1, Ohio Historical Society. See also Walters, Foraker, p. 180.

3 Ibid., May 25, 1900, Myers Papers, Box 8/3. See also Ibid., March 8, 1900, Myers Papers, Box 8/1. Myers implied that he had never cared for Daugherty. This is not true; he and his Negro friends enthusiastically favored Daugherty in this period. They rejected him in 1919 when the latter was instrumental in the defeat of the Beatty bill, an anti-discrimination amendment to Ohio's civil rights law. See Myers to Rhodes, April 30, 1920. The Barber and the Historian, pp. 106-07.
dictation" was an accepted fact. It was the Daugherty clique—the same supporters who had backed Daugherty for governor in 1899—that possessed the most animus. Howard Mannington faced so much opposition in his quest for the secretary of state nomination that he withdrew three days before the convening of the convention. The Hanna men managed to keep Daugherty at bay throughout the proceedings and then further stripped him of power in the reorganization of the state central committee. They conceded him only the twelfth congressional district. Daugherty was conspicuously missing from the Ohio Delegation which went to the Republican National Convention that June to renominate William McKinley as the party's standard bearer.

The Hanna men contested Daugherty's control of Fayette in the following year. Charles Dick worked with the anti-Daugherty Republicans to establish a separate county organization to oppose Daugherty. In June the Fayette county convention failed to settle the issue, for two delegations emerged to represent Fayette at the Republican state convention to be held on June 24 and 25 at

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4 Cincinnati Enquirer, April 22, 1900.
5 Columbus Dispatch, April 23, 1900.
6 Cincinnati Enquirer, June 20, 1901. See also ibid., June 23, 1901.
Columbus, one led by Daugherty and the other by state senator Thomas Marchant, the anti-Daugherty leader. 7 Rejecting any compromise with Daugherty, Marchant expected the committee on credentials to vote on the acceptance of his delegation, provided that Daugherty failed in his effort to pack it. 8 On June 25 the pro-Dick committee voted twenty to one against seating the Daugherty delegation. 9 This marked the first year that Daugherty was not a delegate since 1888. His political influence reached its lowest ebb.

In the next five years Daugherty sought to bolster his political position by courting the leaders of both factions. Always a practical politician, he outwardly harbored no animosities toward his opponents especially now that he lacked political power. One of his most perplexing problems was obtaining patronage for several of his political associates who were all unfavorably regarded by both the Hanna and the Foraker organizations. Daugherty boldly wrote to Dick and Foraker, asking for consideration in the appointment of his cronies to patronage positions. On one occasion Daugherty reiterated to Dick that he "had a talk with poor old

7 Ohio State Journal, June 22, 1901.

8 Ibid., June 23, 1901. See also Thomas W. Marchant to Warren G. Harding, June 15, 1901, Warren G. Harding Papers, Box 708/7, Ohio Historical Society.

9 Ibid., June 25, 1901.
Charlie Kinney . . . and he is really in need of some help if it can be given to him. In 1905 he sent letters to Dick and Foraker in an effort to have Mannington appointed surveyor of customs in Columbus. Foraker was willing to favor Mannington despite the fact that one Columbus business man claimed that Mannington was one of the most profane men that ever struck the town; everybody was glad when he left and they surely don't want any more of him . . . . The senior Senator dropped the matter, however, when Senator Dick, who was entitled to name the surveyor, refused to endorse him. The undeterred Daugherty immediately wrote Dick that he had certain suggestions to make about the collectorship which were of "great benefit to the party and [to] yourself."

Throughout this period Daugherty retained enough of a foothold in politics to assert himself later in the party. Even after

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10 Daugherty to Dick, January 12, 1906, Dick Papers, Box 7/4.

11 Ibid., February 22, 1905, Dick Papers, Box 6/4. See also Daugherty to Foraker, December 19, 1905, Foraker Papers, Box 42/D and Howard Mannington to Dick, November 14, 1905, Dick Papers, Box 7/3.

12 C. C. Firestone to Foraker, December 21, 1905, Foraker Papers, Box 42/F. See also Foraker to Firestone, December 23, 1905, Copy, Foraker Papers, Box 42/F.

13 Daugherty to Dick, January 13, 1906, Dick Papers, Box 7/4.
the setbacks of 1901, he still had influence in the legislature. It was no wonder that George Myers asked him on February 17, 1902 to do what he could to defeat a proposed state measure which placed Negro barbers in an inferior position within the profession. Daugherty played a major part in its defeat.  

He also regained control of the Fayette Republican organization in 1902 and came to the May 27-28 Republican state convention in Cleveland at the head of the county delegation.  

Daugherty again led the Fayette entourage to the Republican state convention the following year in an assemblage still largely dominated by Hanna.  

In 1904 Daugherty successfully averted the attempt of Marchant to regain control of the party in Fayette and was a delegate to the June 22-23 Republican National Convention at Chicago, where he also served as a member of the committee on rules.  

For the first time, he became, in 1905, chairman of both the Fayette and Franklin county delegations at the May 24-25 Republican state convention in Columbus.  

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14 Myers to Daugherty, February 17, 1902, Copy, Myers Papers, Box 11/1. See also Daugherty to Myers, February 19, 1902, Myers Papers, Box 11/1.

15 Cincinnati Enquirer, May 27, 1902.

16 Ibid., June 4, 1903.


18 Ohio State Journal, May 26, 1905.
While he had regained some political power, Daugherty was never an important cog in the Ohio Republican party as long as Hanna, Cox, or Foraker ruled. Hanna died on February 15, 1904, one month after his re-election, but General Charles Dick, the Hanna work horse, replaced him in the Senate. The unholy alliance of the Hanna and Cox factions expanded after the Senator's demise into a triumvirate which included Dick, Cox, and Myron T. Herrick. Herrick, a Cleveland banker, had become governor in 1903 after receiving Hanna's endorsement. This cabal literally ran state politics in 1904. The four delegates-at-large to the Republican National Convention included the triumvirate and Foraker. The Foraker group, however, failed to place one man on the new state central committee. 19

The Dick-Cox-Herrick leadership faltered in 1905. Herrick proved an unpopular governor, especially with the temperance and church groups due to his failure to pass the Brannock liquor law which provided for local option in residential districts of cities. The sporting crowd also detested him for vetoing a measure legalizing the sale of pools at race tracks. 20 Cox had his problems as

19Ohio State Journal, May 18, 1904.

well. Inspired by Lincoln Steffens' "Ohio: A Tale of Two Cities," progressive muckrakers made Cox one of their favorite targets; to them, he represented the pinnacle of all that was evil in the boss-controlled cities. Even William Howard Taft, Roosevelt's Secretary of War, spoke out against the Hamilton County boss in an October speech at Akron. Both Dick and Foraker were vulnerable to the progressive wave that was sweeping the nation. They were the custodians of the existing order in Ohio. As long as they controlled, reform was impossible. 21

After the disclosure of Coxism and Herrick's defeat in November, several state Republican leaders grew more intolerant toward the Republican state machine which was crystalized even more under a newly-formed Dick-Foraker-Cox accord. By 1906 Harry Daugherty was one of the leaders of a budding insurgent movement that included Theodore Burton, seven times Congressman from Cleveland, the opportunistic Herrick, and Robert Wolfe, the influential publisher of the Ohio State Journal and Columbus Dispatch. 22 It was only natural for Daugherty to attempt to play a leading role. The Dick and Foraker combination had relegated

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21 Hoyt Landon Warner, Progressivism in Ohio, 1897-1917 (Columbus, 1964), pp. 159-66.

22 Walters, Foraker, p. 256.
him to political obscurity. Only after curbing their influence could he hope to play a stronger part in the party. It was largely for this reason that he was so intent upon perpetuating "a fair show to other men" in running the Republican organization in Ohio.  

In a post-election letter to Arthur Garford, the Lorain County Republican leader, Daugherty claimed that "... I am so thoroughly saturated with Republicanism that I must always take a hand to some extent in assisting the party. I want to see it kept clean and see it give every man a show."  

On March 30, 1906 Daugherty moved into a more insurgent position in a speech at the Lincoln Club banquet at Toledo. His talk concentrated upon the Hepburn amendment to the Interstate Commerce Act, which best expressed the conflict between President Roosevelt and the conservative Foraker. Daugherty, carefully following the progressive temper of the time, enthusiastically supported Roosevelt's railroad regulation program. The interests of the people, according to Daugherty, must take precedent over the interests of the railroads whenever a conflict between the two occurred.  

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23 Daugherty to Arthur Garford, November 11, 1905, Arthur Garford Papers, Box 16/6, Ohio Historical Society.  

24 Ibid.  

25 Toledo Blade, March 31, 1906.
speech was an indirect slap at Foraker who disagreed with Roosevelt over the President's desire to strengthen the regulatory powers of the Interstate Commerce Commission. 26

By mid-August 1906 Daugherty had already aligned himself with Burton, Herrick, and Wolfe in an effort to fight the state machine. They openly revealed their dissent in the month preceding the Republican state convention. On August 16 the scholarly Burton, in a speech before the Cleveland Tippecanoe Club, denounced the clique within the Ohio Republican party for exploiting personal interests instead of advancing the welfare of the party. He directed his attack at Dick and Foraker who controlled the state organization. Since the two conservative Senators were "at variance with the President and the Republican party of Ohio," Burton proposed that the approaching Republican state convention endorse them "less cordially" than it did the Administration. 27 Later that month Daugherty repeated Burton's statements and then added several of his own in an address at the Cleveland Cuyahoga League of Republican Clubs. Daugherty insisted that, for the success of the party, Dick must not again be

26 Foraker believed that the Commission did not have the constitutional power to set railroad rates. Control of rate charges, according to Foraker, came under the sole jurisdiction of the courts. He, of course, wanted only minimal regulation.

27 Garford to Daugherty, August 17, 1906, Garford Papers, Box 18/2. See also Cincinnati Enquirer, August 17, 1906.
chairman of the Republican state executive committee. "The Republican party," according to Daugherty, "needs no bosses, and all the semblance of bossism should be avoided by its representatives." The only pro-Dick leader who spoke out at the meeting was Warren G. Harding, a Foraker lieutenant from Marion, who favored the continuance of Dick as state chairman and who also supported a strong endorsement of the two Senators.28

By the end of August Daugherty, the field marshal of the pre-convention campaign, contested Dick's strength in both the county and the congressional district organizations. The latter group selected the state central committee which in turn elected the chairman of the state executive committee. To remove chairman Dick, Daugherty needed a central committee committed to his intentions. That meant the priming of a pro-Daugherty candidate for central committeeman in each congressional district and then hoping that a majority of the candidates were elected at the various district caucuses at the state convention. When the anti-Dick Garford indicated a desire to be central committeeman from the fourteenth congressional district, he immediately asked Daugherty to get "in touch with some of your confidential friends and supporters in Richland, Morrow, and Knox counties and requesting them to support

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28Cleveland Plain Dealer, August 26, 1906.
me for the position. "

It was in this way that Garford and others secured the allegiance of their district organization. On September 9, three days before the convening of the Republican state convention at Dayton, Daugherty claimed that he had the support of a majority of the districts.

The Daugherty-Burton challenge was also active at the county Republican conventions in order to obtain as much delegate support as possible in the week preceding the state convention. Daugherty's success was remarkable in a number of counties. At one of the first assemblages, the Republicans of Portage County, in a segment of Dick's congressional district, declared against a policy of permitting United States Senators to act as state chairmen as it gave ground "for the grave charge of bossism." Allen and Richland Counties also quickly selected anti-combine delegations. The greatest blow to the Dick forces, however, came on September 8 when Cuyahoga and Summit Counties chose anti-Dick delegations. The latter, Dick's home county, refused to endorse him unequivocally. That day seven other counties declared against Dick for state chairman. In an evening interview Daugherty predicted that

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29 Garford to Daugherty, August 17, 1906, Garford Papers, Box 18/2.

30 Cincinnati Enquirer, September 10, 1906. See also Ohio State Journal, September 8, 1906.
Charles Dick would not be the chairman of the state executive committee. 31

The Foraker and Dick forces did not play dead in the face of the insurgent ground swell. Both defended their senatorial courses in the press. On August 26 Foraker stated in Washington that he favored Dick's re-election as state executive chairman. In the week before the convention, Dick embarked upon a vicious counterattack. He publicly shamed the motives of Daugherty whom he claimed was only after the party organization as a prelude to seeking the gubernatorial nomination in 1907. 32 On the day preceding the convention, Dick and his lieutenants cornered many of the county leaders in a campaign for more votes.

The September 11 and 12 Republican state convention witnessed two significant encounters between the insurgent Daugherty-Burton-Herrick forces and the Dick-Foraker combine. The first conflict centered upon the chairmanship of the state executive committee. On the first day of the convention, each congressional district held a caucus to elect its central committeeman. The opposition cause weakened when the Dick men won thirteen congressional

31 Ohio State Journal, September 4, 1906. See also ibid., September 9, 1906.

32 Ibid., September 12, 1906.
caucuses to the latter's eight. The newly organized central committee then proceeded to elect officers to the state central and executive committees. The pro-Dick Walter Brown, the political boss of Toledo, became the new chairman of the party's central committee on a twelve to seven vote, and Dick was re-elected by fourteen to seven as executive chairman. Consequently, control of the state party organization remained in the hands of the incumbent group. Daugherty, however, refused to accept Dick's chairmanship victory as conclusive. On the morning of September 12 he issued a statement that the chairmanship issue would be brought before the convention on that same day. He blamed the previous day's defeat on the hundreds of federal and state employees who spent their money in Dick's behalf.

True to his word, Daugherty contested Dick's re-election when the convention again convened. James Holcomb, a Daugherty delegate from Cleveland, introduced a resolution calling for the removal of Dick. As the junior Senator gritted his teeth, Daugherty and Burton ascended the rostrum to argue against his continuance as chairman. Daugherty, in a lengthy speech, first answered

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33 Ohio State Journal, September 12, 1906.

34 Cincinnati Enquirer, September 12, 1906.

35 Ohio State Journal, September 13, 1906.
Dick's accusation that personal ambitions accentuated his motives by asking the convention to "write in its platform . . . the proposition that I shall never aspire to any office, appointive or elective. . . ." Explaining that his opposition to Dick was impersonal, he then demanded that Dick withdraw for the welfare of the party. But Foraker, in a compelling speech, reminded the convention that Dick had been good enough to be chairman for McKinley, Hanna, and Nash--there was no reason why he should not be confirmed now. The delegates agreed with Foraker; they endorsed Dick's re-election by a 573-285 vote. Foraker and Dick also received the delegates' unqualified endorsement and had their votes in defeating Burton's resolutions for tariff revision and for the nomination of United States senators by a primary vote. The Foraker-Dick alignment proved too formidable for the insurgents. The scholarly and cold Burton lacked the fire to instill others to upend it. The fact that Daugherty and Herrick played such leading roles gave credence to Dick's accusations that it was a revolt to supplant machines by other machines.

Although disappointed, Daugherty and Burton optimistically looked to the future in post-convention statements. Burton

36 **Cincinnati Enquirer**, September 13, 1906. See also **Ohio State Journal**, September 13, 1906.

assured his friends that he was awaiting the movement's fight at
the next state convention in 1908. Daugherty claimed that the "fire
has just been kindled, and it will not be speedily quenched." Daugherty and Burton, however, proved more interested in the politi-
cal demise of Foraker and Dick than in any genuine movement for
political reform. Having the support of the Roosevelt Administra-
tion, Burton wished to replace the obstructionist Foraker in the
Senate. Control of the state party organization and a desire for
public office motivated Daugherty who had little power under the
Foraker-Dick regime. In the 1912 Republican-progressive fight in
Ohio, both would show their "true colors" by backing the conservative
Taft forces. Daugherty, in that same year, was as strongly against
the progressive Ohio Constitutional Convention. Their perform-
ances after 1906 consequently raises significant questions about the
sincerity of their principles throughout this insurgent movement.
In later aligning with the Taft people in 1907, Daugherty and Burton
continued their opportunistic fight against the Foraker and Dick organi-
ization which was on the verge of collapse by 1908.

38Ohio State Journal, September 13, 1906. See also
Cincinnati Enquirer, September 13, 1906.

39See below, p. 142.
By January 1907 William Howard Taft loomed as the major contender for the Presidency in 1908. As Roosevelt's personal choice, he still had opposition in Ohio in the person of Joseph Foraker, who virtually announced his candidacy in March in spite of the disapproval of the Republican press and the majority of the Republican state leaders. Although mentioned as a Taft supporter in January, Daugherty said nothing publicly until March when he delivered a speech at the W. Aubrey Thomas Club banquet in Cleveland. He then only implied that he favored Taft's candidacy. By the following year, however, Daugherty would play a major part in Taft's campaign. At the March 4-5, 1908 Republican state convention in Columbus, he was a leading figure in initiating a resolution endorsing Taft's presidential nomination. Neither Foraker nor Dick attended the assemblage to witness the Taft steam roller that was so reminiscent of the Hanna, Dick, or Foraker-controlled sessions. In June Daugherty went to the Republican National Convention at Chicago

\[40\] E. N. Huggins to James R. Garfield, January 14, 1907, James R. Garfield Papers, Box 124/11, Library of Congress. For Daugherty's speech, see Cleveland Leader, March 8, 1907.

\[41\] Ohio State Journal, March 4, 1908. See also Cleveland Leader, March 4, 1908.

\[42\] Cleveland Leader, March 4, 1908. See also Walters, Foraker, pp. 267-68. The anti-Foraker Robert Wolfe presented a conflicting convention account. Ohio State Journal, March 4, 1908.
as a delegate and as vice-chairman of the committee on credentials. So diligently did he function in the latter capacity that he became known as the chief chauffeur of the Chicago steam roller. Taft received 702 convention votes to Foraker's sixteen, a tremendous defeat for the Senator which paved the way for a much greater tumble that fall.

Not only misreading his times and unsuccessfully defying Roosevelt, Foraker fell into another political well in September when William Randolph Hearst of the New York Journal revealed a series of letters between the Senator and John D. Archbold, vice-president of the Standard Oil Company. The 1900-1903 correspondence indicated that Foraker had been the legislative agent of Standard Oil, receiving fees of $29,500 in return for his services. This revelation damaged Foraker so extensively that his availability suffered in the months preceding his re-election date in January 1909.

A cluster of candidates jostled into position in the race for Foraker's senatorial toga that fall. Among them was Harry Daugherty who was considered a certain contender as early as the pre-convention campaign. Close to Taft lieutenants like Arthur Vorys and

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43 Philadelphia Record, December 17, 1908. Clipping in Theodore Burton Papers, Box 67/4, Western Reserve Historical Society.

44 Cleveland Leader, June 14, 1908.
and Carmi Thompson, Daugherty more than likely had backing from the Taft organization immediately after the convention. The situation changed, however, in the fall when Taft's half-brother, Charles P. Taft, the owner of the Cincinnati Times-Star, indicated that he had senatorial aspirations. With the support of President Roosevelt, Congressman Theodore Burton also entered the contest.  

Because of the competition, Daugherty never publicly announced his candidacy. He operated covertly in soliciting the help of political friends. On November 9 he wrote Arthur Garford for his "open and active support." Garford replied that while he had always admired Daugherty he had committed himself to Burton since November 1907. Daugherty presumably received other similar replies for by December 2 James Cassidy, Burton's clerk on the House Committee on Rivers and Harbors, related to the Congressman that Daugherty was "ready for a deal." Daugherty apparently indicated that he wanted Burton's support in 1911 for either senator or governor for his backing of Burton now. On December 23 he announced that he was withdrawing from the senate race.

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45 Among the other candidates were Harding, Cox, J. Warren Kiefer and Dr. Charles A. Reed.

46 Daugherty to Garford, November 9, 1908, Garford Papers, Box 22/2. See also Garford to Daugherty, November 10, 1908, Copy, Garford Papers, Box 22/2.

47 James H. Cassidy to Burton, December 2, 1908, Burton Papers, Box 12/1.

48 Ohio State Journal, December 24, 1908.
The senatorial contest developed into a three-way race among Burton, Taft, and Foraker in the closing weeks of the canvass. Taft subsequently withdrew on December 31, announcing that a united party was more important than any personal ambitions. This induced Boss Cox to maneuver from Taft to Burton, which in turn caused Foraker to announce his retirement. Burton was selected by the Republican caucus on January 2, 1909 and was elected to the Senate on January 12. In later reviewing his election, Forrest Crissey, Burton's biographer, asserted that "probably no other supporter of the Cleveland Congressman contributed more to the success of his campaign than did Mr. Daugherty." 49

In the next two years Daugherty played a nominal role in politics while devoting more time to his law practice. There was one compelling reason for his attitude. Eagerly seeking Dick's seat in the Senate since December 1908, he found his ambitions shattered in the 1910 gubernatorial campaign when Democratic incumbent Judson Harmon defeated Harding. Enough Democrats came into office on Harmon's coattails to give the party a substantial majority in both houses of the state legislature. The Democrats won the senatorial race in November, although the General Assembly

would not conduct the election until January 10, 1911. At that time Atlee Pomerene, the Democratic nominee, gathered eighty-six votes in the legislature to Daugherty's seventeen. Daugherty led the other Republican aspirants despite the fact that he had not campaigned for the office since Harmon's November victory. After that defeat, he lingered in the shadows of the party until the Taft-Roosevelt feud of 1912.

50 Ohio State Journal, January 11, 1911, Daugherty received almost twice as many votes as his nearest rival, Senator Charles Dick.
In early 1894 Harry Daugherty and his family moved to Columbus. By then, the family included two children—Emily, nine, and Draper, six. In the next ten years the Daugherty's lived in four Columbus residences. It was not until 1904 that Daugherty built a three-story red stucco house on East Town Street, an exclusive area occupied by professional people like himself. The top floor was Daugherty's study which he later boasted contained one of the finest libraries in Columbus.\(^1\) The illness of Mrs. Daugherty, however, soon marred any enjoyment that a family often derives from such material comfort. After 1905 she suffered from arthritis which permanently crippled her despite the constant attention of the best physicians in the country.\(^2\)

\(^{1}\) Daugherty to Harris, October 9, 1939, Harris Deposit, Box 9/5.

\(^{2}\) Unpublished Edgar Mels article found in Cyril Clemens Papers, Box 1/16, Ohio Historical Society.
Daugherty had actually practiced law in the Ohio capital one year before making Columbus his home. In July 1894, while still retaining an office in Washington Court House, he formed a partnership with David Worthington, a former state senator from Fayette. Worthington accepted a judgeship in 1898, leaving Daugherty unattached until he joined with John Todd in 1903. The firm of Daugherty and Todd expanded in 1910 when Daugherty's son-in-law, Ralph Rarey, entered the partnership which continued until Daugherty's appointment as Attorney General in 1921.

Although Daugherty handled a number of criminal cases in his earlier legal career, he was primarily a corporation lawyer. In the 1890's he became the attorney for the B. & O. Railroad. By 1899 Daugherty was also the attorney and one of the major stockholders of the Scioto Traction Company. Living in a period when small telephone, gas, and electric plants were being merged into larger systems, Daugherty became especially adept in obtaining new charters from the legislature, winning concessions from regulatory

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3 Daugherty later stated of his earlier legal career: "There was never a murder case while I lived in the county that I was not employed in to defend and not a man I defended was ever convicted of murder in the first degree. . . ." Daugherty to Harris, June 7, 1938, Harris Deposit, Box 9/7.

bodies, or negotiating compromises with minority groups of stockholders. He rarely made an appearance in court or before a public utility commission. Daugherty had a zeal for action and a certain restlessness of temperament which precluded his poring over lawbooks. He obtained results by contacting acquaintances occupying positions of leverage at the Statehouse, on administrative commissions, or in the Republican party. He delegated technical legal problems to his partner Todd who was a scholarly attorney.⁵

Daugherty's legal forte came as a lobbyist. His clients included the American Tobacco Company, Armour and Company, the American Gas and Electric Company, the Western Union Company, and the Ohio State Telephone Company.⁶ A 1911 vanity book, Club Men of Columbus in Caricature, depicted Daugherty walking down the street leading a little trolley car and telephone with each protective hand.⁷ He represented J. P. Morgan's telephone interests that year when the Democratic legislature proposed amendments to a public utilities bill, giving the public service


⁶ Adams, Incredible Era, p. 38.

⁷ W. A. Ireland, Club Men of Columbus in Caricature (Columbus: Roycrofters, 1911), p. 421.
commission power to regulate utilities in the interest of the people. Daugherty appeared before legislative committees in an effort to prevent their passage. The lobbyist, according to a contemporary legislator, used "every device to win, the assembly was the jury; it had to decide."

His career as a politician complemented his legal work. Daugherty's four years in the legislature enabled him to learn the intricacies of lawmaking and provided him with valuable contacts. Indeed, the lobbyist's pay depended upon his ability to persuade his clients that he could fix people and things. That was one reason why Daugherty fought to retain a semblance of power after Hanna defeated him in 1899. He always managed to cultivate enough legislators who were ready to perform a favor. Daugherty exaggerated his authority to his clients so that he appeared more powerful than he was. After the organization of the General Assembly in 1900, Daugherty, as James Cox later related, wrote a number of insurance companies, asserting that his friends controlled both branches of the legislature. He suggested that they should have "someone on the ground" to protect their interests against unfriendly legislation. Daugherty allegedly offered his services for $1,500. Unfortunately one of his

letters fell into unfriendly hands, causing considerable discussion around the state capital. Various "milker" bills, frequently introduced to extort money from the threatened interests, were another Daugherty speciality. One of the last of these bills was an anti-cigarette measure proposed in 1905 by L. M. McFadden, a representative from Fayette.

The clerkships of the Ohio General Assembly became strategic positions for Daugherty. The control of a clerkship gave him a hand in the organization of the legislature as well as in the disposition of bills to committees. Despite his political setbacks, Daugherty managed to manipulate the house clerkship in the 1900-1910 period. A Dispatch reporter, in the 1900 clerkship contest, saw Daugherty anxiously viewing the race from the gallery. His candidate won the contest and promptly appointed John P. Maynard, the son of Daugherty's former law partner, as his assistant. Maynard subsequently became house clerk in 1909 where he quickly alienated Senator Burton by promising the assistant clerkship to three different people. Daugherty, however, found Maynard useful as an

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9 Cox, Journey, p. 304.

10 Ibid.

11 Columbus Dispatch, January 1, 1900.

informant who reported bills to him as soon as they were introduced. Daugherty then indicated to him the committees to which they were to be referred. Maynard, according to a contemporary, buried the bills that were unfriendly to Daugherty's clients. 13

Because of his success in Columbus, Daugherty was in demand at other state capitals, in New York City, and in Washington, D. C. The fact that Ohio Republicans frequently dominated the national spotlight in this period also contributed to his popularity in legal circles outside of the state. Daugherty made it known that he was intimately acquainted with Hanna, Foraker, Dick, Garfield, or Taft. In that way he found employment in cases where political influence mattered. In February 1906, Daugherty and Thomas Felder, an unscrupulous Atlanta attorney, tried to use their influence to remove the "ventilation, refrigeration, or icing" clause from the proposed Hepburn Act. 14 As lobbyists for Armour and Company, they alleged that all fruit growers and shippers opposed the clause. Daugherty asked Senator Dick to appear before the Committee on Interstate Commerce in their behalf. "You need only say," according to Daugherty, "that constituents of yours who are interested in large farms in the South have requested you to ask the committee

13 Cox, Journey, p. 303.

14 See above, p. 68.
not to report a bill that interferes with this special feature." He concluded by flattering Dick for the attention he had received in his maiden senatorial address. 15

Since Dick was apparently too busy to make an immediate appearance, Daugherty wrote Senator Foraker requesting him to urge the junior Senator to find the time. That spring he also asked Foraker, who opposed the Hepburn bill, to offer a floor amendment, eliminating the "ventilation, refrigeration, or icing" clause. 16 On May 4 Foraker told the Senate that he was proposing the revision because of the great number of letters he received from constituents in Ohio and fruit growers in other states. 17 Senator Jonathan Dolliver of Iowa, who led the floor fight for the bill's passage, rejected Foraker's amendment. He argued that fruit growers strongly favored the clause, because private refrigeration car lines like Armour extorted and discriminated in their dealings with shippers. The clause, according to Dolliver, would not deter the Armour car lines from contracting with the railroad. It instead required that

15 Daugherty to Dick, February 15, 1906, Dick Papers, Box 7/4.

16 Daugherty to Foraker, February 19, 1906, Foraker Papers, Box 48/D. See also ibid., May 9, 1906.

refrigeration charges to the shipper be computed as a part of the transportation cost and be published as a part of the railroad rate. 18

The bill subjected Armour to the jurisdiction of the Interstate Commerce Commission--this was precisely the reason why Armour wanted it amended. The Senate defeated Foraker's amendment to the chagrin of Daugherty who watched from the gallery. He expressed disappointment to Foraker that "parties who had promised to support it took no interest in it. . . ." 19

While his efforts to amend the Hepburn Act failed, Daugherty succeeded five years later in the Morse case, an involvement which had an adverse impact on his later public life. The case also exhibited Daugherty's ingenuity as a lobbyist. For these reasons, it deserves full coverage. Charles W. Morse, a chunky and unattractive individual, was in his early fifties when convicted and sentenced to fifteen years in the federal prison on November 15, 1908. 20 On January 2, 1910 Morse was taken to Atlanta. The man had had a history of illegal business ventures before the law finally

18 Congressional Record, 59th Cong., 1st Sess., p. 6374.
19 Daugherty to Foraker, May 9, 1906, Foraker Papers, Box 48/D.
20 The best published account of Morse's escapades is found in Henry F. Pringle, The Life and Times of William Howard Taft (New York, 1939), II, 627-37.
cornered him. Working with the corrupt New York Tammany politicians, Morse founded the Consolidated Ice Company in 1897 and soon merged it with the American Ice Company at a watered capitalization of $60,000,000. His corporation then quickly increased the price of ice which caused a tremendous public outcry. An investigation followed, disclosing that he had received important docking privileges from Tammany Hall after bribing Mayor Robert Van Wyck and Tammany Boss Richard Croker with shares of American Ice Company stock. The inquiry caused Morse to retire from the ice business with estimated profits of $12,000,000.

Morse's next ventures were in shipping and banking. In six years he had a virtual monopoly of coastal shipping from Bangor to Galveston. He succeeded as handsomely in financial circles. Morse and F. August Heinze, later president of the Mercantile National Bank, controlled almost a dozen New York banks in a few years of collaboration. The two birds of prey also organized a profitable copper pool which crashed in 1907, contributing to that year's panic. Both Morse and Heinze retired from banking during the scare. As a grand-jury investigation proceeded into Morse's illegal activities which the panic fully exposed, United States Attorney Henry Stimson gathered enough evidence to send him to the penitentiary for misappropriating banking funds. Morse claimed
that he was wrongly treated. He considered the sentence brutal, since the government did not indict other Wall Street manipulators who had the same disregard for the law.

Less than one year after Morse's imprisonment, requests for pardon began to reach President Taft's desk. The prisoner's family initiated a number of these appeals. Gilbert Pevey of Boston, representing Mrs. Morse, even managed to obtain a hearing with Taft.21 Public officials were also active in Morse's behalf. In December 1910 Senator Hale of Maine, respecting Mrs. Morse's request, presented an appeal to the White House.22 Four months later New York attorney, James M. Beck, later Harding's Solicitor-General, recommended that Taft pardon Morse.23 Other pardon pleas followed in the succeeding months. In May and July 1911, however, Taft denied appeals for Morse's pardon; he thought his fifteen-year imprisonment was entirely fair.

Morse's confinement concerned others for legal reasons. Daugherty's associate Thomas Felder of Atlanta needed Morse's

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22 Pringle, Taft, II, 629.

23 James M. Beck to Taft, March 14, 1911, Taft Papers, Folder 1189, Presidential Series II.
testimony in several civil cases involving the defunct Metropolitan Steamship Company. The Atlanta attorney retained Daugherty to aid in obtaining Morse's release because Daugherty "stood as close to the President as any other lawyer or citizen in the United States." Daugherty, claiming that Felder was "probably the best personal friend I have outside of my family" considered his employment honorable, since "I have had more business transactions... (with him) than with any other law firm in the United States." 

Daugherty and Felder soon requested permission to question Morse at the Atlanta penitentiary without the presence of a required third party. After the Department of Justice refused to waive regulations, Daugherty telegraphed Charles Hilles, the President's private secretary, on July 28 that he was not able to "secure facts necessary to handle Morse matters properly and professionally

24Daugherty to Charles Hilles, July 28, 1911, Telegram, Taft Papers, Folder 1189, Presidential Series II. See also Daugherty to Taft, November 17, 1915, Taft Papers, Box 327/7, Series III and Daugherty and Dixon, Harding Tragedy, p. 114. Felder, however, later stated that he had accepted the case because Fred L. Seely, the proprietor of the Atlanta Georgian, had wished Morse pardoned for "benevolent" reasons. Congressional Record, 67th Cong., 2nd Sess., p. 7378.


26Daugherty to Hilles, December 8, 1911, Taft Papers, Folder 1189, Presidential Series II.
without such an interview. " He asked Hilles to obtain the consent of
the Attorney General for a "reasonable request. "27 Daugherty did
not relate to the secretary that he wished to procure Morse's re-
lease. By August 29, 1911, however, he told Hilles that it was
impossible to transact civil litigation without the full-time help of
Morse. He then indicated that he must also explore the criminal
aspect of the Morse case because of the grave change in the prison-
er's health. Daugherty painted an extremely dark picture:

His life is speeding away with increased . . . rapidity day
by day. His right side, as you know, is paralyzed and
shriveling at a great deal faster rate than when sent here.
He has Bright's disease and his confinement is making him
worse so fast that I can see a change in each returning
visit here. He has fainting spells and in fact, I do not be-
lieve he is likely to live eighteen months in prison. 28

Daugherty included a statement from Dr. A. L. Fowler of
Atlanta, "one of the most eminent physicians in this part of the
country," to confirm that this was not his imagination. Confident
that the President would pardon Morse if he knew the facts,
Daugherty told Hilles that he and Felder must see Taft as soon as
possible. He concluded with an oily postscript: "Please congratulate

27 Daugherty to Hilles, July 28, 1911, Telegram, Taft Papers, Folder 1189, Presidential Series II.

28 Ibid., August 29, 1911, Taft Papers, Folder 1189, Presidential Series II.
the President upon his speech and position and upon the general approval of the public. "29

President Taft, preparing for an extended western tour, had no time for a conference with Daugherty. He instead recommended that Daugherty present the question to Attorney General George W. Wickersham. 30 Daugherty and Felder not only saw the Attorney General, they interviewed Stimson, the district attorney in the prosecution of Morse; the trial judge; and the pardon attorney. 31 Daugherty even arranged a meeting with Theodore Roosevelt who had been President at the time of Morse's trial. 32 Their letters, meanwhile, continued to flow into the White House. Daugherty constantly badgered Hilles regarding the urgency of the case. On at least two occasions, he cornered the President's secretary for lengthy conferences. 33

29Daugherty to Hilles, August 29, 1911, Taft Papers, Folder 1189, Presidential Series II.

30Rudolph Foster to Hilles, September 23, 1911, Memorandum, Taft Papers, Folder 1189, Presidential Series III.

31Daugherty to Hilles, October 27, 1911, Taft Papers, Folder 1189, Presidential Series II.

32Daugherty to Theodore Roosevelt, September 16, 1911, Theodore Roosevelt Papers, Box 175/7. See also ibid., September 21, 1911, Box 175/12.

33Daugherty to Foster, September 19, 1911, Taft Papers, Folder 1189, Presidential Series II. See also Daugherty to Hilles, November 20, 1911, Taft Papers, Folder 3527, Presidential Series II.
A few weeks after Taft's return, Daugherty and Felder wired Hilles, requesting an appointment with the President. Hilles promptly fixed a tentative time. One day later, on November 22, the penitentiary physician notified Wickersham of Morse's condition. The concerned Attorney General relaid the report to Taft:

Morse is drowsily apathetic and sleeps almost continuously; pulse sharp . . . ; his lower eyelids are chronically swollen . . . , his urine is markedly hematuric bloody, and the quantity for the last twenty-four hours amounts to only twelve ounces and which normally should be fifty ounces; microscopic examinations of his urine discloses red blood cells, granular casts and blood casts; diagnosis that of Bright disease; patient is surely and rapidly losing ground and there can be no doubt but that his time is now drawing to a close and that liberation only will prolong his life and even that not for a long period.

Daugherty's telegram that same day made the physician's report appear conservative. He cautioned that Morse might not live another twenty-four hours.

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34 Daugherty and Felder to Hilles, November 21, 1911, Telegram, Taft Papers, Folder 1189, Presidential Series II. Hilles scrawled that they could see Taft on Saturday at 11:40.

35 George Wickersham to Taft, November 22, 1911, Taft Papers, Folder 1189, Presidential Series II.

36 Daugherty to Hilles, November 22, 1911, Telegram, Taft Papers, Folder 3527, Presidential Series II. Daugherty also contacted a mutual friend, John R. McLean of the Cincinnati Enquirer and the Washington Post, to present Morse's condition to Taft. McLean sent a reporter to Atlanta who reported that Morse was very ill. The newspaper owner informed the President of this fact. Sullivan, The Twenties, p. 21n.
Taft conferred with Wickersham and the Surgeon General of the Army before meeting with Daugherty and Felder. He told the latter two that he decided to transfer Morse to the Fort McPherson hospital at Atlanta for thirty days of observation. There, the President explained, Morse would be well-treated and could employ his own physicians. While Taft sought to be as humane as possible, his decision was hardly to Daugherty's interests. Morse, as it was later revealed, had handsomely retained him and Felder to secure his pardon. Taft probably stunned the two attorneys when he disclosed his intentions at their White House conference.

Daugherty's first impulse was to contact Hilles after meeting with Taft. Failing to see him in Washington, he wrote to Hilles on his return home that he had been very conservative in presenting Morse's condition due "to his high regard for the President. . . ." One week later Daugherty came more to the point, arguing that "Morse was excessively sentenced and his life is hanging in the balance. " "He will never be well," Daugherty pleaded; "he is liable to die any day, and yet he may live a short time if he were to be released and allowed to take treatment peculiar to his disease."

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37 White House Memorandum, November 24, 1911, Taft Papers, Folder 1189, Presidential Series II.

38 Daugherty to Hilles, November 25, 1911, Taft Papers, Folder 3527, Presidential Series II.
Explaining that he did not want to influence Taft, he asked Hilles to inform him that he was seeking Morse's release on the basis of his condition. 39

The medical reports on Morse's progress in mid-December did not completely collaborate Daugherty's assertions. On December 21 J. A. Fowler, the acting Attorney General, informed Taft that civilian physicians at Fort McPherson agreed with the post surgeons' diagnosis the previous week—that further imprisonment would shorten Morse's life. 40 Taft, who had requested the examinations, hardly felt that these reports justified his immediate release. As he wrote Wickersham on December 24, "What is certified is that he is suffering from an incurable disease which may not terminate his life for years, but that imprisonment is likely to shorten his life." Taft judiciously concluded that he would pardon Morse, if the doctors verified that he would die in two weeks. 41 The President recommended the detention of Morse at the post hospital along with a monthly summation of his medical condition.

39Daugherty to Hilles, December 8, 1911, Taft Papers, Folder 1189, Presidential Series II.

40J. A. Fowler to Taft, December 21, 1911, Taft Papers, Folder 1189, Presidential Series II.

41Taft to Wickersham, December 24, 1911, Taft Papers, Folder 1189, Presidential Series II.
Daugherty and Felder, however, were very active in the final weeks of December 1911 in pressuring the Administration to come to a favorable decision. The former was a thorn to Wickersham, Hilles, and the prison physicians in seeking to expedite reports and recommendations involving Morse's pardon.42 Both also sought to sway the President. Although Taft refused to see Felder, the attorney asked Hilles on December 26 to deliver a letter to him, outlining what he had proposed to say in an interview.43 Three days later Daugherty telephoned from the New Willard Hotel in Washington to indicate that he would be "very glad to see the President on the Morse matter. . . ."44 Their leverage was the declining health of Morse.

On December 30 a board of medical officers at Fort McPherson revealed its findings to the President after a careful examination of the convict. The report concluded that Morse would die unless he was removed from the depressing influence of confinement.45 Ten days later Daugherty and Felder relayed Dr. Fowler's

42Daugherty to Hilles, December 17, 1911, Taft Papers, Folder 1189, Presidential Series II.
43Felder to Hilles, December 26, 1911, Taft Papers, Folder 1189, Presidential Series II.
44White House Memorandum, December 29, 1911, Taft Papers, Folder 1189, Presidential Series II.
45George H. Torney to the Adjutant General of the Army, December 30, 1911, Taft Papers, Folder 1189, Presidential Series II.
diagnosis which confirmed the board's conclusions.⁴⁶ According to
Major David Baker, the post surgeon, in still another report on
January 12, Morse's condition was so grave that he could not be trans­
ferred to Hot Springs for further treatment.⁴⁷ Finally, Surgeon Gen­
eral George H. Torney reported that Morse's state had deteriorated
to the point that he would probably live less than one month if he re­
mained confined and no longer than six months if his sentence were
commuted.⁴⁸ The concerned Wickersham submitted Torney's re­
port to the President with the recommendation that he terminate
Morse's sentence.⁴⁹ On the following day Taft reiterated Torney's con­
clusions in announcing Morse's pardon, even though the Surgeon
General had not placed the prisoner's life expectancy within the two-
week period.

No one factor caused Taft to pardon Morse. The fact that
he was allegedly near death was no compelling reason. Although
Presidents have exercised executive clemency on occasion for dying
prisoners, many have died unnoticed in federal penitentiaries.

⁴⁶ Daugherty and Felder to Taft, January 9, 1912, Taft Papers, Folder 1189, Presidential Series II.

⁴⁷ Wickersham to Taft, January 12, 1912, Taft Papers, Folder 1189, Presidential Series II.

⁴⁸ Ibid., January 17, 1912, Taft Papers, Folder 1189, Presidential Series II.

⁴⁹ Ibid.
Wealth and influence enabled Morse to evade that course, though it is unlikely that he would have died while there. His affluence caused Daugherty and Felder to strive for his release. His notoriety led to a number of appeals for pardon by prominent people. There was also the question of Morse's sentence. A circuit court of appeals had reversed his conviction on twelve out of fifteen counts which would have meant a lesser term. Since no parole system existed, Taft had no authority to reduce his sentence; it was either freedom or nothing. All these circumstances weighed upon Taft as he made his decision. The most significant factor, however, was still Harry Daugherty. Taft's concern about displeasing a close political friend less than one year before a crucial presidential campaign caused him to devote more attention to the possibilities of pardoning Morse. The prisoner's serious illness enabled the President to rationalize what he had already wished he could do. Cunning, persuasive, and with the tenacity of a bulldog, Daugherty pressured the judicious Taft into that position.

If Morse had kept his contract with death, his pardon would have been relegated to the realm of trivia. Later events, however, made this case one of the most bizarre episodes in the history of executive clemency actions. After spending several months in

50 Pringle, Taft, II, 637.
Europe, the now robust Morse announced upon his return in the summer of 1912 that he was organizing a $1,000,000 steamship company. The retired Taft sadly reiterated in a lecture the following year that Morse's excellent health "shakes one's faith in expert examinations." If Morse were a matter of bewilderment to the former chief of state, he created a damnable situation for Daugherty in late 1915, while the latter was seeking to win the Republican senatorial nomination in 1916. By this time Morse operated a Hudson River steamship line so unscrupulously that he was being sued for unfair competition. Several state Republican leaders saw Daugherty as the source of Morse's new escapades; they blamed him for having used his influence to deceive Taft. Daugherty felt their sting to the extent that he wrote Taft on November 17, explaining that one "who has lived in more or less of a storm all of his life and been in the thickest of the hardest fights naturally has enemies." He complained, however, that "disgruntled, disappointed, ambitious persons and certain yellow newspapers" were blackening his character in claiming that he had duped the Administration.  

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51 Pringle, Taft, II, 634.

52 Daugherty to Taft, November 17, 1915, Taft Papers, Box 327/7, Series III.
Daugherty requested Taft to write him a letter, elucidating that "I did not discuss the Morse case with you; that anything I did in that matter was done through Attorney General Wickersham; that I never deceived you about the matter or anything else, and that I have your confidence and respect."\(^53\) In other words, he asked Taft to distort the truth in the interest of his political career. The former President was more than willing to help, for Daugherty had been one of the must staunch Taft men in the 1912 campaign. On November 22, 1915 Taft repaid a political debt: "I write to say that in no way did you influence me in respect to the application for pardon of Charles Morse. My recollection is that you told me you were counsel for Morse, but that you declined to present the matter to me."\(^54\) Daugherty managed to receive the same sort of response from Wickersham.\(^55\) The presentation of these letters momentarily silenced the critics.\(^56\)

\(^{53}\) Daugherty to Taft, November 17, 1915, Taft Papers, Box 327/7, Series III.

\(^{54}\) Taft to Daugherty, November 22, 1915, Copy, Taft Papers, Letterbook 38, p. 370A, Series VIII.


\(^{56}\) Daugherty told Taft that it was "just what I needed to settle our old friend D. K. Watson, and our insincere friend Judge D. D. Woodmansee. . . ." Daugherty to Taft, November 23, 1915, Taft Papers, Box 328/3, Series III.
In late 1920 the Morse case again hung on Daugherty wherever critics discussed his credentials for the Attorney Generalship. It was only one of the improprieties that they raked out of his past. The issue received major attention, however, in February 1922 when Attorney General Daugherty indicted the elusive Morse for conspiracy to defraud the government on ship-building contracts during the war. Morse immediately charged that Daugherty was prosecuting him because of a disagreement over a retainer arising out of his pardon.  

Morse's statement spurred Daugherty's senatorial critics to delve more deeply into the case.

On May 2, 1922 Senator T. H. Caraway of Arkansas questioned Daugherty's integrity to prosecute war-fraud cases since, as an attorney, Daugherty had specialized in getting criminals out of prison. Specifically, the zealous Democrat accused the Attorney General of having freed Morse for a sizable consideration. In a later Senate speech on May 20 Caraway included into the record a copy of an alleged contract for "civil and criminal matters" that Daugherty and Felder had consummated with Morse on August 4, 1911. The compact had provided Daugherty with a $6,000 retainer

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57 New York Herald, February 28, 1922.
58 Congressional Record, 67th Cong., 2nd Sess., p. 7379.
plus $25,000 which he and Felder would divide after Morse's release. The most interesting revelation, however, came two days later when Caraway presented a copy of an October 12, 1917 letter from Felder to Leon O. Bailey of New York. Felder requested that Bailey help in recovering the $25,000 which Morse had neglected to pay. He explained that Morse had also promised to pay an additional $100,000 after his pardon. Daugherty and he, Felder continued, had attempted to collect from Morse on numerous occasions. Pleading lack of cash, Morse had tried to reimburse them with worthless stock. The disappointed Daugherty, according to Felder, had "complained very bitterly of our treatment by Morse. . . ." On one occasion the Ohio attorney had confronted Morse in a hotel room in New York where he had denounced him in "unmeasured terms, declining emphatically to accept the stocks tendered either as collateral or payment." The fact that Morse had recovered so soon after his pardon had deterred the two attorneys from filing suit against him. Felder

59 Congressional Record, 67th Cong., 2nd Sess., p. 7371. See also "The Case of Attorney General Daugherty," Outlook, CXXXI (June 7, 1922), 247. Daugherty claimed that he received about $4,000.

60 Ibid., p. 7378.

61 Ibid., pp. 7378-379.
explained that they had feared that the Wilson Administration would have remanded the pardon if they had agitated the matter in any way. "I have not been unmindful of the damaging evidence secured by the Department of Justice," Felder stated, ". . . to ascertain whether or not a fraud had been perpetrated upon the government by Morse in his efforts to obtain his freedom. . . . "62 Daugherty and Felder discovered that the Department had evidence revealing that, after the physicians had been appointed to examine Morse and before they had arrived, "soap suds or chemicals . . . would be taken by him to produce a hemorrhage of the kidneys, and that as soon as the examination was over . . . the patient would recuperate rapidly." Felder assured Bailey that neither he nor Daugherty had any knowledge that Morse had deceived the doctors.63 It seems incredible, however, that Morse could have concealed this deception from Daugherty and Felder especially after he had given them full control of the case. One may never know the complete circumstances behind Morse's illness.

Although politically inspired, Senator Caraway's crusade offered additional evidence that the Morse case was a sordid affair

62 Congressional Record, 67th Cong., 2nd Sess., p. 7379.

63 Ibid. While Taft was aware of the probable deception surrounding Morse's pardon, he refused to believe that Daugherty had been involved. He wrote Daugherty a sympathetic letter when Caraway attacked him. Taft to Daugherty, May 21, 1922, Copy, Taft Papers, Box 516/6, Series III.
which raised serious questions about Daugherty's personal and professional integrity. Caraway even demanded his resignation after reviewing the extent of his involvement. 64 Daugherty's close associate, Thomas Felder, fared no better. The Arkansas Senator's informal inquiry revealed that Felder was one of the most unscrupulous lobbyists who had ever operated in Georgia. 65 He would later face the prosecution of the federal government for several illegal ventures while Daugherty was Attorney General. 66

The undaunted Daugherty remained unmoved by Caraway's charges. Choosing to ignore the publication of Felder's telling letter, he again released the Taft and Wickersham notes of 1915. 67 Daugherty elected to stand upon the integrity of the two defendants whom he had earlier deluded. Such was the legacy of Daugherty's law career to his cabinet appointment. It was often too inseparable from his political profession.

64Congressional Record, 67th Cong., 2nd Sess., p. 7374.
65Ibid., p. 6308.
66See below, p. 273.
67Pringle, Taft, II, 636.
CHAPTER VI

THE UNCOMPROMISING REPUBLICAN
1912

The Taft-Roosevelt feud of 1912 brought Harry Daugherty back into the Ohio political limelight. In an intraparty battle between the standpat and progressive elements, he strongly led the former, reversing a stand he had taken in 1906 when Ohio Republican insurgents first challenged the state machine. Daugherty was not the only leading state Republican who found himself in a different camp in 1912, for Theodore Burton exchanged positions with Walter Brown in a conflict that contained other minor realignments. The new fight in Ohio, however, was, in some respects, similar to the earlier revolt which had cooled in 1908 when the Taft men had ended the Foraker-Dick domination. Personal ambitions as much as principles inspired both struggles.

1Forrest Crissey, in Theodore Burton: American Statesman, completely ignored his subject's transition from an insurgent reformer in 1906-07 to a defender of conservatism in 1912. In fact, the author totally disregarded Burton's role in the 1912 split.
As early as 1909 Taft's failure to follow Roosevelt's progressivism caused a renewal of Republican insurgency on both the national and the Ohio scene. It began when the President sided with his Secretary of the Interior, Richard Ballinger, in the latter's altercation with Gifford Pinchot of the Forestry Service. To the insurgents, the high Payne-Aldrich Tariff of the same year also represented Taft's surrender to the Old Guard. The President's inconsistent attitude in the congressional insurgents' campaign to dethrone House Speaker Joseph Cannon drove yet another wedge into party unity. Moreover, as the congressional elections of 1910 revealed, Taft's conception of government was too laissez faire for most progressives. The catalyst that pushed Roosevelt actively into the campaign was the Administration's decision to ignore Roosevelt's gentleman's agreements and to prosecute the U. S. Steel Corporation.  

Anti-Taft sentiment in Ohio remained unorganized until early March 1911 when Republican progressives held a meeting in Akron to discuss possible progressive presidential candidates for 1912. A more positive action came on November 3, 1911 at a dinner meeting in Cleveland. Three hundred insurgents established a

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2 For a perceptive account of the conservative-progressive rift, see George E. Mowry, Theodore Roosevelt and the Progressive Movement (Madison, 1947), pp. 36-182.
temporary organization entitled the Ohio Progressive Republican League. It quickly expanded into twenty-four counties with its headquarters at Columbus. The movement was not without difficulties, however. The progressive cause was badly divided between Robert La Follette and Roosevelt partisans. The former, a smaller and more amateur group, included Judge Robert H. Wanamaker of Akron and John D. Fackler of Cleveland. James R. Garfield, formerly Roosevelt's Secretary of the Interior, and Elyria industrialist Arthur Garford led the latter faction. Progressives like Garfield naturally disdained Taft's alteration of Roosevelt's policies.

Other Ohio Roosevelt supporters such as Dan Hanna, the son of the late Republican leader, and Walter Brown joined the cause for more selfish reasons. Hanna and his firm faced indictments by the Taft Administration for violating the Sherman Act. When the Administration refused to drop the charges, Hanna, who was also the owner of the Cleveland Leader, found the Roosevelt cause more congenial. Having both money and influence, he was a welcome addition. The pragmatic Brown contributed his organizational skill to the Roosevelt insurrection in Ohio mostly out of political expediency.

³Mowry, Progressive Movement, p. 203. No one, of course, has been able to prove this allegation. See also Warner, Progressivism, p. 357. The latter indicated that Roosevelt's colorful personality also attracted Hanna.
Often entitled the leader of the Toledo Tammany, he hoped to use the movement's success to strengthen his hold on progressive Lucas County. Brown's course was the reversal of Daugherty's since he had stood behind Dick and Foraker in 1906.

The ascendancy of the Roosevelt element began to snowball by late November. Hanna's Cleveland Leader continually emphasized the necessity for the former Rough Rider's candidacy. The Roosevelt faction's growing strength in the Ohio Progressive Republican League also helped. At a meeting on New Year's Day, the League defeated a resolution endorsing La Follette for President. One month later the Senator suffered a nervous collapse while addressing the periodical publishers in Philadelphia. His breakdown resolved the differences within the Ohio progressive organization, for the League quickly drafted Roosevelt. By the time Roosevelt spoke before the Ohio Constitutional Convention at Columbus in the week of February, he had already announced his candidacy. The contest, thus, officially began between two former friends. It signified the greatest intra-party fight in the history of the Republican party. One of the major battlefields was the President's own state.

4Warner, Progressivism, p. 358. The author cited other political reasons as well for Brown's shift.

5Mowry, Progressive Movement, p. 219.
Daugherty entered the preconvention campaign in Ohio as soon as Roosevelt threw his "hat into the ring." Having at one time enthusiastically supported his Administration partly because it had first challenged Hanna in 1903 and then had shown hostility to Foraker and Dick in 1906-1907, Daugherty had also found its progressivism a fashionable vehicle in striving to re-establish his former position in Ohio politics. He was not inconsistent, however, in aligning himself with Taft in 1912, since he had helped him considerably in the 1908 campaign and had later favored his Administration. Daugherty now saw no reason for Roosevelt's presidential challenge aside from personal ambition. He considered Taft an honest, capable President who was entitled to the party's renomination. Besides, he found Taft more in tune with his own brand of conservative Republicanism which remained consistent throughout his life aside from that one brief detour in the 1906-1907 period.

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6 For Roosevelt's conflict with Hanna and Foraker, see Walters, Foraker, pp. 201-03, and pp. 213-47. The writer has already alluded to Daugherty's opposition to Dick and Foraker as a reason for his insurgency in this period. See above, p. 68. Circumstantial evidence indicates that Daugherty backed Roosevelt not only because of party loyalty but because of the peculiar political situation in Ohio.

7 Daugherty and Dixon, Harding Tragedy, p. 79.

8 Daugherty to Harris, January 29, 1938, Harris Deposit, Box 9/3.
also an Ohioan and one who was not ambivalent to Daugherty's own political ambitions. In any case, Daugherty expected his organization's support in any future senatorial campaign. ⁹

In early 1912, however, the situation appeared bleak for the Taft organization in Ohio. There was little question that Roosevelt appealed to the grass-roots element of the party which was probably captivated more by his charisma than by his progressive utterances. There were also indications of dissatisfaction among federal employees who were under the jurisdiction of Postmaster General Frank Hitchcock. Concerned Ohio Republicans questioned Hitchcock's policies and doubted his loyalty. ¹⁰ The state Republican organization was not immune to the Roosevelt revolt. Walter Brown was the chairman of the central committee that included Arthur Garford as well as other pro-Roosevelt members.

Daugherty was one of the few active Taft men in Ohio in the February to April period. So appreciative was the President that he wrote Daugherty a personal note in March to thank him for his

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⁹ CLEVELAND LEADER, June 17, 1912. See also OHIO STATE JOURNAL, August 7, 1912.

¹⁰ CHARLES J. THOMPSON TO LEWIS LAYLIN, APRIL 25, 1912, TAFT PAPERS, FOLDER 22A, PRESIDENTIAL SERIES II. THIS FOLDER CONTAINED SEVERAL OTHER COMPLAINING LETTERS AGAINST HITCHCOCK.
By mid-April conditions remained grim, despite the fact that Daugherty and Ohio National Committeeman Arthur Vorys devoted considerable time to organizational work. "If the President will only spend a week here and C. P. Taft will do what is necessary to be done," Daugherty assured Taft's preconvention manager, William McKinley, on April 15, "I think we will pull it out." He also recommended that Senator Elihu Root of New York make a speech at Toledo, a progressive stronghold, and deliver two addresses at other strategic localities in the state. At Toledo Daugherty planned to have a progressive pro-Taft judge preside at the Root meeting, "saying things that Mr. Root cannot say, which the President cannot say, which he is expected to say . . . in the northwest where things are bad and newspapers are against us." 12

To Taft's secretary, Charles Hilles, Daugherty expressed concern about the disloyalty of Postmaster General Hitchcock who, he claimed, had turned Ohio postmasters, railway clerks, and inspectors against the Administration. Pleading that the state organization needed their support, he told Hilles that if he were the President he would "ask for his resignation immediately and say to

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11 Taft to Daugherty, March 12, 1912, Taft Papers, Folder 335, Presidential Series II.

12 Daugherty to William S. McKinley, April 16, 1912, Charles Hilles Papers, Box 95, Yale University Library.
the country that his resignation was asked for because he was a traitor to the administration. . . . " Daugherty advised Hilles that Hitchcock should be replaced before the June Republican National Convention where he would be a dangerous factor due to his influence with the southern delegates. "This is a fight to the finish," Daugherty warned; if Hitchcock left prior to the Ohio May primary, "we would have much more active and beneficial support than we are receiving." 14

Although Taft neglected the Hitchcock matter, he attempted to pursue Daugherty's other suggestions. In early May he asked his friend Root to campaign in Ohio prior to the crucial primary on May 21. The Senator found it more expedient, however, to display a neutral position even though he was now privately opposed to Roosevelt. 15 So, on two separate occasions in May, the dejected Taft came to his home state without Root in an effort to salvage it from a Roosevelt victory. The stakes were high since Roosevelt had won several decisive primary victories in other states within the previous month. If Taft lost his own state delegation the repercussions could be tremendous.

13 Daugherty to Hilles, May 9, 1912, Hilles Papers, Box 100.
14 Ibid.
15 Pringle, Taft, II, 785-86.
On May 8, 1912 Taft met with his Ohio backers at a party meeting in Columbus. Daugherty, who presided at the get-together, introduced the President by commenting that there was as much difference between the principles advocated by him and Roosevelt as there was between the American and the red flag. After the President's speech, Daugherty, Vorys, and Lewis Laylin, chairman of the state executive committee, briefed him on the schedule for a seven-day tour of Ohio, beginning on May 14 and concluding on the day prior to the district primaries. 16

One day after Taft opened his state campaign, Theodore Roosevelt embarked on an Ohio excursion. In special trains, they followed each other around the state on a canvass that degenerated into a barrage of innuendoes and personal abuse. Taft characterized his opponent as an "egoist," "demagogue," and "bolter"; while Roosevelt retorted with "puzzlewit" and "fathead." On May 18 Daugherty joined the Taft entourage at Lima to deliver a major address. His speech dwelt on state patriotism as he asked the audience whether it desired that a delegate representing the candidacy of some man from some other state shall arise and with trembling voice announce for the first time in Ohio's recollection that Ohio, proud Ohio, famous Ohio, Ohio, the state in which was born or lived at

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16Ohio State Journal, May 7, 1912. See also ibid., May 9, 1912.
the time of his nomination every Republican president, but
two--since the organization of the party--that this great
state which has written and made the greatest history among
the sister states, and in the world, for leadership, for
brains, in the soldiery, and for patriotism, waives her right
to the presidency and yields it to any son from any state
other than Ohio?

The Taft organization thought enough of Daugherty’s speech to pub-
lish it in pamphlet form.17

The campaign came to an end one day before the district
primaries. Taft had traveled 3,000 miles in making fifty speeches,
while Roosevelt had campaigned over half that distance in delivering
seventy-five talks.18 For the President, it was to no avail. He suf-
f ered a devastating defeat in obtaining pledges from only eight Ohio
delegates for his June renomination bid. Roosevelt, meanwhile,
gathered thirty-four pledges in outdistancing Taft 165,809 to 118,362
in the total vote. Only the "big six" remained unselected, that is,
the six delegates-at-large to be chosen at the June 3 and 4 state
Republican convention. The Taft men, hoping to recoup from the
May 21 defeat, were determined to prevent the Roosevelt people
from capturing the remaining delegates. As Daugherty told Hilles,
"the tendency of the other side is to flatter and fool and to inquire if

17Washington Court House Herald, May 19, 1912. Clipping
in Harris Deposit, Box 4/6. See also Daugherty to Harris, May 4,
1937, Harris Deposit, Box 9/4.

18Taft also had to contend with a La Follette two-day tour.
the state convention is not going to allow the express will of the voters of Ohio to dictate the delegates-at-large. This of course is all moonshine and we ought not to have a man in Ohio weakened in the least." 19

The majority of delegates to the state convention received their credentials from a series of county primaries held on various dates prior to the June 3 assemblage. Roosevelt did exceedingly well in these elections, while Taft completely dominated the county convention selections. Although there was a popular preference for Roosevelt, Taft had a narrow lead of 349 delegates to Roosevelt's 335 with 74 still uninstructed. On the day preceding the state convention, Daugherty rallied the Taft forces in an organizational meeting at the Neil House and aided in compiling the Taft slate. 20

The selection of the "big six" occurred on June 4 after a bitterly fought contest in which hisses and catcalls interrupted speeches from both factions. The Taft contingent won the fight on a 390 1/2 to 362 1/2 vote as Daugherty became one of Taft's six delegates-at-large. 21 Although Daugherty, Burton, Harding, Laylin, and Vorys all played strategic roles, Maurice Maschke, the Cuyahoga County

19Daugherty to Hilles, May 23, 1912, Hilles Papers, Box 102.

20Daugherty to Harris, May 4, 1937, Harris Deposit, Box 9/4.

boss, was most responsible for the victory. He case his entire delegation vote of fifty-three to Taft despite an agreement with Walter Brown to divide it in proportion to Roosevelt's decisive county primary victory. His change of heart cost Roosevelt six additional pledges.  

While Daugherty led the Taft delegates from Ohio to the June 18-21 Republican National Convention at Chicago, the Roosevelt progressives controlled thirty four out of the state's forty-eight delegates. Consequently, they dominated the organization of the entire delegation. Arthur Garford became both its temporary and permanent chairman. Ohio's representatives to the credentials and resolutions committees were also progressives. This, of course, ran counter to Daugherty's plans, for, as early as March, he had expressed his intention to seek the chairmanship of the credentials committee so that he might help Taft control the convention.  

Daugherty played little part in Taft's renomination at Chicago. He must have pleased the President, however, when he delivered a speech to a partisan crowd in the "Gold room" at the Congress Hotel. The aggressive Daugherty called Roosevelt's campaign a vaudeville and intimated

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22 Maschke allegedly changed his mind when Burton told him that he could not face the President again unless the Cuyahoga County delegation voted for Taft. Warner, Progressivism, p. 381.

23 Daugherty to Hilles, March 24, 1912, Hilles Papers, Box 89.
that the former President was a liar. Declaring that he came from a
proud state, he then boosted the qualities of Taft.24

After his return from Chicago, Daugherty wrote Taft in detail
in commenting upon Roosevelt's bolt. His opinions are especially
revealing since they reflect upon his own attitude toward politics.
Daugherty's Republicanism tolerated practically any indiscretion
aside from a party bolt:

I have no doubt about his personal honesty, but no man is
honest who enters a contest with a worthy adversary and
is not willing to abide by the result. He carried his fight
too far and both his cause and his conduct became vulgar.
this could all be forgiven, though it was hard to stand while
the contest was on, if he could now become reconciled to
his defeat. As the chairman of the Taft delegation from
Ohio, had you been defeated, I would have taken the re­
sponsibility of a motion to make your adversary's
nomination unanimous. There are only two kinds of men
who get along in politics--the man who wins always suc­
ceeds, and the only other man who has a chance is the
man who, when he has fought his battle and has exhausted
his resources and strength, falls at the feet of his
conqueror.25

By July 2, Daugherty turned his attention to the second ses­
sion of the state convention which again convened at Columbus. The
main business was to select the state candidates and to write the
state party platform. Taft had already cautioned Daugherty about

24Cleveland Leader, June 16, 1912.

25Daugherty to Taft, June 24, 1912, Hilles Papers, Box 107.
nominating a Roosevelt man for governor. 26 The Ohio progressives, electing to remain in the party, were equally adamant about remaining steadfast. Burton, representing the conservatives, decided to compromise, however, in order to win progressive support for the Republican national ticket. He offered Brown, the progressive negotiator, the Taft organization’s support of Garford for the gubernatorial nomination as well as concessions in the platform, provided that the insurgents agreed to endorse Taft. Refusing to bargain with his conscience, Garford instructed Brown to reject Burton’s offer. 27 He consequently lost the nomination on the fifth ballot to a conservative dark horse, Judge Edmond B. Dillon of Columbus. The remainder of the ticket included only one Republican progressive--John L. Sullivan, the secretary of state nominee. The Taft Republicans further proved that they had recovered from the insurrection by endorsing the President without progressive support.

After the Ohio convention, Daugherty and Vorys departed for Washington. Vorys was Daugherty’s most enthusiastic sponsor for the Republican National Committee chairmanship. On June 30 Daugherty had suggested that Hilles replace Hitchcock as Postmaster

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26 Taft to Daugherty, June 26, 1912, Hilles Papers, Box 107.

General so that the chairman could work easily with him. Daugherty had feebly insisted, however, that he was not after the post.28 In the following week several letters came to Taft recommending Daugherty for the position.29 The Ohio State Journal considered him a major contender along with Congressman Harry New of Indiana, William Barnes of New York, and Carmi Thompson of Ohio. Hilles, the logical choice, did not want the chairmanship.30

On July 8 a subcommittee of the National Committee conferred with Taft about the selection of a new chairman. Hilles, as Taft later related, was the only candidate who had no enemies or no opposition. While he was reluctant to accept the position, Hilles soon conceded that he was the only one that the Administration could select.31 Taft reiterated to his wife, Helen, that Vorys was angry because "we did not take Daugherty, but nobody knew Daugherty well enough to speak strongly in his behalf." "Then," the President continued, "there were some statements that he was a lobbyist and that

28 Daugherty to Hilles, June 30, 1912, Hilles Papers, Box 108.

29 Elihu Root to Taft, July 1, 1912, Taft Papers, Folder 3527, Presidential Series II. See also Edmund B. Dillon to Arthur Vorys, July 7, 1912, Telegram, Taft Papers, Folder 335, Presidential Series II.

30 Ohio State Journal, July 8, 1912.

31 Taft to Helen H. Taft, July 9, 1912, Taft Papers, Box 49, Presidential Series II.
there might be some weaknesses in his record." Taft possibly thought of the Morse case in the latter connection.

After Daugherty had written several letters to Hilles complaining of his rejection, Taft wrote him on July 17, indicating that he was "very sorry indeed that your feelings were hurt. . . ." The President explained that he was inclined to favor Daugherty's appointment because both Vorys and Hilles preferred it. As soon as he proposed his name to the committee, however, he "found that sort of hesitation which comes from a lack of knowledge, and . . . also found the circulation of stories in opposition . . . to such a selection." The subcommittee's disapproval was one of Daugherty's greatest disappointments. Stunned, he told Taft that he never sought the chairmanship. He only desired to help in the selection of a trusted chairman like Hilles. "I knew," Daugherty boasted; "I think first and better than any person the game being played against you." In later years Daugherty claimed that he

32 Taft to Helen H. Taft, July 9, 1912, Taft Papers, Box 49, Presidential Series II. There is some irony in the fact that Daugherty strongly backed Vorys for the chairmanship in 1908 only to see him rejected. See Daugherty to Taft, June 2, 1908, Taft Papers, Box 169/2, Series III.

33 Taft to Daugherty, July 17, 1912, Taft Papers, Letterbook 40, Series VIII. Although Taft referred to Daugherty's letters, they have appeared to vanish, for they are neither in the Taft nor the Hilles collections.

34 Daugherty to Taft, July 23, 1912, Taft Papers, Folder 3527, Presidential Series II.
had rejected the chairmanship because of serious illness in his family. 35

Judge Dillon, the gubernatorial nominee, meanwhile requested that Daugherty run the Ohio campaign as chairman of the Republican state executive committee. Daugherty promptly declined the offer. 36 By August 1 Dillon resigned the nomination just four days prior to the Progressive party nominating Roosevelt as President. The judge apparently suspected that a third party was also in the offing in Ohio to disrupt intraparty peace and to narrow his chances of election. His resignation set the stage for another battle with the progressives.

Refusing to compromise with the Ohio progressives, Taft wanted the aggressive Daugherty as the party's new candidate. The latter, however, rejected the overture repeatedly in the week preceding the August 10 central committee caucus. Pleading that he "was too young 12 years ago and too old now," he also alluded to the pressure of business engagements. 37 Daugherty had rarely spurned

35 Daugherty to Harris, January 9, 1940, Harris Deposit, Box 9/5. See also Daugherty to Cyril Clemens, June 16, 1939, Clemens Papers, Box 1/13.

36 Ohio State Journal, July 19, 1912.

37 Cincinnati Enquirer, August 6, 1912. For Taft wanting Daugherty, see Cleveland Leader, August 5, 1912.
an endorsement in the past, but the Republican chances now appeared grim in the face of a probable bolt in Ohio. In a Columbus meeting of Taft leaders on August 7, Daugherty failed in his attempt to push Harding into the race. As a result the party had no sure candidate three days before the central committee meeting.

On August 10 most of the major state Republican leaders attended the central committee caucus which was to select Dillon's replacement. The Taft men finally rallied around General Robert Brown, an ardent pro-Taft newspaper editor from Zanesville. While the progressives first favored Garford, they suggested moderate Ulysses Grant Denman of Toledo as a compromise choice. They further proposed that Denman, if nominated, would neither declare for Taft nor Roosevelt but conduct a campaign on state issues alone. This was not what Daugherty had in mind. According to one account, he threatened to have his own name placed on the ballot as an independent candidate for governor in the event the committee chose Denman. Holding a narrow majority, the Taft committee members then nominated Robert Brown.

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38 Ohio State Journal, August 8, 1912.

39 Ibid., August 11, 1912.

40 Cleveland Leader, August 13, 1912.
Walter Brown, Garford, and six other associates walked out of the central committee meeting after the conservatives' uncompromising stand. As he and his colleagues left, Daugherty remarked:

Do you know where there are any good milk bottles for babies made here? Really I think the little children should have nourishment while they are on the way to their homes and the breasts of their mother constituency. They may cry if they are not fed--the babies. 41

Ten days later Walter Brown and Garford formally announced their bolt. 42 Declaring their allegiance to the Progressive party, they formed part of the cadre of the Ohio Progressive party which held its convention at Columbus on September 4. Garford became the party's gubernatorial candidate.

It was Daugherty who guided the Republican rump in Ohio. Helping to reorganize the Republican central committee as a member-at-large, he also became chairman of the Republican state executive committee upon the urgings of both Taft and Robert Brown. 43 On the morning of August 14 Daugherty sat at his desk

41 Ohio State Journal, August 11, 1912.
42 Brown also officially resigned as chairman of the Republican state central committee and as National Committeeman. W. L. Parmenter of Lima eventually became the new central committee chairman.
43 Ohio State Journal, August 12, 1912. See also Cleveland Leader, August 10, 1912.
for the first time at the state Republican headquarters on Third Street, while a squad of house-cleaners were still busily putting the chairman's offices into shape. He literally intended to follow their example, for a housecleaning was one aspect of his disciplined campaign to purge the unfaithful and to strengthen the hard core. Daugherty inspired such a program, although it had the enthusiastic support of the President. 44

Viewing the conflict as nothing less than war, Daugherty quickly wrote a confidential directive to each county executive chairman, asking for the names and addresses of officers and members on both the county central and executive committees. He then directed the chairman to indicate whether each member was a loyal Republican or a traitor. 45 Daugherty proceeded to purge the committees of members who were unwilling to support Taft or who had defected to the progressives. In seventeen counties, he replaced entire committees due to the large-scale desertion to the Bull Moose. 46

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44 Cincinnati Enquirer, August 15, 1912. See also Taft to Myron T. Herrick, September 17, 1912, Copy, Taft Papers, Folder 218, Presidential Series II.

45 Daugherty to County Chairman, Undated, Copy, Hilles Papers, Box 122.

46 Newton Fairbanks to Herrick, February 8, 1916. Newton Fairbanks Papers, Box 1/1, Ohio Historical Society.
Daugherty's objective was to have loyal committees in each county. Though he intended to complete the task by the end of August, he found it impossible to remove all disloyal committeemen in that period. Consequently, on October 21 he assured county executive secretaries that the process of eliminating traitors "can go on as well . . . and even more justifiably after the election. . . ." 47

In another directive immediately following the election on November 7, Daugherty ordered the county executive chairmen to call their committees together to replace unfaithful members with loyal Republicans who could be depended upon in the future. Directing the central chairmen to do likewise, he also suggested that the reorganization extend to the township and ward committees. Those who had been disloyal were not permitted to re-enter the party cadre, although Daugherty proposed that they could be welcomed as supporters. 48

Chairman Daugherty followed the same disciplinary tactics during the campaign with state Republican candidates who had hoped to carry "water on both shoulders." Already assured of a place on the Republican ballot, many catered to the progressives in the

47 Daugherty to Edward H. Cooper, October 21, 1912, William H. Phipps Papers, Temporary Box 127, Ohio Historical Society.

48 Daugherty to County Chairmen, November 7, 1912, Phipps Papers, Temporary Box 128.
expectation of a Bull Moose endorsement as well. Daugherty continually put pressure upon them either to declare for Taft or be counted as belonging to the opposition. "I desire not to act precipitately," Daugherty stated, "but I am entitled to know and will learn about each candidate on the Republican state ticket, [and] whether he is a loyal Republican. This is what all loyal Republicans in Ohio want to know. He implied that candidates who did not follow his advice would find themselves financially unsupported by the state and county committees. This antagonized several Republican contenders, since a declaration for Taft ended any hope of winning Bull Moose support and, thus, restricted their chances to win.

On September 4 the Progressive party partially resolved the issue when it selected its own candidates for the seven leading state offices. Hundreds of Republican candidates running on the congressional and county levels, however, continued to seek the endorsement of the Bull Moose party and a place upon its ballot. Daugherty held the party in line by working with Secretary of State Charles H. Graves in enforcing the controversial Dana Law, which

49 Ohio State Journal, August 18, 1912.
50 Ibid., September 1, 1912.
51 Ibid.
52 Ibid., October 1, 1912.
permitted a candidate's name on only one ticket. This action forced Republican candidates to retain their party identity and eliminated the Progressive party as a factor in the county campaigns.

Closely related to Daugherty's hard-line campaign was his full use of Taft's patronage power in Ohio. His appeals for party loyalty as well would have had less meaning without the promise of state jobs. Daugherty believed "in the old school of politics," which meant "first taking care of our friends and then if there is anything left, let the other fellows have it." No wonder he quickly contacted Taft's new secretary, Carmi Thompson, when he had heard of the passage of a civil appropriations bill that provided for the employment of 300 Ohio clerks at the Pension Office in Washington. "When will these jobs be available?" Daugherty questioned. "I understand that civil service registration has no control over them." Hoping that more than 300 had been created, he requested more specific information so that he could submit a claim for the entire number.

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53 Ohio State Journal, October 1, 1912. See also ibid., September 25, 1912.

54 Daugherty to Ralph W. Tyler, September 15, 1912, Copy, Hilles Papers, Box 116.

55 Daugherty to Carmi Thompson, August 27, 1912, Taft Papers, Folder 3527, Presidential Series II.
Daugherty sometimes carried his patronage promises too far. On one occasion, he asked Thompson to write a party worker that, win or lose, the President's friends planned to take care of him. The Presidential secretary reminded Daugherty that Taft would not make a specific pledge of that sort. If the President were elected, Thompson explained, he would have an opportunity to make "many appointments agreeable to the Ohio crowd." Taft's defeat, however, enabled Daugherty to employ only a few party workers in the post-election period. He nevertheless fared better than his progressive opponents.

Besides combating the disloyalty of Ohio Republicans, Daugherty fought the infidelity of federal employees in the railway mail service. The center of their activity was at Cincinnati where Superintendent Clyde Reed had his headquarters. Daugherty accused Reed of being a violent Roosevelt proponent who incited his employees to turn against the Administration. Their treasonous activity, according to Daugherty, is "cutting the life out of us." Joseph Garretson, the editor of the Cincinnati Times-Star, corroborated

56 Daugherty to Carmi Thompson, September 16, 1912, Hilles Papers, Box 116.

57 Thompson to Daugherty, September 13, 1912, Hilles Papers, Letterbook 26.

58 Daugherty to Thompson, August 28, 1912, Taft Papers, Folder 22A, Presidential Series II.
Daugherty's assertions and also alluded to the department's de-
moralization due to Reed's lack of consideration in supervising
the operation.\textsuperscript{59}

Daugherty's solution was simple. He wanted Reed transferred to another railway service headquarters and replaced by
the assistant superintendent, the loyal W. L. Poe. Unfortunately
Postmaster General Hitchcock had already filled the only comparable
vacancy which removed the possibility of shifting Reed.\textsuperscript{60} Since
Daugherty saw the problem as simply political in nature, he refused
to understand why civil service laws were not waived in either de-
moting someone in another area to accommodate Reed or even re-
ducing Reed himself.\textsuperscript{61} The fact that Hitchcock did not act upon his
recommendations provided Daugherty with additional proof of his
disloyalty. Again, he complained of his activities and on two oc-
casions in August urged the removal of the Postmaster General.\textsuperscript{62}

\textsuperscript{59}Gus Karger to Thompson, September 18, 1912, Taft
Papers, Folder 162, Presidential Series II.

\textsuperscript{60}John E. Todd to Thompson, September 5, 1912, Taft
Papers, Folder 3416, Presidential Series II.

\textsuperscript{61}Daugherty to Thompson, September 9, 1912, Taft Papers,
Folder 3416, Presidential Series II. See also Daugherty to Taft,
October 2, 1912, Taft Papers, Folder 366, Presidential Series III.

\textsuperscript{62}Ibid., August 26, 1912, Taft Papers, Folder 3416,
Presidential Series II. See also ibid., August 28, 1912, Taft Papers,
Folder 22A, Presidential Series II.
On September 11, after the Administration failed to act, Daugherty finally exploded: "I'll be damned if I don't propose to resign this job if Hitchcock's conduct in putting things over on us is not stopped." Daugherty added that he spent half his time "listening to stories of the damage being done by employees of the Postoffice Department."

His letter to Thompson so startled Taft that he immediately asked Hitchcock: "What under heaven is the matter with your people in Ohio?" The President suggested that the Postmaster General see that employees there were at least neutral.

In the end Daugherty's persistency paid some dividends. In a letter marked personal and confidential, he told Taft that he had recently confronted Hitchcock about replacing Reed. While the Postmaster General had finally consented to moving Reed to St. Louis, Daugherty did not like the idea of transferring an aged St. Louis supervisor to Cincinnati. Daugherty, also angered that Hitchcock had not agreed to appoint Poe, complained that Hitchcock "nevers desires to do anything recommended by anybody from Ohio."

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63 Daugherty to Thompson, September 11, 1912, Taft Papers, Folder 3527, Presidential Series II.

64 Taft to Hitchcock, September 13, 1912, Copy, Taft Papers, Folder 3416, Presidential Series II.

65 Daugherty to Taft, October 2, 1912, Taft Papers, Folder 366, Presidential Series III.
"I have frequently told you plainly what I think should be done with Hitchcock," wrote Daugherty; "I will not repeat now my recommendation in that regard." His letter convinced Taft of the necessity of replacing the questionable Reed with Poe. When Hitchcock explained that there was no vacant position for Reed elsewhere, Taft acceded to the proposition that Reed exchange locations with a loyal New Orleans superintendent. The President then related to Daugherty that Hitchcock was no doubt anxious to do what he could. "I do not distrust him as you do," Taft reminded Daugherty. The latter hesitantly accepted the situation.

Daugherty, immediately after his clash with the railway mail service, attempted to take action against disloyal postmasters. Probably the greatest defector was C. H. Bryson, the postmaster of Athens County, whom Daugherty claimed had been "very offensive to our friends." Writing to Taft on October 24, he warned that he would never be satisfied until "this fellow is kicked out of the

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66 Daugherty to Taft, October 2, 1912, Taft Papers, Folder 366, Presidential Series III.

67 Taft to Daugherty, October 6, 1912, Copy, Taft Papers, Folder 162, Presidential Series II.

68 Daugherty to Thompson, October 13, 1912, Telegram, Taft Papers, Folder 162, Presidential Series II.

69 Daugherty to Taft, October 24, 1912, Taft Papers, Folder 1775, Presidential Series II.
postoffice. He is deceitful, politically dishonest and ungrateful."

Daugherty also wanted him removed as a warning to other "limber back" postmasters and postal employees who operated under the instructions of a disloyal Postmaster General. The slow-moving Administration, however, waited several weeks before removing Bryson.

Because the party was so splintered by disaffection, Daugherty had a difficult task in collecting campaign funds. Nevertheless, he did not cower from his unwavering campaign. He ordered county chairmen not to accept money from Republicans who swayed from an "uncompromising fight against all who are opposing either the national or the state ticket." Daugherty viewed the defection of post-office department officers as affecting the willingness of federal employees in Ohio to contribute to the cause. This was one reason why he had fought hard against Bryson and Reed.

Daugherty had little success in obtaining sizable contributions. Before alluding to a $1,000 donation from an old client, he

70 Daugherty to Taft, October 24, 1912, Taft Papers, Folder 1775, Presidential Series II.

71 Daugherty to Hilles, November 25, 1912, Taft Papers, Folder 1775, Presidential Series II. Roosevelt finished well ahead of Taft in Athens County in the election.

72 Daugherty to County Chairmen, Undated, Hilles Papers, Box 116.
jokingly warned Thompson: "Perhaps you had better lean up against the Whitehouse or go down to the Union Station and lean up against it, or lean up against the President and take a ten acre field where you won't break if you fall . . . . "73 On the whole, funds from Ohio Republicans were meager aside from the $15,000 that the Cincinnati Prosperity League raised or the money Taft and his friends contributed. 74 What made matters worse was that major donations from Ohio went straight to Hilles at the Republican National Committee headquarters. Such funds were returned to Daugherty only after some delay. The Ohio chairman, protesting that he was in a "devil of a hole," was often aggravated because of the wait, especially since he had requested that the money go directly to him. 75 On one occasion he became so perturbed that he reprimanded one of Hilles' workers which briefly caused friction between the two headquarters. Vorys tried to soothe relations in justifying Daugherty's impetuosity:

"He has been frantic this week because he felt that he must know . . .

73 Daugherty to Thompson, August 21, 1912, Hilles Papers, Box 114.

74 Daugherty to Hilles, October 11, 1912, Hilles Papers, Box 120. See also ibid., October 12, 1912, Hilles Papers, Box 120 and Thompson to Daugherty, October 3, 1912, Hilles Papers, Letterbook 26.

75 Ibid., October 17, 1912, Hilles Papers, Box 120. See also ibid., September 28, 1912, Hilles Papers, Box 118.
the extent of his resources . . . [to help] the different county organizations who have been driving him—crazy for money. . . ." Despite the fact that Daugherty often lost his head, Vorys reminded Hilles that he found it quickly. On the following day Daugherty apologized for his impatience.77

The executive chairman had other reasons for sometimes losing his temper. Often devoting sixteen hours a day to his job, Daugherty put himself into an exhausted state.78 In addition, he found it frequently difficult to obtain popular Republican leaders to address important state rallies. In early September Root pleaded illness at a request to open the state campaign in Columbus on September 20, although Senator Henry Cabot Lodge of Massachusetts finally proved a formidable substitute.79 Foraker, notwithstanding Daugherty's persistent appeals, was unresponsive almost to the very

76 Vorys to Hilles, October 26, 1912, Taft Papers, Folder 227, Presidential Series II.
77 Daugherty to Hilles, October 27, 1912, Hilles Papers, Box 122.
78 Daugherty to Thompson, August 28, 1912, Taft Papers, Folder 22A, Presidential Series II.
79 Root to Taft, September 4, 1912, Taft Papers, Folder 152, Presidential Series II. See also Daugherty to Taft, September 21, 1912, Copy, Folder 3527, Presidential Series II.
end. On September 19 Daugherty remarked to the old political antagonist:

I will come down and spend a day with you even though I am as busy as a man can be and impoverishing myself in nervous and physical strength. I will gladly come down and try my hand on talking you into the campaign in your old fashioned way. 80

Such friendly gestures contributed to Foraker's one address at Columbus in the campaign's final week.

Other old-line Republicans refused to render full support for sundry reasons. Ambassador Herrick, who had never personally liked Daugherty, can be excused for removing himself entirely from the campaign. Daugherty, however, had some justification in accusing the Herrick-controlled Dayton newspapers of supporting James M. Cox, the Democratic gubernatorial candidate. 81 Even Senator Burton became lukewarm. He not only disagreed with the way Daugherty ran the campaign but resented his interference in a Dayton postmaster contest. 82 In the last weeks of the campaign

80 Daugherty to Foraker, September 19, 1912, Foraker Papers, Box 103/D.

81 Daugherty to Taft, September 27, 1912, Hilles Papers, Box 118. See also Taft to Herrick, September 17, 1912, Copy, Taft Papers, Folder 218, Presidential Series III. Herrick was Ambassador to France in the Taft Administration. Although Taft did request that he communicate with Daugherty "to see how you can best give us aid," there is no evidence that he did help. Ibid.

82 Ohio State Journal, October 16, 1912. See also B. B. Buckley to Thompson, November 11, 1912, Folder 2340, Presidential Series II and Daugherty to Thompson, September 25, 1912, Folder 2340, Presidential Series II.
discouraging reports of political conditions in Cleveland caused Hilles to wire Thompson to proceed there to assist in the work of the organization. The head of the Cleveland campaign was Maschke, Burton's old friend. No wonder Daugherty privately confessed that his job had "about broken me down and broken me up." 

Daugherty, however, generally remained cocky. Initially informing the President that he would conduct an open, frank, and fearless campaign, he continually assured Taft and others of improving conditions in the passing weeks. On October 5 Daugherty told Taft that "if you do not carry Ohio, I will be surprised and greatly disappointed." By mid-October he completely ignored the progressives in confidently concentrating his efforts on the Democrats. Daugherty ended the campaign in a flourish. His slogans, "four weeks work in one" and "ten days work in two," were geared to inspire the state committees to a whirlwind finish. Two days prior to

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83 Thompson to Daugherty, October 22, 1912, Hilles Papers, Letterbook 26.

84 Daugherty to Foraker, October 18, 1912, Foraker Papers, Box 103/D.

85 For example, see ibid., October 5, 1912, Foraker Papers, Box 103/D.

86 Daugherty to Taft, October 7, 1912, Taft Papers, Folder 366, Presidential Series III.

87 Ohio State Journal, October 30, 1912.
the election, Daugherty announced to the county executive chairmen that he had been too conservative in his statements. He predicted a sizable victory for Taft in Ohio. 88

The election returns failed to corroborate Daugherty's predictions. Ohio gave her electoral vote to a Democratic presidential candidate for the first time in the history of the Republican party. The Democrats carried the entire state ticket and controlled the state legislature by more than two to one. Obviously, the Republican party split was the opposition's gain. The G. O. P., however, did finish ahead of the Bull Moose. Taft outdistanced Roosevelt 277,066 to 229,327, in receiving a decisive vote in the southern counties while Roosevelt ran well in the northern urban areas. Robert Brown had fifty-five thousand more votes than the Progressive gubernatorial candidate, Arthur Garford. He obtained a plurality in ten counties to Garford's nine.

Daugherty deserves some credit in the Ohio Republican party's second place finish. He inspired loyalty in its principles, such as they were, at a time when progressivism developed into a fashionable movement. His aggressive disciplinary campaign kept the Republican organizations intact and ridded them of their disloyal members. The fact that he prevented Republican candidates

88 Ohio State Journal, November 4, 1912.
from receiving Progressive endorsements did much to retain the integrity of the Ohio party.

The disappointed Daugherty remarked after the election that he could not understand why the party had to give way for a Wilson experiment, although he rationalized that thousands of Republicans voted for Woodrow Wilson rather than risk a Roosevelt victory. 89 Confident of his course, he continued his extermination program against disloyal Republicans who had attempted to destroy the Republican party. His approach pleased the old-guard faithful like Foraker, Harding, and Vorys. Daugherty, nevertheless, caused ill feeling among many Republicans who felt that the main task should be reconciliation between the two factions. 90 While Daugherty

89 Daugherty to Harding, January 13, 1913, Harding Papers, Box 725/5. See also Daugherty to County Chairmen, November 7, 1912, Phipps Papers, Temporary Box 128.

90 Frank B. Willis and Simeon Fess are only two examples. Out of political expediency, Willis had continually advocated a reunion of the progressives and Republicans in his 1912 Congressional campaign. He eventually endorsed a number of progressive planks in the post-election period. Fess was sympathetic to Roosevelt's progressivism. In his congressional campaign, he had successfully straddled the two platforms and was certainly an advocate of reconciliation after the election. Gerald E. Ridinger, "The Political Career of Frank B. Willis" (unpublished Ph. D. dissertation, Department of History, The Ohio State University, 1957), p. 44. See also John Nethers, "Simeon Davidson Fess, 1861-1936" (unpublished Ph. D. dissertation, Department of History, The Ohio State University, 1964), pp. 139-40 and Simeon Fess to Daugherty, December 23, 1915, Copy, Taft Papers, Box 334/1, Series III.
sometimes sensed that others could now better perform his chair-
manship duties, he would not brook any change wrought by concession:

I feel that some men would come back to the party who may have a feeling against me because I was compelled to take a firm stand and not give an inch. I cannot change my ideas for all the party, I can step aside and quietly do it, for somebody who is more of a harmonizer than I am, but I will support no man who flinches or who backs down from the position and the principles we stand for. 91

In the following year, Daugherty neither flinched nor retired.

91Daugherty to Harding, November 16, 1912, Harding Papers, Box 725/3.
CHAPTER VII

AN OBSTACLE TO PARTY REUNION
1913-1916

While the Progressive party failed in 1912, the progressive movement succeeded in revamping the political structure in Ohio. In early 1913 Daugherty pondered these changes with considerable dismay. He especially disdained the work of the Constitutional Convention of 1912 which had updated the Ohio charter. To Daugherty the direct primary, the initiative, and the referendum were all inspired by men with socialistic attitudes who had been educated by the press to crave sensation. He, like Foraker, Harding, and other old-guard Republicans, believed in the inviolability of the party convention in which the experienced political leaders held sway. "It was under that system," Daugherty asserted, that "the Republican party was built up and . . . prospered and became the most beneficial agency for the good ever organized by men in this county. . . ." ²

¹Daugherty to Taft, April 17, 1913, Taft Papers, Box 254/2, Series III. Daugherty referred to the ultra-liberal Scripps-McRae League of newspapers.

²Dayton Journal, August 19, 1915. Clipping in Burton Papers, Box 73/3.
The tendency of the times precluded such sensible principles. Any lawyer who challenged the Convention's work, according to Daugherty, was "promptly denounced by the press as being in the employ of the interests."3

Daugherty viewed the growing regulation of the state government with even more alarm, believing that the progressive programs of Governors Harmon and James Cox had suppressed both industry and the investor with the result that businesses no longer thought Ohio a favorable area of investment. He pointed to the lack of public utility construction and railroad expansion. He also alluded to individual taxpayers who suffered because of the enactment of a municipal and county bond tax amendment which had been first proposed at the Constitutional Convention.4 Daugherty pegged the recent amendments and legislative enactments as part of a socialistic movement "detrimental to the sound sensible development and growth of the country." It was an effort on the part "of those who have been unsuccessful to take something from those who have been more successful, just as honest and more industrious."5 He suggested to Taft that that was,

3 Daugherty to Taft, April 17, 1913, Taft Papers, Box 254/2, Series III.

4 Ibid.

5 Daugherty to Mary Lee, May 20, 1913, Mary E. Lee Papers, Box 1/4, Ohio Historical Society.
perhaps, the reason why the former President had decided to leave Ohio.  

His reactionary Republicanism and his uncompromising stand in 1912 made Daugherty less than an ideal state executive chairman. In early 1913 Republican state legislators publicly criticized his retention as party leader. Other progressive Republican leaders like Franklin County prosecuting attorney, Edward Turner, newspaper publisher Charles L. Knight of Akron, and former Congressman Paul Howland of Cleveland resented his domination of the party machinery. All believed him an obstacle in the path of a reunited Republican party. Daugherty, nonetheless, refused to step down under fire. He began to welcome the return of the former progressive rank and file while declining, at the same time, to compromise his otherwise rigid approach. The November elections seemed to solidify his position, for Republican voters defeated several of Governor Cox’s constitutional amendments, including the short ballot and the proportional representation proposals which also had the

6Daugherty to Taft, April 17, 1913, Taft Papers, Box 254/2, Series III

7Ohio State Journal, February 13, 1914.

8Ibid., February 15, 1914. See also Cincinnati Enquirer, April 9, 1914.
Progressive party's support. In addition, such former Republican strongholds as Newark, Sidney, Circleville, and Mansfield now returned to the Republican fold. Daugherty interpreted the results not only as an ending of an experimental craze "to cure an imaginary sickness" but as an indication of the re-emergence of the "strongest political party in the United States."

A belief persisted after the election, however, that Daugherty must agree to resign in the interest of a Republican-Progressive amalgamation. Even some conservative Republicans expressed this conviction, although Turner and other liberal leaders were the most insistent. To Turner Daugherty was not only too closely identified with the fight, he represented the party-boss symbol. As long as he remained chairman, a Republican campaign against the bossism of James Cox and Walter Brown could bear no fruit. On February 12 Daugherty issued a rebuttal, claiming that he "never has been a boss,

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9Cincinnati Enquirer, November 5, 1913. See also ibid., November 6, 1913. William L. Finley, Chairman of the Democratic executive committee, claimed that Daugherty had previously supported the short-ballot amendment. Ibid., November 11, 1913. For Daugherty's denial, see ibid., November 12, 1913 and Daugherty to Fairbanks, November 12, 1913, Fairbanks Papers, Box 1/1.

10Ibid., November 6, 1913.

11Malcolm Jennings to Harding, January 2, 1914, Harding Papers, Box 726/1.

12Cleveland Leader, February 26, 1914.
never proposes to be one; never has been bossed and never will be bossed. He nevertheless announced in a carefully worded statement that he would not play any official part in the 1914 campaign nor would he be a candidate for any political office. He further promised that neither would he accept the chairmanship nor any other position within the Republican party for the following year. Daugherty attributed his "resignation" to the loss of both money and friends. While Turner was elated that Daugherty elected not to involve the organization in the primaries, the shrewd Ohio State Journal pointed out that Daugherty did not formally resign the chairmanship; he temporarily quit. The anti-Daugherty Wolfe newspaper implied that with Daugherty anything was possible.

The drive for a Republican-Progressive reconciliation followed another path. By January 1914 the Republican legislators suggested a reunion banquet at Columbus. The central committee, led by A. L. Parmenter, accepted the plan and set the date for February 26. While Daugherty outwardly favored the idea, he privately confessed that he stood as firm as ever in his old beliefs.

13 Ohio State Journal, February 13, 1914.
14 Ibid.
15 Ibid., February 15, 1914. See also ibid., February 26, 1914.
16 Daugherty to Foraker, February 21, 1914, Foraker Papers, Box 110/D.
At crowded Memorial Hall, Senator William Borah of Idaho, as a sop to the progressives, delivered the main address. Daugherty, Burton, Foraker, Willis, and David Mead Massie of Chillicothe were among the other speakers. Introduced as "Horatius, who held the bridge in Ohio in 1912," Daugherty concluded a short presentation with "gentlemen, I am a Republican." The forget-together meeting, as Daugherty termed it, was not, however, an overwhelming success. There were only a sprinkling of repentant progressives among the 3,000 to 4,000 who attended the Memorial Hall banquet. Since the Progressive party leaders refused to attend, there was no move to amalgamate the two Ohio parties. The meeting nonetheless revitalized the party's desire to stamp out Coxism in November, as the majority of the speakers made the Democratic Governor their principal target.

At least one conservative Republican leader was not so confident of Republican success. On April 6 Senator Burton announced that he would not seek re-election "unless circumstances arise which I do not anticipate will occur." The Senator had lost prestige at

17 Ohio State Journal, February 27, 1914.

18 Ibid., Ohio progressive leaders like Brown, Garford, and Garfield were very much opposed to any reunion.

19 Cincinnati Enquirer, April 7, 1914.
home since his loyal defense of the Taft Administration in 1912. The Cleveland Leader had especially badgered the sensitive Burton in the previous two years to the point that he now felt that his re-election chances were exceedingly slim. The fact that his continuance meant facing the people in first a grueling primary campaign and then a general election race must have weighed upon him. The stoop-shouldered Senator was also extremely sensitive about his unpopular stand on legislative measures. He had voted for the disfavored Payne-Aldrich Tariff of 1909 and had supported President Wilson's desire to repeal the Panama Canal Toll Exemption Act of 1912 which had excluded U. S. vessels from canal levies. Finally, Burton, with deep conviction, favored both the neutralization and the equalization of the Panama Canal—long unpopular stands among Republicans. Claiming that he was retiring because of a concern for the party's success in Ohio, Burton suggested a successor who was less involved in the factional disputes of recent years.

Burton's decision to step down was anticipated as early as 1912 when Taft men had boosted Daugherty as a possible successor.  

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20 1914 was the first year that senatorial candidates confronted the direct primary for nomination and a popular vote for election.

21 For Burton's extended depression, see Crissey, Burton, pp. 224-36.

22 Cleveland Leader, June 17, 1912. See also Ohio State Journal, August 7, 1912.
Then, on November 7, 1913, Foraker, at a secret conference in Cincinnati, received little opposition from leading Republican leaders on his decision to enter the senatorial primary the following year. By March 1914 Burton's own choice was Congressman Frank Willis who had straddled in the 1912 rift. Several weeks before Burton announced his retirement, however, Willis had decided to commit himself to the gubernatorial race, thereby challenging the former progressive D. Meade Massie, the Ohio Republican leaders' choice. He shattered the plans of the slate makers.

Daugherty at first advised Burton to remain in the Senate race. After the Senator refused and Willis revealed his gubernatorial candidacy, he immediately projected himself into the contest at a time when Warren Harding was also emerging as a contender. On April 9 one of Harding's supporters, William Miller, sought out Daugherty to solicit his influence in obtaining Dan Hanna's

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23 Cleveland Plain Dealer to Foraker, June 29, 1914, Foraker Papers, Box 110/C. See also Foraker to Cleveland Plain Dealer, June 29, 1914, Telegram, Foraker Papers, Box 110/C. Daugherty, Vorys, Parmenter, Harding, and Samuel Granger were among the Republicans who attended the meeting.

24 Charles Jones to the author, February 20, 1968. Jones was one of Willis's managers. See also Ridinger, "Willis," pp. 50-3.

backing for Harding's primary bid. Finding Daugherty at a Columbus saloon in the Harrison Building, Miller received Daugherty's assurances that he thought favorably of Harding's candidacy. The Columbus attorney hesitantly agreed to call Hanna the next day. Daugherty, claiming illness, then reiterated that he was proceeding to a turkish bath before heading home. The following morning the *Cincinnati Enquirer* and the *Cleveland Plain Dealer* came out with stories of the numerous requests Daugherty had recently received from friends to run for the Senate despite his earlier pledge to remain out of the contest. The articles alluded to the formidable nature of a possible Daugherty candidacy as he had the support of the former progressive Hanna. Accusing him of usurpation, Miller and another Harding worker hunted Daugherty for an explanation as well as to inform him that he could not be nominated. After spending the entire day trying to locate him they assumed that he had gone into hiding.

Since nothing came from his self-inspired boom, Daugherty finally turned to Harding about one week after Burton's retirement.

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26 J. S. Hampton to Harding, April 10, 1914, Harding Papers, Box 726/2.

27 Ibid. See also *Cincinnati Enquirer*, April 9, 1914 and *Cleveland Plain Dealer*, April 9, 1914.

28 Ibid.
pronouncement. He sent word to a conference of Ohio Republicans at Arthur Vorys' Columbus law office that Harding was his choice for Senator. Everyone present, except the Cincinnati men, favored Harding, an old-guard politician who nevertheless had a reputation as a skilled harmonizer. By then, Burton tried to win back his former supporters, but Daugherty, Hanna, and Maschke told him that it was too late. At a Cleveland conference in mid-May Daugherty, Burton, Hanna, and Maschke formally informed Harding that he had their full support in his race against the reactionary Foraker whose candidacy now proved an embarrassment to most Republican leaders. The Marion candidate first obtained Hanna's promise that he would not attack Foraker and would support him if he won. Harding then journeyed to Cincinnati where he told his political mentor that he had decided to run. He owed his entry into the race and his subsequent nomination to a combination of factors and not solely to Daugherty as myth has had it.

Daugherty completely disregarded his promise to remain aloof in his opposition to Willis's gubernatorial candidacy. The

29 "Memoirs of Maurice Maschke," Cleveland Plain Dealer, August 14, 1934. Beginning on August 1, it was published on a day-to-day basis for about one month.

30 Ibid. See also Crissey, Burton, p. 238.

31 Ohio State Journal, May 28, 1914. See also ibid., May 26 and 27, 1914.
Republican state chairman considered him one of the "dodgers and sidesteppers" of the 1912 campaign, who now antagonized the organization by running for the governorship. Daugherty used his influence as chairman to pit Youngstown industrialist David Tod, a former state senator, against Willis. Capitalizing on the backing of the city political leaders and newspapers, Daugherty massed the state organization to elevate Tod in many of the counties. In Fayette not only was the Daugherty-dominated organization supporting him; one observer accused Daugherty's brother Mally, a cashier at the Midland National Bank in Washington Court House, of circulating petitions in Tod's behalf. Other reports came to the Willis headquarters of a Daugherty-inspired campaign against the Congressman.

While Daugherty emphatically denied that he discriminated among the primary candidates, the Willis clique used his interference to good advantage. One Willis leader astutely suggested that they

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32 Cleveland Plain Dealer, July 12, 1914.

33 Frank Parrett to H. L. Eliot, April 14, 1914, Frank B. Willis Papers, Box 1/49, Ohio Historical Society.

34 Claude C. Waltermire to F. F. Tipton, June 27, 1914, Willis Papers, Box 2/54. See also H. C. Thompson to Homer J. Ward, April 3, 1914, Willis Papers, Box 1/35 and C. A. Jones to C. O. Redinbo, April 4, 1914, Willis Papers, Box 1/26.

35 Daugherty to Thompson, April 3, 1914, Willis Papers, Box 1/35.
confine their attacks upon Daugherty while ignoring Tod. Their often-exaggerated denunciations of Daugherty as a scheming political boss won a host of supporters, especially among those who either had favored Roosevelt in 1912 or who wanted Daugherty replaced in the interest of a reunited party. The stand on Daugherty fitted well with Willis's broadsides on the bossism and the overcentralization of power of the Cox Administration. The fact that Tod became a defendant in a libel trial on the day of the primary further insured Willis's chances for nomination.

Immediately after Willis's primary victory, Daugherty gave some indication that he would again seek the chairmanship. One Willis supporter warned the future Governor that Daugherty was already intriguing with the new committeemen. Others reiterated that while he was all right personally, Daugherty was a political thorn to the once progressive voter. They suggested choosing a chairman who had always been a Republican but yet had progressive tendencies. As the Republican gubernatorial nominee, Willis had

36 F. M. Hopkins to Tipton, June 27, 1914, Willis Papers, Box 2/54.

37 Bert B. Buckley to Frank B. Willis, August 12, 1914, Willis Papers, Box 5/2.

38 Clarence Middleswart to Willis, August 13, 1914, Willis Papers, Box 5/5. See also Charles E. Wood to Willis, August 14, 1914, Willis Papers, Box 5/7.
much to say as to who should run his campaign. Thus, Edwin Jones of Jackson became the new Republican state executive chairman. Daugherty, however, secured a firm hold on the new state central committee. That fall he also manipulated the house speakership. Explaining how he had desired to keep out of the matter, Daugherty confided to an associate that it was impossible for him to detach himself completely from any affair that was of interest to his friends. "I am still a policeman on the force," he preached, "looking after the interests of this party. . . ." As in past situations, Daugherty refused to relinquish control.

Daugherty did his share of the work in the successful Republican victory that fall which elevated Harding to the Senate and Willis to the State House. He was especially helpful to Harding in the organizational aspects of the campaign while shunning speeches that drew "fire where none is necessary." The Progressive party's disappointing defeat was pleasing to Daugherty since it received no more than a token vote. The Ohio G. O. P., indeed, seemed closer to solidification.

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39 Springfield News, August 22, 1914. Clipping in Burton Papers, Box 68. See also Columbus Dispatch, September 4, 1914. Clipping in Garfield Papers, Box 159/2.

40 Daugherty to Fairbanks, November 19, 1914, Harding Papers, Box 728/3.

41 Daugherty to Harding, October 19, 1914, Harding Papers, Box 728/3.
Despite any personal setbacks in 1914, Daugherty optimistically looked to the future after the Republican resurgence. In early 1915 he made up his mind to seek out Pomerene's Senate seat in 1916. Harding's easy victory must have given him some encouragement. On September 18, 1915 Daugherty announced his candidacy at a time when Charles Dick and Judge Woodmansee were the only active Republican candidates. He appeared a probable winner. As he told Taft: "Being an old crane that has been up and down a great many streams, I wanted to be sure of my ground." He assured the former President that "the things we stood for are popular now, and I am surprised to be assured by the Progressives that they are friendly to me." Daugherty was quick to add that he had never taken back anything that he had said or had done relating to his position in 1912. He attributed the progressive support to the respect that people have in a man who has stood his ground.42

Daugherty received Taft's assurance that brother Charles, the owner of the Cincinnati Times-Star, would do all that he could.43 He also had the backing of those who had belonged to the Taft organization. To Ohio Republicans who hesitated, Daugherty reminded

42Daugherty to Taft, September 22, 1915, Taft Papers, Box 322/2, Series III.

43Taft to Daugherty, October 6, 1915, Copy, Taft Papers, Box 327/8, Series III.
that he had performed a party service in the war of 1912. Typical was the "stiff" letter Daugherty requested friend Newton Fairbanks write Myron T. Herrick:

I am just old fashioned enough to believe that gratitude is still a virtue, and I somehow think that this good year, 1916, offers a golden opportunity for all Republicans of our old state to show they know what that admirable quality in man is, and where and how to bestow it in a generous manner--by nominating Mr. Daugherty, unopposed, and electing him to the United States Senate."44

Republicans who had questioned his posture in 1912 represented Daugherty's present efforts to capitalize upon it. Congressman Simeon Fess, a probable candidate himself, felt that a united party must be the only consideration for 1916. On December 23, 1915 he reminded Daugherty "that you cannot head a united party." "I do not refer to the leaders," Fess explained; "they can easily compose their differences, but I fear the rank and file." He told Daugherty that he had not supported Foraker in 1914 for the same reasons, although he claimed that his favoring of Harding had been no compromise with principle.45

44 Fairbanks to Myron T. Herrick, February 8, 1916, Fairbanks Papers, Box 1/1.

45 Simeon Fess to Daugherty, December 23, 1915, Copy, Taft Papers, Box 334/1, Series III. Gus Karger of the Cincinnati Times-Star's Washington Bureau sent Taft a copy of the letters "between the good Dr. Fuss and Harry Mayhem Daugherty." Karger to Taft, January 12, 1916, Taft Papers, Box 334/1, Series III.
Daugherty replied sarcastically that he appreciated the arrival of Fess's letter on Christmas morning. He reiterated that the only Republicans who hesitated to support him were "a few of the same class of people who were uncertain about which side to take in 1912." Daugherty further pointed out that had he resisted a campaign upon party regularity and an adherence to party principles in 1912, there would now be no Republican party in Ohio. "Strange to say," Daugherty unbelievably asserted, "you are the only man today holding a responsible position accredited to any party who will not say that I was right in the position I took in 1912." He continued: "I cannot understand either, my dear Mr. Fess, the consistency of your position that you were compelled from your standpoint to support Senator Harding . . . in 1912, and do not approve of my candidacy in 1916 for the same reason." Daugherty rightly indicated how outspoken and fearless Harding had been in supporting his position in that campaign. While wanting Fess's backing, Daugherty remarked that he would not stultify himself to secure the nomination. "It is not necessary to my happiness," Daugherty added. In commenting upon the Congressman's favorable expressions of personal feelings toward him, Daugherty questioned why "you are not willing to dig a little deeper into me and my cause than a surface investigation and one originating from prejudice formed in your mind because I have seen fit
to be outspoken in behalf of the party. ..." Daugherty concluded in a tone of self-righteousness:

I think it possible for a man to go along, accomplish something in this world in an honorable profession and the pursuit of life, give active and even under some circumstances strenuous support to the party and be shot at and criticized for doing so, and yet possess qualifications for this high office. 46

Daugherty's assertions of progressive support were an exaggeration. Former Bull Moosers such as Dan Hanna at first promised aid as did friends like Robert Nevin of Dayton, the Progressive party Attorney General candidate in 1912, who had previously-supported Daugherty in his challenge of Hanna in 1899. 47 Some, no doubt, had admired Daugherty's courage and uncompromising stand while others leaned to him because Charles Dick was an even more undesirable choice.

By early January the emerging candidacy of Myron T. Herrick cost Daugherty considerable party backing. He later claimed that he had asked Herrick as to his intentions before announcing his own candidacy. According to Daugherty, the former Governor had encouraged him to enter the race when Herrick had "thought he

46 Daugherty to Fess, December 24, 1915, Copy, Taft Papers, Box 334/1, Series III.

47 Daugherty to F. E. Scobey, January 17, 1916, F. E. Scobey Papers, Box 1/3, Ohio Historical Society.
would run for President or Pope and everything else. " Herrick's challenge was indeed formidable. He regained his popularity with Ohioans after serving a successful tour at Paris. Herrick had not been actively involved in the 1912 disputes and consequently presented himself as a harmonizing agent. Aside from his controversial position of 1912, Daugherty, meanwhile, was stigmatized as a corporation attorney, who found himself confronted with a "whispering" campaign as information leaked of his earlier involvement with Charles Morse. The pathetic Daugherty still remained self-assured, for he boasted to a former Ohioan that "more than 40 newspapers, representing as many counties, have come out for me editorially in the strongest editorials possible."

Charles Taft's Cincinnati Times-Star constituted Daugherty's major newspaper support. It argued that Northern Ohio monopolized the state Republican party. Senator Harding came from the northern part of the state as did Theodore Burton who was to be Ohio's favorite son at the June Republican National Convention. The

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48 Daugherty to Scobey, January 17, 1916, Scobey Papers, Box 1/3. See also Daugherty to Harris, June 7, 1938, Harris Deposit, 9/3.

49 See above, pp. 90-105.

50 Daugherty to Scobey, January 17, 1916, Scobey Papers, Box 1/3.
newspaper excluded Herrick's candidacy for geographical reasons in endorsing Daugherty. When Herrick claimed that his entry might help to reconcile the factions of the party as he was not identified with the troubles of 1912, the Times-Star quickly came to Daugherty's defense. Herrick's argument, according to one editorial, meant that only men who fail to take a position at critical times were worthy of office after quiet was restored. Such a rule would hardly encourage fearlessness and independence of action. No one was in doubt where Daugherty stood in 1912. To a Taft, that was a strong argument for selecting the former executive chairman.

Senator Harding's position in the contest was much more complex. Because of his standing, he obviously could influence the outcome. Personally, he favored Daugherty. "You know that I have some gratitude in my heart, and from this statement you will understand where my sympathies lie," Harding remarked to good friend Malcolm Jennings. The Senator was obviously referring to Daugherty's help in the 1914 senatorial campaign. Besides that, Harding truly felt that Daugherty would make "five times as effective

51 Cincinnati Times-Star, January 17, 1916.
52 Ibid., March 7, 1916.
53 Harding to Jennings, January 28, 1916, Malcolm Jennings Papers, Box 1/1, Ohio Historical Society.
a senator as Herrick. Harding, however, realized that it would be politically inexpedient and undiplomatic to come out with an endorsement. This tried Daugherty as he wanted an open pledge from Harding. While conceding that Harding had done his share to help, Daugherty confided to Ed Scobey, a Harding cohort, "I don't think he would have anything to lose if he would come out and say that he wanted me to go to the Senate with him because he will be elected Senator as long as he lives if he is not elected to anything better. . . ."

At a Columbus meeting on May 6, Harding partially committed himself to Daugherty while still attempting to retain an impartial stance. In reaffirming his neutrality, Harding, however, hedged that it was no impropriety to say that I have been associated with Mr. Daugherty in times of great stress in the Republican party and know his worth; and in view of the splendid service he has rendered it would be a fitting recognition of his sterling Republicanism and great service, if the Republicans of Ohio would send him to the United States Senate.

Daugherty's opponents did not appreciate Harding's conception of nonpartisanship. Harding, himself, realized that he had, perhaps,

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54 Harding to Jennings, January 28, 1916, Malcolm Jennings Papers, Box 1/1, Ohio Historical Society.
55 Daugherty to Scobey, January 17, 1916, Scobey Papers, Box 1/3.
56 Ray Baker Harris Papers, Box 4/6.
57 Harding to Dick, May 15, 1916, Dick Papers, Box 43/3.
gone too far. Much to Daugherty's annoyance, he remained outwardly noncommittal for the remainder of the campaign, although there was no doubt among most Republicans as to whom he favored.  

To cultivate Burton's backing, Daugherty was a diligent worker for the former Senator's presidential ambitions. As Burton was Ohio's favorite son, there was a fair chance that he might be nominated. Daugherty, at the June Republican National Convention, attempted to exploit that possibility by lining up the West Virginia contingent for him. While Harding presided over the convention, Daugherty occupied his seat in the Ohio delegation in attempting to promote Burton. His efforts were futile as the Ohioan received only a token vote. The party decided to nominate the more progressive Charles Evans Hughes, a much better choice for those who favored Herrick's candidacy.

Daugherty threw himself into the primary campaign upon his return home. He had the support of the party machinery which he had dominated for the past four years. By committing himself to Willis's renomination, he also had the backing of the Governor's

58 Harding to Jennings, July 29, 1916, Jennings Papers, Box 1/1.

cronies. Daugherty, to run his campaign, solicited many of the same friends who had stood by him since his 1899 fight with Hanna. Howard Mannington, Cyrus Huling, and James Holcomb all worked diligently for him as did members of the former Taft Ohio headquarters. William Halley, the senate clerk, was his campaign manager, while central committeeman Fairbanks proved valuable in directing the work of other committeemen. Daugherty took great pride in his organization. In a July 28 campaign speech, he asserted that "a political party standing for great principles must have a dependable head and an organization to carry out the party's will. . . . " He considered it a misfortune that the Ohio Republican party lacked the machines of the Hanna period. "We have needed a strong directing hand, such as that of the late Marcus Hanna," Daugherty lectured. He promised that if he were successful, there would be an organization in Ohio. No wonder the Ohio State Journal accused Daugherty of groveling in the past.

The Daugherty campaign strategy included an extensive speaking tour that comprised three to ten speeches and a 200-mile

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60 Lee to Harding, February 23, 1916, Lee Papers, Box 9/1. Lee thought Willis's support the "kiss of death."


trip per day. By late July Daugherty had already spoken in fifty
counties in an effort to fulfill a pledge to visit the entire eighty-
eight. Having geared a portion of his campaign to the farmer, he
expeditiously endorsed the Federal Farm Loan Act. He coupled this,
however, with his belief in a high protective tariff. Daugherty also
spoke out for greater immigration restriction, a world-peace court,
and a strong merchant marine. He carefully slanted his speeches
to the economic condition of the county so as not to risk alienating
any particular class.

Despite his serious canvass, few political observers thought
Daugherty a likely winner at any stage of the campaign. Daugherty
saw the situation differently. He blamed his subsequent defeat pri-
marily on Hughes's laudatory appraisal of Herrick's ambassadorship
in a July 31 speech at Carnegie Hall. The address, an indirect slap
at Daugherty, did reflect the antagonisms that still existed among
Ohio Republicans, for there was a strong suspicion that Ohio National

63 Cincinnati Enquirer, July 19, 1916.
64 Ibid., July 30, 1916. See also Cleveland Leader, July 22,
1916.
65 Cleveland Leader, July 22, 1916.
66 Tyler to Myers, May 1, 1916, Myers Papers, Box 17/2.
See also Foraker to Herrick, July 19, 1916, Foraker Papers,
Box 113/H and Harding to Jennings, July 29, 1916, Jennings Papers,
Box 1/1.
Committeeman James Garfield influenced Hughes to praise Herrick excessively.\textsuperscript{67} Daugherty and the other old-line Republicans were furious after they had heard of Garfield's probable actions. Equally disturbing to Daugherty was the attitude of the Republican organization in Hamilton County. Led by Rud Hynicka, one of George B. Cox's former lieutenants, the Republican county executive committee, on July 26, unanimously endorsed Herrick despite the urgings of the Times-Star to remain neutral.\textsuperscript{68} The fact that Daugherty seemed more committed to dry legislation than Herrick had some effect on the organization's attitude. Daugherty, inwardly disappointed, arrogantly retorted that the endorsement would not "affect the nomination, except probably to increase my majority."\textsuperscript{69}

The campaign developed into a more heated and personal one after the actions of Hughes and the Hamilton County committee. Daugherty accused the Herrick organization of spending money lavishly.\textsuperscript{70} He then struck at the misrepresentations of the county Herrick Clubs, calling them "bald fakes." Daugherty accused them

\textsuperscript{67}Cincinnati Enquirer, August 3, 1916.

\textsuperscript{68}Cincinnati Times-Star, July 24, 1916. See also ibid., July 26, 1916.

\textsuperscript{69}Cincinnati Enquirer, July 27, 1916.

\textsuperscript{70}Ibid., August 6, 1916.
of padding their rolls to include even his most loyal supporters in their desire to portray a swelling movement for Herrick. He concluded that the "futile mind that concocted this cheat evidently knew the value of a lie and how fast and far one travels before it is over­taken." While Herrick did not personally comment, his men freely circulated information on Morse's pardon. The pro-Herrick Robert Wolfe was equally relentless in disclosing Daugherty as an undesirable candidate.

The August 8 primary gave Herrick an overwhelming victory. Daugherty carried six insignificant counties in amassing 66,182 votes to Herrick's 155,334. Daugherty lost Franklin County by 4,500 and Hamilton by 7,000. Only in Fayette did he win a convincing victory. Consequently, Harding privately remarked that Daugherty's defeat meant "his complete retirement." Daugherty had no thoughts of divorcing himself from politics. Explaining that he was not "a man that complains because of

71 Cincinnati Enquirer, August 6, 1916.
73 Harding to Jennings, August 26, 1916, Jennings Papers, Box 1/1.
political results, "Daugherty was, however, perturbed after the campaign. He revealed his feelings as he reviewed his defeat to Taft:

Mr. Herrick deceived me, as you know. I could have defeated him but for an unfortunate chain of circumstances which developed. In the first place, he spent, or others spent for him, more than half a million dollars to secure the nomination. In the second place, the wet element voted solidly for him and the dry vote was divided, giving Herrick and Dick more votes than they gave me. Then the Progressives, finding that they had a good chance to get even with me, lined up solidly behind Herrick, with the understanding that they were to be given practically control of the party. Another important factor and as big as any was the praise Mr. Hughes gave Herrick. . . . I am getting down to my stride in business, propose to support the ticket, but I am not pleased, and neither are the old line Republicans in the state. . . ."  

Daugherty's anger heightened when Hughes catered more to former Ohio progressives than to "thorough-going Republicans." It was Daugherty who fought an attempt to place the "obnoxious" Walter Brown on the Republican state executive committee.  

In November Senator Pomerene defeated Herrick. The latter blamed Daugherty for his defeat. He later told Harding that Daugherty "did things to me in my campaign which I never would for a moment think of doing against an opponent."  

As Daugherty had

[Notes and citations]

74 Daugherty to Taft, August 18, 1916, Taft Papers, Box 354/3, Series III.

75 Ibid.

76 Herrick to Harding, January 9, 1920, Harding Papers, Box 688/5. See also Hoke Donithen to Harding, December 30, 1919, Harding Papers, Box 686/3.
always supported the Republican ticket in the past, it is probable that Herrick exaggerated. There is no evidence to corroborate Herrick's general accusations. But Daugherty did not forget his defeat in 1916 nor had he forgotten who had opposed him in 1912. Not only was he now more desirous to prevent the amalgamation of the party to include the former Bull Moose leaders, he became extremely antagonistic to the wet Hamilton County Republican organization which had contributed to his primary defeat. In November Daugherty came out for prohibition in Ohio in part because of his personal grudge against Hynicka and other Hamilton County leaders--at least, that was how Harding analyzed Daugherty's motives. 77 In the next three years Daugherty represented a further deterrent to an inclusive, rather than an exclusive, united Republican party in Ohio. His attitudes conflicted with the beliefs of the titular leader of the Ohio Republicans--Senator Warren G. Harding.

77 Harding to Scobey, December 4, 1916, Scobey Papers, Box 1/3.
To quote an old adage, politics breeds strange bedfellows. Daugherty and Willis grew closer politically after the abortive 1916 campaign which witnessed the defeat of Willis by Governor James Cox. Forgetting past misunderstandings, Daugherty, sometime in 1917, committed himself to supporting Willis for the nomination in 1918. Both agreed on the political soundness of backing prohibition in Ohio as a means of restoring the party to power. Although the Ohio dry referendum narrowly failed in the 1917 fall election, the movement became increasingly more popular among rank and file Republicans, especially since it was associated with the success of the war effort. Daugherty and the personally dry Willis, with the help of the Anti-Saloon League, were confident of its success in 1918.

Senator Harding viewed the Daugherty-Willis accord with apprehension. While he was in close consultation with both, he doubted the wisdom of nominating Willis and feared that Daugherty's vindictiveness would disrupt his efforts to restore party harmony and consequently jeopardize his re-election or a possible vice-presidential
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bid in 1920. ¹ In late 1918 a Daugherty-Harding clash would also de-
velop over the issue of party control in Ohio. It centered between
the Daugherty-Willis dominated Republican central committee and the
Harding-created Republican state advisory committee. ² These con-
flicts threatened to end the troubled, uncertain friendship of
Daugherty and Harding.

Daugherty first met Harding in November 1899 at Richwood,
Union County. The immediate setting was the school pump where
Harding, the younger of the two men, was washing his boots just prior
to a political crossroads rally. The thirty-five year old Harding re-
cognized the man awaiting his turn and promptly introduced himself
to Harry Daugherty who was to be one of the principal speakers. ³ Of
the two, it was Daugherty who was more predominate in Ohio politics.

¹For Harding's attitude toward Willis and his own ambitions, see Andrew Sinclair, The Available Man: The Life Behind the Masks of Warren Gamaliel Harding (New York, 1965), p. 103.

²Harding had formed the state advisory committee in 1916
to aid in the further reunification of the party as well as to give him
more domination in state Republican affairs. Harding to Scobey,
May 7, 1917, Scobey Papers, Box 1/4. See also ibid., October 6,
1917, Scobey Papers, Box 1/4 and Randolph C. Downes, "The Rise
of Warren Gamaliel Harding, 1865-1920," (unpublished manuscript,
1967), p. 351. Professor Downes' biography will be published some-
time in late 1968.

³Sullivan, The Twenties, pp. 16-7.
office—a seat in the Ohio senate. Daugherty later asserted that he persuaded Harding to deliver an impromptu speech. As Daugherty recalled the incident forty years later, Harding, although somewhat embarrassed and awkward, gave a good address. A contemporary witness informed Harding that his talk "was far ahead of Harry Daugherty's."

There is no evidence that Daugherty and Harding were close in the succeeding years. Daugherty may have thought favorably of Harding, but his later assertion that Harding was always like a younger brother was the product of his imagination. The Harding Papers contain only three letters from Daugherty for the 1899-1911 period. Harding, on the contrary, was a staunch Foraker supporter who often opposed Daugherty's political ambitions. In 1901 one anti-Daugherty Fayette leader felt confident enough of Harding's attitude to request his help in ending Daugherty's hold on the county delegation. When Daugherty elected to challenge the Dick-Foraker combination in 1906,

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4 Daugherty to Harris, September 13, 1939, Harris Deposit, Box 9/5. See also ibid., June 7, 1938, Harris Deposit, Box 9/3.

5 George W. Worden to Harding, November 11, 1899, Harding Papers, Box 705/8.

6 Daugherty to Harris, May 24, 1934, Harris Deposit, Box 9/3.

7 Marchant to Harding, June 15, 1901, Harding Papers, Box 708/7.
Harding came to Foraker's defense. A close cohort of Harding once referred to the intriguing Daugherty as "foxy Harry," hardly a label that one pinned on a loyal friend.

While Daugherty's political influence declined in the first decade of the twentieth century, Harding advanced rapidly in Ohio politics. Re-elected to the senate in 1901, he was selected the Republican floor leader. He impressed Governor George K. Nash and other Hanna men with his ability to harmonize intraparty differences and with his willingness to carry out the dictates of party leaders. Even though associated with Foraker, Harding always endeavored to reconcile the factionalism within the party in the name of Republican success—and for his own political advancement. In 1903 he became lieutenant-governor where he functioned effectively as presiding officer of the senate. Governor Herrick's unpopularity and Mrs. Harding's illness caused Harding's strategic political withdrawal in 1905. He returned to his Marion newspaper to await a more opportune time to fulfill his gubernatorial ambitions. The opportunity came in 1910 when the fractured Ohio Republican party finally agreed upon Harding as a compromise choice. Even then Daugherty played no

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8Cleveland Plain Dealer, August 26, 1906.

appreciable role in Harding's nomination. Daugherty-dominated Fayette backed a rival candidate at the Republican state convention. The Harding men retaliated by opposing Howard Mannington, Daugherty's choice for the state executive chairmanship. When Harding's personal campaign manager Malcolm Jennings refused the position, Harding agreed on Lewis Laylin. It mattered little, for Taft's differences with the progressives that summer completely disrupted the Ohio Republican party. Harding had the misfortune of suffering the worst defeat of any Ohio Republican gubernatorial candidate up to that time. He lost to Judson Harmon by 100,000 votes.

The Daugherty-Harding partnership evolved out of the fight of 1912. When Harding's attempt to harmonize party differences failed at the Republican National Convention, he became a strong defender of chairman Daugherty's get-tough policies. The Marion Star gave Daugherty its complete backing. Daugherty sincerely thanked Harding for his "constant comfort and support during the campaign. . . . It was only on account of such support," reported Daugherty, that he was able "to go through this terrific fight." In another

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11 Ibid.
12 Daugherty to Harding, January 13, 1913, Harding Papers, Box 725/5.
letter, Daugherty claimed that "one great thing resulting from this war we have had . . . is that we are better friends than ever and understand each other thoroughly and will hang together through thick and thin."\(^{13}\)

Although political cronies, Harding and Daugherty were not close friends. Political rather than social matters often brought them together. As late as December 1919, Daugherty knew little of Harding's associations at Marion, while Harding then remarked to friend Malcolm Jennings that he had three genuinely devoted friends: Ed Scobey of Texas, Jennings and "our good friend," Colonel George Christian of Marion.\(^{14}\) A degree of suspicion often marred Harding's relationship with the manipulating Daugherty. The latter did little to allay this feeling as witness his attempt to dupe Harding for his own candidacy at the outset of the 1914 senatorial primary race.\(^{15}\) Harding, however, remained politically close to Daugherty out of a sense of gratitude and out of an awareness that

\(^{13}\)Daugherty to Harding, November 16, 1912, Harding Papers, Box 725/3.

\(^{14}\)Daugherty asked Marionite Hoke Donithen: "Is Harding identified with any business enterprise in Marion? What business, if any, is he connected with? Is he a director of any bank or business?" Daugherty to Donithen, December 19, 1919, Copy, Hoke Donithen Papers, Box 1/2, Ohio Historical Society. See also Harding to Jennings, January 20, 1920, Jennings Papers, Box 1/5.

\(^{15}\)See above, pp. 148-49.
Daugherty was a shrewd and powerful political factor who would continually support him, provided that it did not conflict with his own political goals. Daugherty, meanwhile, stood to gain in remaining friendly with Harding. By 1914 Taft and Burton were no longer important instruments in Ohio politics. Harding was in a position to aid Daugherty's ambitions which included a seat in the United States Senate.

Each regarded the other as actually or potentially useful to himself. There is no hint that Daugherty was the more dominant of the two as he later asserted monotonously in his autobiographical work of 1932, *The Inside Story of the Harding Tragedy.*

Daugherty, in fact, was often more sensitive about retaining Harding's friendship than Harding Daugherty's. As early as March 1913, a dejected Daugherty humbly expressed his concern over Harding's unwillingness to compose a misunderstanding. While going through his desk, Daugherty found an introductory speech which he had presented when Harding had been a candidate for governor. "You no doubt have forgotten that you were a candidate," Daugherty wrote; "I would then remind you." He enclosed his speech in which he had proclaimed: "He is a self-made man. He never

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16 Daugherty portrayed Harding as a listless and dependent "boob."
dodged. He never scratched. He never sulked. He is a manly man."

I am still sorry you were not elected (Daugherty continued.) But to offset that sorrow is my joy that you are well, respected, happy, and prosperous. I am still a republican. Just old fashioned. Believing in the bridge which has carried us over the stream so many times. Willing to progress as fast as judgment, necessity, and safety will permit. Hoping I will not make such a damn fool of myself as I know others have. Wanting to be natural and normal in all things. Knowing I do not know it all but knowing a man who thinks he does and is mistaken. Not downcast because I have not been more successful nor sour because many other men have been more successful than I have. Envy nobody anything. Hate nobody. Love my friends and see more good than bad in every man who does not agree with me. Regret some things, among which is the fact that I don't see you often. With love, your friend, Harry M. Daugherty. 17

Neither did Harding always depend upon Daugherty's political advice. He banked on no one individual. The Senator had an array of observers to provide him with information on Ohio matters. Daugherty was only one of several, and Harding sometimes thought him the least reliable as he considered him the most biased. Harding was more apt to depend on Malcolm Jennings, his former newspaper editor and now executive secretary of the Ohio Manufacturers' Association, and Charles E. Hard, the assistant secretary of the Republican state advisory committee. A much more astute politician than historians have recognized, Harding relied

17 Daugherty to Harding, March 7, 1913, Harding Papers, Box 725/6.
also on his own skill as a political observer. He learned how to obtain his way without offending an associate. That was the secret of his political success. He refused to accentuate personal differences hoping that the door might be left open for an opponent's later return. The fact that he held office from 1914 made this approach all the more expedient. The astute Hard correctly assessed the contrast between Harding and Daugherty. Daugherty, according to Hard, "always 'busts up' anything he is in because he plays it too hard and is too combative." Harding, in many ways, was the political antithesis of Harry Daugherty. This was perhaps no more evident than in 1918.

In January 1918 Daugherty attended a dry Republican meeting in Columbus where he took the lead in politically organizing for the success of prohibition in Ohio. To friend Fairbanks he assured that prohibition was "going to be a movement that has come to stay and it will be joined in by the strong men of the party." Daugherty was not personally dry. "Nobody ever charged me with being a crank on the proposition," he asserted, "for a man can take a drink

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18 Andrew Sinclair's recent biography, The Available Man, is a recent exception.

19 Hard to Harding, December 15, 1918, Harding Papers, Box 464/3.

20 Daugherty to Fairbanks, February 6, 1918, Fairbanks Papers, Box 1/2.
and yet be in favor of abolishing the business."\textsuperscript{21} He proved his point by sending Harding and his personal secretary, George Christian, Jr., several bottles of bourbon and rye. In order not to offend Harding's stenographer, there was a bottle "for the young lady" as well.\textsuperscript{22} Daugherty championed the movement out of political expediency because he predicted that Ohio would go dry by 50,000 that fall.\textsuperscript{23} By using prohibition as a vehicle, he intended to elevate Willis to the governorship, dominate the party machinery, and later reorganize the state legislature. If he succeeded, Daugherty would have much to say about presidential politics in 1920. There was already a rumor in early 1918 that if Harding were nominated to the presidency or vice-presidency Willis, if elected, would appoint Daugherty to Harding's unexpired term in the Senate.\textsuperscript{24}

Willis's nomination became essential to Daugherty's political success. He devoted much of his time to the pre-primary campaign. It was Daugherty who helped to prevent a pre-primary convention that would have been injurious to Willis who was disliked

\textsuperscript{21} Daugherty to Harding, May 31, 1918, Harding Papers, Box 685/2.

\textsuperscript{22} Ibid., May 23, 1918, Harding Papers, Box 658/2.

\textsuperscript{23} Ibid., May 31, 1918, Harding Papers, Box 658/2.

\textsuperscript{24} William Wood to Harding, February 3, 1918, George Christian, Jr. Papers, Box 738/2, Ohio Historical Society.
by several state Republican leaders. When Edwin Jones of Springfield first considered challenging Willis in the primaries, Daugherty, in mid-February, frankly told the former that he faced certain defeat. Jones remained unconvinced, causing Daugherty to pursue another approach: "Now Jones I am thinking more about the success of this party than I am about anybody as a candidate." Daugherty suggested that Jones talk things over with Willis for the sake of "good cordiality between the important men in the party." Nothing materialized from their conference.

Daugherty also advised Willis on the type of speeches to deliver in the primary campaign. Because Jones's strength centered in the industrial areas, Daugherty cautioned Willis that he must devote more attention to the business concerns. He suggested the theme that the great business interests in the country have responded to the requirements of the situation in financing the war, loyal as they always are to the best interests of the country, and the business interests of the country must at all times be fostered and protected, for when the war is over competition will be great for the world's commerce and every public act should be beneficial to the business interests as well as to the teeming millions who will be employed in the great industries of the country.  

25Daugherty to Willis, February 13, 1918, Willis Papers, Box 13/87.

26Ibid., February 16, 1918, Willis Papers, Box 13/87.

27Ibid., April 4, 1918, Willis Papers, Box 13/87.
Willis remarked to Daugherty that he had followed his suggestions almost literally in an address at Akron.  

Prohibition became one of the major issues of the primary campaign. As early as January Daugherty told Willis that Republicans who opposed his candidacy would attempt to obtain some concessions. "My advice to you is to make no concessions to anybody," Daugherty emphasized. By February 15 Rud Hynicka informed Willis that if he expected to carry Hamilton he must alter his stand to permit a wet platform for the southwestern county. Willis suggested that Hynicka meet with Daugherty to reach a satisfactory compromise. It was in Willis's interests as well as the party's that he seek an accord with Hynicka, for the wet-dry alignment threatened to divide the party. Harding was especially adamant that Daugherty make concessions. He flattered Daugherty that his "keen political understanding and abiding interest in Republican success will contribute very largely in bringing about the desired result." Daugherty, however, was a poor choice to negotiate with Hynicka.

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28Willis to Daugherty, April 1918, Willis Papers, Box 13/87.
29Daugherty to Willis, January 24, 1918, Willis Papers, Box 13/87.
30Hynicka to Willis, February 15, 1918, Willis Papers, Box 5.
31Harding to Daugherty, March 30, 1918, Copy, Harding Papers, Box 686/1.
One month earlier he had tried to persuade Harding to use his influence to remove Hynicka as national committeeman. While he now informed Harding that he had an agreeable talk with Hynicka, he confided to Willis that "nothing can be consented to in the platform that might be considered a make-shift or susceptible to two constructions or conducive to complications." Consequently, no agreements were reached.

In the ensuing months Harding continually urged Daugherty to meet with Hynicka as the latter had a genuine interest in party success. Daugherty, however, remained unwilling to compromise. He reiterated that if it came "to a question of winning in the state and losing in Hamilton, Cuyahoga, and Lucas counties, I am for carrying the state." On June 3 Daugherty outlined other reasons why he could not deal with Hynicka. He pointed to Hynicka's friendship with Walter Brown. The Cincinnati boss, Daugherty claimed, was anxious for Brown's political success, because Brown favored Hynicka's stand on the liquor question. They, according to Daugherty, sought

32 Daugherty to Harding, February 14, 1918, Harding Papers, Box 686/1.

33 Daugherty to Willis, April 4, 1918, Willis Papers, Box 13/87.

34 Daugherty to Harding, May 31, 1918, Harding Papers, Box 685/2.
control of the party organization. He stated that this progressive-wet alliance was already plotting to deliver the Ohio delegation to Roosevelt in 1920. "When that is done," Daugherty prophesized, "they expect to elect United States Senators and governors, and wipe the real Republicans off the face of the earth." He accused newspaper publisher Robert Wolfe of conspiring with them in an effort to prevent Willis's nomination. Daugherty again asked Harding to endorse Willis. "It is too bad that we haven't a stronger man running," he acknowledged, "but Willis is head and shoulders above the other two. . . ."35

On August 13 Willis won the primary despite a trouncing from Hamilton County. His victory forecasted a dry party platform and meant a Daugherty-Willis takeover of the party machinery. Newton Fairbanks became the new Republican state central committee chairman, replacing D. Q. Morrow of Hillsboro who had the misfortune of residing too close to Cincinnati. Edward Fullington supplanted Charles Hatfield as chairman of the Republican state executive committee.36 The dependable Charles Hard warned Harding that

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35 Daugherty to Harding, June 3, 1918, Harding Papers, Box 685/2. See also ibid., July 23, 1918, Harding Papers, Box 685/2. The two Willis opponents were Jones and John H. Arnold.

36 Cleveland Plain Dealer, August 20, 1918. At the Republican state convention on August 27, the Daugherty-Willis faction succeeded in attaching not only prohibition but women suffrage, old-age pensions, increased aid to schools, and other progressive planks to the party platform so that Brown or Hynicka could not claim that the party was delivered to the Anti-Saloon League. Downes, "The Rise of Harding," p. 358.
Daugherty and Willis also viewed the Harding-backed advisory committee as inimical to their interests. On August 20 Daugherty cautioned Harding not to use the advisory committee for any compromise with Hamilton County over the organization of the central committee. "I just want you to keep your mind free about the matter until I can tell you the truthful story...", Daugherty explained. Harding, busily engaged in the Senate, elected to stay out of the conflict.

The November election was in general a victory for the Republican party. The prohibition amendment to the state constitution passed; the Republicans carried the General Assembly and won every state office but one. Willis lost the gubernatorial race to James Cox. Only losing by a 14,000 plurality, he suffered from a 16,500 deficit in Hamilton County. Immediately after the election Daugherty wrote Harding that "I suppose you have learned the whole story of the bolter's crimes... Practically the whole crime was committed

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37 Hard to Harding, August 19, 1918, Harding Papers, Box 464/3.

38 Daugherty to Harding, August 20, 1918, Harding Papers, Box 685/2.

39 Ridinger, "Willis," p. 141. Sole blame cannot be placed on Hamilton County. The attacks on Willis's patriotism and his poor showing as governor from 1914 to 1916 lost him a number of votes throughout the state.
in Cincinnati. Henceforth the fight in Ohio will be against Hamilton County and on that issue the Republicans will never lose."^{40}

When Harding heard that Daugherty also intended to organize the General Assembly, he saw only increasing intraparty strife. Well aware of the importance of the legislature, he commented that it "ought not be domineered by either pinheads or bull-heads in difficult times like these."^{41} To Daugherty he questioned whether there need be a fight against Hamilton County. Harding proclaimed that for party success cooperation is essential with Hamilton. "I am getting a number of echoes of the Ohio political atmosphere," Harding warned, "and have heard you no little discussed in such revelations. . . ."^{42} Due to the outcry against Daugherty's ambitious schemes and because of his own desire for party unity, Harding decided to call for a joint meeting of the Republican advisory and the state central committees for mid-December.^{43} He hoped to

^{40} Daugherty to Harding, November 18, 1918, Harding Papers, Box 686/2.

^{41} Harding to Hard, November 14, 1918, Charles E. Hard Papers, Box 1/5, Ohio Historical Society.

^{42} Harding to Daugherty, November 23, 1918, Harding Papers, Box 686/2.

^{43} Harding to Hard, November 27, 1918, Hard Papers, Box 1/5. See also Harding to Fairbanks, December 12, 1918, Fairbanks Papers, Box 1/2.
reactivate, expand, and reorganize the former to include more Republicans from Hamilton County and many of the past progressive leaders like Walter Brown. His authority rested on the 1918 state convention's endorsement of a revitalized advisory organization.\textsuperscript{44} Harding, in effect, intended to lessen the influence of the Daugherty-controlled central committee.

Much to Harding's dismay Fairbanks notified him of the imprudence of having a joint meeting until January 1919. The state chairman expressed a concern that the meeting might disrupt the organization of the legislature, consequently hindering the enactment of prohibition in Ohio.\textsuperscript{45} Daugherty as well warned that the party's real enemies--the Brown and Hamilton County crowd--wished to use the meeting and the advisory committee as vehicles to capture control of the party. Like a "bunch of black birds," Daugherty reiterated, "fifteen or twenty of these hangers-on, who are of no benefit to the party, working for organizations outside of the party, pretending to be Republicans, began as a chorus to spread . . . the story of the impending assault upon and destruction of us all." He

\textsuperscript{44} Harding to Jennings, November 30, 1918, Jennings Papers, Box 1/3. See also Daugherty to Harding, December 30, 1918, Harding Papers, Box 686/2.

\textsuperscript{45} Harding to Fairbanks, December 12, 1918, Fairbanks Papers, Box 1/2.
implied that their plot included the debasement of Harding as a political factor in Ohio. 46

Daugherty denied that ulterior motives influenced his viewpoints. He cared only for party success and the well-being of friends like Harding and Willis. Discounting any personal grudge against Hamilton County Republicans, he retorted: "I am not in the fertilizer business and do not consider it profitable to pursue or puncture dead horses." 47 He did feel, however, that since they had been treacherous, he would never have confidence in them nor would he permit their participation in party affairs. Daugherty warned Harding that if Hamilton County had a large representation on the new advisory committee, it would put Harding in a bad light with the rank and file of the party who had supported the ticket and would invite a renewed wet and dry conflict. Apart from who were to be its members, Daugherty could not completely conceal his resentment toward the revitalization of the Harding-sponsored committee. He questioned the accomplishments of the existing organization; he

46 Daugherty to Harding, November 26, 1918, Harding Papers, Box 686/2. See also ibid., December 17, 1918, Copy, Fairbanks Papers, Box 1/2.

47 Daugherty to Fairbanks, December 17, 1918, Copy, Fairbanks Papers, Box 1/2.
pointed to its indebtedness, and reminded Harding that it too contained disloyal persons. 48

Harding doubted the existence of a plot against himself, Daugherty, or any other Republican leader— at least, one that was inspired by Brown or Hynicka. He sarcastically confessed to Daugherty that he was perhaps too innocent to suspect all the so-called schemes of those who had favored the meeting. "And I am glad I am such a mind," Harding stated, "I should really dislike to think that there isn't any sincerity or genuine interest in anybody. . . ." 49 He saw too clearly the personal ambitions of Daugherty and his friends as the main obstacle to his own plans of controlling a united party for 1920. Harding confided that he would take issue with Daugherty if he insisted upon organizing the General Assembly. 50 He considered pushing Charles Hard into the senate clerkship contest against William Halley, Daugherty's choice. 51 Harding reiterated to Hard that he had told Daugherty "that some

48 Daugherty to Harding, December 17, 1918, Copy, Fairbanks Papers, Box 1/2.
49 Harding to Daugherty, November 26, 1918, Copy, Harding Papers, Box 686/2.
50 Harding to Jennings, November 27, 1918, Jennings Papers, Box 1/3.
51 Harding to Hard, December 7, 1918, Hard Papers, Box 1/5.
things he was committed to could not be."  

Hard had already warned Harding that "we are dealing with a lot of very thorough gentlemen, who are cold of blood, who know what they want, and they are going to get it if they can."  

In early December Daugherty went to Washington in an attempt to settle his differences with Harding. There, he agreed to a joint central-advisory committee meeting to be held before the New Year. Upon his return to Columbus, Daugherty supported or more likely influenced Fairbanks' announcement that there would be no meeting until January; that is, not before the organization of the General Assembly. Even then Daugherty suggested that the advisory committee must be completely subordinate to the central committee and indicated that he and Fairbanks must have a hand in the selection of its members.  

Daugherty intimated to Harding that his defiance might invite an opposition candidate for his seat in the Senate—possibly Willis or Daugherty himself.  

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52Harding to Hard, December 12, 1918, Hard Papers, Box 1/5.  

53Hard to Harding, December 1, 1918, Harding Papers, Box 464/3.  

54Ibid., December 15, 1918, Harding Papers, Box 464/3. See also Daugherty to Harding, December 7, 1918, Harding Papers, Box 686/2.  

55Harding to Hard, December 12, 1918, Hard Papers, Box 1/5.
Daugherty's actions angered Harding. He told Hard that he would make no future arrangements with Daugherty. Although he considered Daugherty a brilliant and resourceful man, Harding stated that his political hatreds biased his judgment, adding, "I do not think him always a trustworthy adviser." Harding, however, decided to avoid a fight with Daugherty. He accepted Hard's conclusion that Daugherty and Willis would crystalize the dry sentiment against him.

Any factional fight, Hard told Harding, might jeopardize Harding's chances for re-election or for a possible presidential nomination in 1920. "Two years from now," Hard continued,

> you will be strong on the protective tariff issue, strong with the business element, strong on the second term issue, strong with the pie-brigades who will want postoffices and federal jobs, strong with the true sentiment of the party which will want no friction in a presidential year.  

Consequently, Harding strategically surrendered to Daugherty on the organization of the General Assembly and consented to the postponement of the reinauguration of the advisory committee.

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56 Harding to Hard, December 12, 1918, Hard Papers, Box 1/5. Hard astutely replied that Daugherty would forget the "heinous crimes of Cincinnati in just one half second" if it was in his interest. Hard to Harding, December 15, 1918, Harding Papers, Box 464/3.

57 Hard to Harding, December 15, 1918, Harding Papers, Box 464/3.
Harding also made an effort to regain Daugherty's cooperation. On December 20 he wrote Daugherty that "surely you do not need to see through my poor political glasses to be cordially welcomed to my home. . . ." Reverting to flattery, he stated:

I highly value your keen mind, your capacity, your resourcefulness, your industry, your tenacity, your knowledge of men and your estimate of public opinion. One who has so little capacity as I know myself to possess--even confessing your poor opinion of me to be a correct one--without feeling in any way wounded thereat--craves the association and cooperation of men of your knowledge and experience. 58

Without calling attention to Daugherty's personal ambitions, Harding advised Daugherty, however, that he must rid himself of any vindictiveness that hindered party unity. He reiterated that party harmony could not be served by eliminating everyone who had not been 100% loyal. We must look forward to 1920, Harding said, not back upon 1918, 1916, or 1912. The means behind Harding's quest for party harmony was still a strong advisory committee. While willing to wait on its reactivation, he emphasized his commitment to making it "a real agency for the promotion of party dominance in Ohio." 59 Harding then concluded:

The trouble with you, my dear Daugherty, in your political relations with me, is that you appraise my political

58 Harding to Daugherty, December 20, 1918, Copy, Harding Papers, Box 686/2.

59 Ibid.
sense so far below par that you have no confidence in me or (in) my judgment. Pray do not think because I can and do listen in politeness to much that is said to me, that I am always being 'strung.' I cannot and will not suspect everyone of wanting to use me. I must and will believe in professed political friendship until I find myself imposed upon. 60

Daugherty delayed replying to Harding until after he had succeeded in organizing the legislature in late December. By then Hard confided that Daugherty wanted to resume his friendship, although he did not want any interference in his own schemes for 1920. 61 On December 30 Daugherty reciprocated Harding's desire to work together. Considering their differences "mere squalls" instead of "storms," he confessed that "if I cannot work with you in politics I cannot work with any of the important leaders." 62 Daugherty again disclaimed any bitterness against Hamilton County. "I do not cry over spilled milk in politics or business ventures," he wrote; "I follow the plan of looking out for a fresh cow in some convenient pasture." 63 This portended the motivation behind his subsequent support of Harding for the Presidency.

60 Harding to Daugherty, December 20, 1918, Copy, Harding Papers, Box 686/2.

61 Hard to Harding, December 29, 1918, Harding Papers, Box 464/3.

62 Daugherty to Harding, December 30, 1918, Harding Papers, Box 686/2.

63 Ibid.
ELECTING NOT TO RISK A FIGHT, DAUGHERTY WISELY SUCCEMED TO HARDING'S DESIRE TO SUMMON THE JOINT MEETING. HE NEVERTHELESS CAUTIONED HARDING OF THE DANGER OF GIVING TOO MUCH POWER TO THE ADVISORY COMMITTEE AND TOO GREAT AN INFLUENCE TO THE BROWN-HYNICKA CONTINGENT. HE RESTATEO HIS APPREHENSION THAT THEY WOULD USE THE ORGANIZATION FOR ROOSEVELT'S CANDIDACY IN 1920. FEARING PERHAPS THAT HARDING MIGHT EXCLUDE HIM IN A HARMONY LOVE-FEAST THAT COULD CULMINATE IN A ROOSEVELT-HARDING TICKET, DAUGHERTY SUGGESTED THAT HE MUST HAVE SOME CONTROL IN THE ORGANIZATION TO PROTECT HARDING'S INTERESTS--AS WELL AS HIS OWN.  

Harding scheduled the joint meeting for January 15, 1919. A week prior to the session, he received word from Hard of a proposed central committee meeting on the evening preceding the joint session. He predicted that Daugherty and his following were not going to give way easily. In the first week of January Theodore Roosevelt, the leading Republican presidential contender, suddenly

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64 Daugherty to Harding, December 30, 1918, Harding Papers, Box 686/2. Such a ticket was not unlikely. Downes, "The Rise of Harding," p. 362.

65 Ibid.

66 Hard to Harding, January 7, 1919, Harding Papers, Box 464/3.
died. "This makes a big change all over the country," Daugherty stated. The demise of Roosevelt projected Harding into the forefront of presidential politics in Ohio. It denied the progressive Brown faction a major candidate, while it removed the shield of impending doom from the likes of Daugherty who had previously fought against possible extinction. If Daugherty had still thought of squelching Harding's organizational plans, he now quickly put such inclinations aside. He saw the harmonizing Harding as a leading presidential candidate. On January 9 he told Harding that he had "some ideas about this thing now which I will talk over with you when I see you." During the following week, a revitalized state advisory committee officially came into being with its headquarters at Columbus. The harmony-promoting and Harding-directed organization included Daugherty, Brown, and a large representation from Hamilton County. George H. Clark of Stark County became Harding's choice to direct its operation. Daugherty, however, loomed as the most outspoken vehicle for the Harding presidential candidacy of 1920.

67Daugherty to Harding, January 9, 1919, Harding Papers, Box 686/2.

68Ibid.
By late January 1919 Daugherty appointed himself Harding's campaign manager. At that time he hinted in an interview with a Washington Post reporter that Senator Harding would be a presidential candidate for 1920. News traveled fast; less than a week later Harry S. Byrne, chairman of the state executive committee of Nebraska, requested that Harding come there in the spring to make several speeches. Daugherty politely replied that there would be no better place than Omaha for Harding to deliver a political address. As Daugherty indicated to Byrne, however, he found Harding seemingly reluctant to enter presidential politics. Harding at least did not want to appear that he was consumed with such ambitions at this early period, especially since the Ohio press began to

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1 Harry S. Byrne to Daugherty, January 30, 1919, Harding Papers, Box 686/2.

2 Daugherty to Byrne, February 4, 1919, Harding Papers, Box 686/2.
accuse him of "fixing up fences for the future." After he advised Harding neither to admit nor to deny anything, Daugherty postponed publicizing Harding as a presidential contender. His decision most likely resulted from Harding's insistence.

Daugherty entered the Harding for president club comparatively late. Several of Harding's ambitious friends had thought him presidential timber as early as 1915. In May 1915 George Christian Jr., Harding's personal secretary, wrote that the many Harding admirers had made the Senator a candidate of "formidable proportions." Cohort Ed Scobey, noting the comments on Harding's availability in New York papers and in the Cincinnati Enquirer, tried to encourage Harding to accept the support of friends and enter the field in 1916. To all enthusiastic backers Harding continually disclaimed any intention of pursuing such a course, even though he was obviously flattered by their expressions. He deferred to Theodore Burton, who had Daugherty's strong support, as Ohio's favorite son at the 1916 Republican National Convention.

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3Daugherty to Harding, January 31, 1919, Harding Papers, Box 686/2.
4Christian, Jr. to Scobey, May 15, 1915, Scobey Papers, Box 1/2.
5Scobey to Harding, March 30, 1915, Scobey Papers, Box 1/2.
Harding, however, played a major role in the party's reunification program in 1916. His ability to homogenize intraparty differences made him an excellent choice as temporary and permanent chairman of the Republican National Convention. Having made his peace with Roosevelt and other former national progressive leaders, he was not viewed as a detriment to a united party. The fact that Wilson's victory in Ohio insured the President's re-election also served to increase Harding's availability. In the estimation of many Republicans, party success in pivotal Ohio was important for 1920. Some undoubtedly thought that only Harding could carry the state that had been in the Republican presidential spotlight since 1868. The death of Theodore Roosevelt in January 1919 not only crystalized Harding's position in Ohio politics but it made him a presidential candidate for 1920.

Unlike Harding's close friends, Daugherty was an experienced and aggressive politician who had numerous political contacts in other states. He also refused to accept Harding's reluctance to run as seriously as Scobey, Jennings, or Hard. Realizing that Harding outwardly subscribed to the belief that the office should seek the man, Daugherty played Harding's cautious game after January 1919.

Andrew Sinclair effectively alluded to the importance of Ohio in Republican presidential politics for the 1868-1920 period. See the Available Man, pp. 25-32.
in lining up support surreptitiously. Harding was aware of Daugherty's actions. There is no evidence, however, that he found them less than gratifying, even though he must have questioned Daugherty's motives in view of their 1918 disagreements.

In February Daugherty contacted friends like National Committeeman Henry Jackson of Atlanta, Georgia to express his interest in a Harding movement. Jackson replied that he would always be with Daugherty in everything he represented and wanted. To Harding Daugherty requested that he pay "some little attention" to Jackson whenever the latter visited Washington. In this period Daugherty worked exceedingly close with secretary Christian in doing this sort of work.

Daugherty, indeed, did everything possible to win Harding's confidence in the spring and summer of 1919. He tried to be helpful in presenting Ohio sentiment to Harding on the proposed League of Nations, the major issue of the time. When he suggested that we join an amended League and then withdraw within two years, Harding demurred on the grounds that if the U.S. were against the organization it should not become a member. Daugherty readily accepted

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7 Henry Jackson to Daugherty, February 19, 1919, Copy, Harding Papers, Box 686/2.

8 Daugherty to Harding, February 24, 1919, Harding Papers, Box 686/2.

9 Ibid., July 3, 1919, Harding Papers, Box 686/1. See also Harding to Daugherty, July 11, 1919, Box 686/1.
Harding's opinion with an acknowledgment that "you are more capable and in a much more advantageous position." Reiterating that he would never complain because Harding saw things in a different light, Daugherty politely stated that he nevertheless would insist on telling Harding what he thought in the most "inoffensive, conscientious, God-fearing and man-loving way. . . ." He was as cooperative over the Ohio political situation. Daugherty used his influence with friends in the Republican central committee to further Harding's objectives. He was instrumental in combining the meetings of the central and advisory committees when the latter weakened because of a lack of finances and support. Harding thought him so cooperative that he believed that Daugherty was "wholly sincere," though Clark of the advisory committee thought otherwise.

Harding was equally willing to use his influence to help Daugherty. Despite being a "Republican and not a sneak," Daugherty had lukewarmly supported the President's conduct of the war, although

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10 Daugherty to Harding, July 19, 1919, Harding Papers Box 686/1.

11 Harding to Daugherty, July 30, 1919, Copy, Harding Papers, Box 686/1. See also Daugherty to Harding, July 25, 1919, Harding Papers, Box 686/1.

12 Harding to Clark, June 13, 1919, Copy, Christian, Jr. Papers, Box 782/1.
he had demanded the unconditional surrender of Germany. 13 Daugherty, wanting to help in war matters, at one time had requested that Harding recommend him for one of Wilson's war boards—preferably one "that passes on assistance in financing utilities...!") 14

Now, Daugherty's son, Draper, a captain in the Army Transportation Corps in France, complained to his father of poor health caused by field duty in the moist climate. While Draper considered resigning his commission, the elder Daugherty thought it a poor idea because he feared that he would become disillusioned when he returned to find a tight labor market. Daugherty asked Harding to use his position to get Draper reassigned to the United States. 15 Harding, thinking this unobtainable, made a personal appeal to the Army Chief of Staff to secure him a furlough. When this failed, Draper severed his military connections and returned home. Harding then helped him to obtain an excellent position with the White Motor Company of New York. 16

13 Daugherty to Harding, April 17, 1918, Harding Papers, Box 686/1. See also Daugherty to Fairbanks, October 15, 1918, Fairbanks Papers, Box 1/2.

14 Ibid.

15 Ibid., March 22, 1919, Harding Papers, Box 686/2.

16 Harding to Daugherty, April 4, 1919, Copy, Harding Papers, Box 686/2. See also Daugherty to Harding, August 20, 1919, Harding Papers, Box 685/2.
In early September Daugherty continued to assist Harding by relaying information on Wilson's League of Nation's speech at Columbus. Observing his entrance into the city, Daugherty asserted that there was no enthusiasm for Wilson on the part of the crowd that lined the streets. He explained that he had also talked with a number of sensible and loyal people who had become increasingly opposed to a League of Nations without reservations. Daugherty then again expressed his own ideas. "There is no necessity for it," Daugherty believed, "as long as there is red blood in the veins of American citizens, for we have shown with our red blood our ability to respond to the requirements of the nation." He concluded that no League would save us once our red blood ran out. 17 Daugherty's contention that Wilson's proposed League was losing favor in Ohio squared with the observations of Hard. 18 Harding consequently became more openly critical of the League Covenant.

While Harding preoccupied himself with the League fight in the Senate that fall, the political situation began to erupt in Ohio. It threatened to weaken the efforts of Harding to retain a solid party. On October 11 the first indication of trouble reached Harding.

17 Daugherty to Harding, September 6, 1919, Harding Papers, Box 686/1.

18 Hard to Harding, September 5, 1919, Hard Papers, Box 1/7.
Daugherty hinted that there might be some differences between himself and Walter Brown over the proposed composition of the Ohio delegation to the 1920 Republican National Convention. One week later Daugherty indicated that since the Brown faction sought to dominate the delegation, he would have to return to the belief that an advisory committee was no longer advisable. He accused Brown and Hynicka of preparing to trade Harding "off for a yellow dog at any time if they could go patronage rabbit hunting with the dog." The fact that Brown apparently tried to get Harding to declare his political intentions for 1920 did indicate that something was amiss, for Harding, according to Ohio law, could not run for both the Senate and the Presidency. Harding's committal to one would legally eliminate his candidacy for the other, making a premature declaration politically unthinkable. As Daugherty saw it, Brown intended to concentrate upon the office Harding rejected in order to deal for the state patronage and eventually to supplant Harding as a political power in Ohio. Harding, listening more to Daugherty now, privately remarked to Hard that he regretted having placed Brown on the advisory committee.

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19 Daugherty to Harding, October 11, 1919, Harding Papers, Box 686/2.

20 Ibid., October 24, 1919, Harding Papers, Box 685/2.

21 Ibid.

22 Harding to Hard, October 25, 1919, Hard Papers, Box 1/8.
Daugherty took the lead in solidifying Harding's political position in Ohio. In a meeting of the advisory committee in late October, he had Fairbanks introduce a resolution which endorsed the renomination of Harding for the Senate and at the same time permitted the use of his name for the Presidency. Daugherty succeeded in obtaining adoption of the resolution, even though he claimed that there was "some little squirming" by Brown and his cohorts. Immediately afterward, he released a statement that Harding's refusal to be "smoked out, knocked out or frozen out" had gratified his Columbus friends. Harding's stand, continued Daugherty, "has directed the attention of the country to him in a most favorable manner."24

Because Daugherty rendered such open support, Harding moved closer to him. He permitted Daugherty to act as his spokesman. On November 3 Harding wrote Hard that he always "felt I could depend on Daugherty, though he did give me no little annoyance

23 Daugherty to Harding, October 31, 1919, Harding Papers, Box 685/2. The Ohio law was later modified to permit Harding to run for the Presidency and still file for renomination in the Senate up to the time of the presidential balloting at the coming 1920 Republican National Convention.

24 Columbus Citizen, November 4, 1919. Clipping in the Harding Papers, Box 685/2.
during the trying period we passed through last winter." Consequently, Daugherty's enemies became convinced that a united party under Harding could not work as long as he remained tied down to the uncompromising Daugherty. This situation provoked incidents which caused charges of disloyalty. Harding constantly received warnings that he must curb Daugherty. Robert Wolfe, upon whom Harding counted for support, explained after a Daughtery-Brown conference in December that "Mr. Daugherty picked a flaw in every proposition, none of which were insisted upon or vital, and himself would propose nothing. It is unfortunate," Wolfe continued, "that your manager renders it so difficult for self-respecting friends to give their best efforts. For some unknown reason petty difficulties are magnified by him into unsurmountable obstacles and personal enmities." Hynicka, meanwhile, remained justifiably convinced that Daugherty plotted to remove him as Republican national committeeman, while Herrick detested Daugherty because of his controversy with Hanna in 1899 and his alleged vindictiveness in the 1916 senatorial campaign. County leader William Phipps of Paulding also


26 Robert Wolfe to Harding, December 19, 1919, Christian, Jr. Papers, Box 783/3.

27 J. W. McConkie to Hynicka, January 14, 1920, Copy, Preston Wolfe Papers, Unprocessed, Ohio Historical Society. See also Herrick to Harding, January 9, 1920, Harding Papers, Box 688/5.
indicated his difficulty in working with Daugherty. Finally, Jennings and Scobey advised Harding not to utilize Daugherty as manager in Ohio where he would only disrupt things. Jennings told Scobey that while Daugherty was a lovable chap he had lost his early following. His friends had retired from politics, according to Jennings, but his enemies were still alive and active. He concluded that a large majority of party members thought Daugherty a political adventurer with a shady past as a lobbyist.

Harding nevertheless refused to drop Daugherty. He found him too active a booster of his political ambitions. To Scobey Harding explained that while he was under no particular spell in his relationship with Daugherty, "he does have one appealing attribute, namely that he is cordially for me in the open. . . ." Not wanting to appear ungrateful, he accepted Daugherty's help at face value and at the same time lost patience with those who criticized Daugherty.

28 Phipps to Harding, January 31, 1920, Harding Papers, Box 689/5.
29 Scobey to Harding, December 24, 1919, Scobey Papers, Box 2/5. See also Jennings to Scobey, March 22, 1920, Scobey Papers, Box 2/7.
30 Jennings to Scobey, March 22, 1920, Scobey Papers, Box 2/7.
31 Harding to Scobey, January 20, 1920, Scobey Papers, Box 2/6.
but yet were not nearly as helpful. 32 Harding, however, did not consider himself a worshipper of the latter. He told Jennings that Daugherty had "never asked anything at my hands which it was not perfectly consistent and easy to grant." Harding asserted that he was not that tied up with him that he could not terminate his association. 33

General Leonard Wood's candidacy also weakened Harding's strength in Ohio. His entry made it easier for Brown, Hanna, Wolfe, and Hynicka to question the Daugherty-backed Harding canvass. Wood, a man of high character and a respected general, was considered the inheritor of Roosevelt's organization. 34 Millionaire-soap magnate William Cooper Procter of Cincinnati eventually became the general's manager, spending lavishly in his behalf. As Harding appeared more conservative than Wood, the latter naturally attracted more former Bull Moose support in Ohio. Harding was not

32 To Scobey Harding again stated: "I can not and will not kill off Daugherty, nor will I humiliate him in any way. If a fellow has to sacrifice those he believes to be his friends in order to win other friends he better not venture on the undertaking at all. Harding to Scobey, December 16, 1919, Scobey Papers, Box 2/5.

33 Harding to Jennings, February 4, 1920, Jennings Papers, Box 1/5.

wrong in stating that some of the anti-Daugherty sentiment was really anti-Harding feeling in disguise. 35

Despite his questionable value to Harding in Ohio, Daugherty worked successfully for Harding nationally. In early November Daugherty again took the initiative in secretly canvassing the "big field." Not even informing Harding of his activity, Daugherty told Christian that the Senator would not have to know or do much as Presidents do not run like assessors. 36 By mid-November he and Christian were making appeals for funds to conduct a canvass. When money became difficult to obtain, Daugherty himself pledged one quarter of his savings. 37 Daugherty also went to Washington later that month to feel out the sentiment of Republican Senators like William Borah of Idaho and Boies Penrose of Pennsylvania. 38 While there he tried to persuade the deliberating Harding to come out for the Presidency. Upon his return to Columbus, he himself announced

35 Harding to Scobey, January 20, 1920, Scobey Papers, Box 2/6.

36 Daugherty to Christian, Jr., November 2, 1919, Harding Papers, Box 685/2.

37 Daugherty to Scobey, December 4, 1919, Scobey Papers, Box 2/5.

38 Daugherty to E. Mont Reily, December 3, 1919, Daugherty Letters, V. F. M. 1581, Ohio Historical Society. See also Harding to Scobey, November 22, 1919, Scobey Papers, Box 2/4.
that Harding would be a candidate for the office. Convinced that Americanism and the welfare of industry were to be the two major issues, Daugherty stated that the party's choice must be safe and sensible on both propositions. Harding, he proclaimed, was the candidate of the times.

Daugherty increased his tempo in the following month. He began sending men into other states and went himself to Washington to attend meetings of the Republican National Committee and the state committee chairmen in mid-December. Daugherty arranged for fifty Ohio Republicans to obtain rooms at the Willard Hotel during the sessions to promote Harding. He instructed them to impress the party leaders that Harding was the new McKinley, one who would have no difficulty in carrying pivotal Ohio. Daugherty consulted with almost all of the national committeemen in an effort to secure Harding pledges. While he generally failed to win first choice support, Daugherty persistently obtained their backing on a second, third, or fourth choice basis. This approach put Harding in a favorable position as a possible compromise candidate.


40"How Daugherty Helped Harding into the White House," Literary Digest, LXIX (April 9, 1921), 40. See also Daugherty to I. R. Foster, December 4, 1919, Copy, Harding Papers, Box 685/2.
In the midst of Daugherty's activity, Harding declared his candidacy. On December 17 he stated that he could no longer ignore the endorsement of the Republican organization as Ohio's favorite son which Daugherty had earlier helped to arrange. In making his decision, Harding indicated that he would not run simply to prevent the Ohio Wood supporters from taking over the state organization. He intended to run hard. He was, however, still a candidate for senatorial re-election. Harding did not believe in burning bridges.

The Procter-led Wood forces in Ohio tried to deal with the Harding announcement by offering not to challenge Harding in his own state if he would consent to the election of a delegation whose second choice was for Wood. While Harding might have first considered this proposition, Daugherty was much opposed. Believing that they would betray Harding at their first chance, Daugherty told him that it was a hostile movement. Daugherty pleaded with Harding not to consent to compromises that meant his destruction. 41 Harding agreed and was happy to see Daugherty fight out the proposition. Although the Daugherty relationship frequently embarrassed him,

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41Daugherty to Harding, December 23, 1919, Harding Papers, Box 685/2.
Harding thus benefited from his manager's gut fighting. Daugherty best expressed their association:

I am far more comfortable as to your ability to cope with great public questions and public appearances, positions and utterances, than I am for you to deal with those who are engaged in intrigue. I will take care of the latter and together we will make a fair combination in this great enterprise. ⁴²

Daugherty ran Harding's interference while the latter either apologized for Daugherty or attempted to cater to the anti-Daugherty opposition to offset the imbalance. Daugherty's aggressiveness obviously did not always work to Harding's disadvantage.

Differences in the Ohio Republican Party, however, intensified in the succeeding months after Harding announced his candidacy. Procter and other pro-Wood men continued to flay Daugherty. They also considered poaching upon Harding's domain by entering the April primaries. In the end Harding placed some of the blame for the disruptive conditions on Daugherty. Despite the fact that Daugherty held a Washington dinner for Ohio members of Congress in January where he explained that he had no selfish or personal interests in backing Harding, the anti-Daugherty Republicans doubted that this was true. ⁴³ Rumors circulated that Daugherty intended

⁴² Daugherty to Harding, December 26, 1919, Harding Papers, Box 685/1.

⁴³ A. E. B. Stephens to Hynicka, January 17, 1920, Copy Wolfe Papers, Unprocessed.
to select the Ohio district delegates to the Republican National Convention. 44 One former progressive claimed that behind Daugherty's support was a desire for a Senate seat or a cabinet position. 45 Hard told Harding that Daugherty and George Clark were also becoming more suspicious of one another as each wanted the limelight. Calling them two prima donnas, Hard suggested that Harding bring olive branches and an axe when he returned to Ohio. 46

The most heated issue came over Daugherty's decision to become a candidate for delegate-at-large. He intended to head the Ohio delegation to the Republican National Convention, much to the dismay of many of Harding's friends. His decision to run, made as early as October, was unpopular, for it only created further disunity within the Ohio party. 47 Harding could not help losing backers as the result of Daugherty's intentions. Realizing that Daugherty had been useful, Harding thought it inexpedient to refuse to pay the price for such support by not pretending to favor his decision. He

44 Clark to Harding, January 14, 1920, Christian, Jr. Papers, Box 782/1.

45 Harding to Scobey, January 20, 1920, Scobey Papers, Box 2/6.

46 Hard to Harding, January 1, 1920, Harding Papers, Box 464/2.

47 Daugherty to Harding, October 24, 1919, Harding Papers, Box 685/2.
nonetheless hinted to Daugherty that he should reconsider in favor of a more harmonious Harding man. When Daugherty refused, Harding commented that if he had accepted his suggestions "many obstacles would have been removed."\(^4\) The Daugherty situation to Harding was truly annoying.

By mid-January Harding had yet to commit himself publicly to Daugherty's candidacy. Clark of the advisory committee advised him of the bleak alternatives: if he spoke out for Daugherty, his presidential aspirations would suffer; if he did not, Daugherty would surely lose. But he recommended that Harding approve of Daugherty's candidacy as quickly as possible. Harding eventually did, even asserting that Daugherty entered the race because he (Harding) insisted upon it despite the reactions of pretended friends.\(^4\) Of the four Harding candidates for delegates-at-large, Daugherty was easily the most unpopular.

Daugherty refused to permit the opposition to bother him. Believing Harding to be the vehicle for his own political ascendancy, he jealously guarded his commitment to the Harding cause. No one,

\(^4\) Harding to Jennings, January 20, 1920, Jennings Papers, Box 1/5.

\(^4\) Harding to Herrick, March 16, 1920, Copy, Harding Papers, Box 688/5. See also Clark to Harding, January 14, 1920, Christian, Jr. Papers, Box 782/1.
indeed, worked harder than Daugherty in promoting Harding as a presidential contender. By the end of December he assumed the responsibility of running Harding's national campaign as well as supervising the Ohio operation. In January Daugherty moved to Washington, D. C. where he opened the Harding headquarters at the New Ebbitt Hotel. Jesse Smith of Washington Court House, a close admirer of Daugherty, became his secretary. Robert Armstrong, a Washington correspondent for the Los Angeles Times, later joined the headquarters to handle publicity. 50 There, Daugherty directed the Ohio campaign through William Halley, Hoke Donithen, Clark, and other Harding supporters. As a political manager, Daugherty was more effective in cultivating Harding nationally because he did not provoke the antagonisms that were associated with him in Ohio.

Of the leading Republican candidates who included Wood, Governor Frank Lowden of Illinois, and Senator Hiram Johnson of California, Harding was the most adept in not alienating other candidates or political leaders. Daugherty was always careful not to challenge a favorite son. Neither did he attempt to pressure a Republican leader to back the Ohioan. Daugherty instead carefully

50 Daugherty to Reily, January 26, 1920, Daugherty Letters, V. F. M. 1581.
based his strategy on obtaining second, third, and even fourth choice support from prospective delegates who were already committed to the other leaders. Typical was his technique in dealing with W. L. Cole, chairman of the Republican state organization in Missouri. When Cole responded that Harding had little chance in his state, Daugherty quickly explained:

We are going to do nothing in Missouri only through the organization: we are not going to come in here and try to perfect a Harding organization in any capacity at all: all the work that we do we will do through the local organization. 51

Daugherty pressed Cole for a statement concerning Missouri's attitude toward Harding in the event of a convention deadlock. He asked Cole whether Harding was Missouri's second, third, or fourth choice to supplant Lowden following a possible stalemate with Wood, and after receiving no answer, Daugherty then stated: "We would like to investigate and find out what the sentiment in the state in that respect may be." Cole immediately replied that he had no time to determine the state's feeling for Harding. But Daugherty still persisted: "We want you to do it; we feel that you are inclined to be friendly to the Senator, and we want you to try out the sentiment." Daugherty reiterated that he would pay Cole's expenses for

making the survey. Finally Cole consented and offered to send a bill, but Daugherty quickly protested:

No we do not do it in that way, if we did that, we would have so many of these bills coming in when the thing was over that we would not know where we stood. We want to pay as we go along. I will hand you a check for that purpose now.

Daugherty wrote a $1,250 check which Cole accepted. The latter promised that when he had completed the work he would submit a statement of his expenses and would then remit the excess. Cole visited fourteen of Missouri's sixteen districts during the next twenty-three days, and his canvass of the Missouri county executive committeemen revealed that Harding was the choice of more than half. 52

In almost the same manner, Daugherty contacted Republican leaders in other states. In the west he relied on E. Mont Reily, the vice-president of the national Republican league, who became his western manager. Reily especially had influence in Kansas, Missouri, and Oklahoma, while Daugherty worked with his friend

Rush Holland in Colorado. In Texas Daugherty favored Harding's friend Ed Scobey and brother-in-law David Walker. Similar connections existed in the east. In New York, for example, Charles Hilles, George Aldrich, and Finley Peter Dunne were most helpful. Always, he tried to obtain as much first-choice support for Harding as possible, but he concentrated upon winning second, third, and fourth-choice promises in states where other candidates dominated. Daugherty in addition insured that he was on excellent terms with the Lowden organization which created the possibility of trading off delegate support to avert a Wood victory.

This was not a one-man campaign, however, as Daugherty later bragged. Harding worked extensively with friends to obtain commitments. Charles Forbes was very active in Washington and

53 Daugherty to Reily, December 24, 1919, Daugherty Letters, V. F. M. 1581. See also Reily to Harding, December 31, 1919, Harding Papers, Box 690/1 and Daugherty to Reily, January 26, 1920, Daugherty Letters, V. F. M. 1581.

54 Downes, "The Rise of Harding," p. 448. See also Daugherty to Finley Peter Dunne, April 10, 1920, Finley Peter Dunne Papers, Box 6325/D, Library of Congress and ibid., April 22, 1920, Dunne Papers, Box 6325/D.

55 Daugherty to Garford, October 10, 1919, Garford Papers, Box 85/4.

56 Daugherty to Harris, June 29, 1938, Harris Papers, Box 9/3.
Oregon for Harding in the preconvention campaign. Due to Harding's skillful handling of the Hiram Johnson candidacy in California, he won the second-choice support of that state's delegation. He was in close touch with Republican leaders in West Virginia. Harding also commanded the support of many senatorial friends, including Reed Smoot of Utah, Harry New and James Watson of Indiana, Charles Curtis of Kansas, and William Calder and James Wadsworth of New York. Favorite sons such as Governor William Sproul of Pennsylvania were equally as friendly. The Harding Papers reveal that Harding had numerous contacts which he energetically pursued. In the final analysis, however, Harding's availability insured his nomination. No matter how hard he and Daugherty worked, results would have been different if Harding had not been an acceptable candidate. Daugherty, to be sure, was persistent, astute, and energetic, but he overstated his involvement. He was a good national manager, but he alone did not make Harding's nomination possible and in fact, hindered it in Ohio.

57 Sinclair, Available Man, p. 130.

58 John H. Rosseter to Harding, February 29, 1920, Harding Papers, Box 690/3.

Daugherty excelled, however, as a publicist in the pre-convention period. Sensing the mood of the time, he effectively presented Harding as a solution to the discontent caused by the over-extension of executive power that lingered into the postwar period.

To Daugherty Harding meant representative government and America First, not Wilsonian dictatorship and internationalism. Harding was a resurrected McKinley both in appearance and in personality. "Comparing Harding with McKinley has been on my lips and pen for three months," Daugherty related to Scobey on January 22; "I have written a thousand interviews about it..." He persistently pointed out that since McKinley had presided over the Republican convention that preceded the one at which he was nominated, why should not Harding, who chaired the 1916 convention, follow in McKinley's footsteps in 1920?

Because of the reluctance of Mrs. Florence Kling Harding to present her photograph, Daugherty delayed publishing a Harding biographical pamphlet designed to publicize Harding as another McKinley. 61 This caused the alarmed Scobey to comment on the

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60 Daugherty to Scobey, January 22, 1920, Scobey Papers, Box 2/6.

61 Scobey to Daugherty, January 22, 1920, Copy, Scobey Papers, Box 2/6. This was only one indication of Mrs. Harding's hesitancy to accept her husband's decision to seek the Presidency.
amount of literature that other candidates issued. He suggested that Daugherty print the pamphlet without the photograph. Daugherty delayed, however, until Mrs. Harding finally consented. He remarked that the extensive Wood and Lowden publicity had been wasted because it developed too soon. The time for propaganda, according to Daugherty, was after the selection of delegates. He intended to peak in March and April. Daugherty had to operate in this way due to the lack of campaign contributions. Compared to the other canvasses, Harding's was easily the least solvent. The difficulty was that the "big money" was behind Wood and Lowden. The Daugherty financial drive provided only enough to keep things going.

By February Daugherty started to concentrate on the primaries. While he had felt that a convention deadlock might lead to Harding's nomination, Daugherty thought it essential that Harding do well in the primaries. He personally put considerable importance upon the Indiana contest. Considering it a must, he was nonetheless confident that Harding would win against Lowden, Wood, and Johnson. He explained to Scobey that Indiana's two Senators and thirteen Congressmen were inclined to favor Harding. A victory there,

62 Daugherty to Scobey, January 22, 1920, Scobey Papers, Box 2/6.

63 Ibid., February 1, 1920, Scobey Papers, Box 2/7.
Daugherty believed, would enable Harding to "grab Pennsylvania, snatch Kentucky, and . . . take West Virginia. . . ."\textsuperscript{64} One month later, however, Scobey wrote that Senator Smith of Michigan had stated that Harding was out of the running in Indiana. "There must be something wrong about this," Scobey added, "or have you got a deal?"\textsuperscript{65} Calling the Smith statement a fake, the Daugherty headquarters countered that Harding was gaining in both Indiana and Ohio.\textsuperscript{66}

But the Ohio situation was far from optimistic one month prior to the April primary. The Wood people elected to oppose Harding and prepared to enter their own slate of delegates. One major reason for their opposition was again Daugherty. Although Harding managed to regain the lukewarm support of Brown and Hynicka, Wolfe and Turner were just two of the several active Republican leaders who refused to favor Harding because of his manager. Daugherty made matters worse in mid-February when he reportedly stated in an interview that fifteen men in a smoke-filled room would

\textsuperscript{64}Daugherty to Charles Forbes, February 16, 1920, Daugherty Letters, V. F. M. 1869.

\textsuperscript{65}Scobey to Daugherty, March 18, 1920, Scobey Papers, Box 2/7.

\textsuperscript{66}Mannington to Scobey, March 22, 1920, Scobey Papers, Box 2/7.
eventually nominate Harding at 2:11 A.M. during a recess at the June Republican National Convention in Chicago. This statement was hardly beneficial to Harding. Though Daugherty claimed that he merely joked with the interviewers, the newspapers printed the story as fact. 67 In the Ohio State Journal, Wolfe's cartoonist pictured a clock with the hands set at 2:11 A.M. 68 The publicity given to the interview embarrassed Harding and undoubtedly weakened his position. To inquiring constituents he considered the incident an unfortunate slip which no one regretted more than Harding. 69 Jennings was correct when he stated that Daugherty had little discretion when he talked to reporters because "he craves seeing his name in the headlines." 70

67 Charles Hilles later explained Daugherty's account to Mark Sullivan: He was hastily packing his bag in a New York hotel room when two reporters called. Daugherty expressed regret that he had no time for an interview. One reporter followed Daugherty, trying to provoke him to reiterate how he expected to put Harding across when an authentic table of the delegates did not support his boast. The reporter, answering his own question, said that he (Daugherty) must expect to win by manipulation, probably in some back room of a hotel with a small group of political managers and party leaders. The reporter went on to say that he presumed they would surrender at 2:00 A.M. in a smoke-filled room. Daugherty, unaffected by the taunt, replied carelessly, "Make it 2:11." Sullivan, The Twenties, p. 37n.


69 Harding to Birch Helme, March 22, 1920, Copy, Harding Papers, Box 688/5.

70 Jennings to Scobey, March 22, 1920, Scobey Papers, Box 2/7.
The Wood forces directed much of their attack upon Daugherty, one of the candidates for delegate-at-large. Daugherty, fearing defeat, reminded that Harding supporters could not afford to neglect any part of the ticket. 71 Harding received an anonymous letter, either from Daugherty or one of his close friends, asking that he more openly back his campaign manager. The writer continued:

He \([\text{Daugherty}]\) is certainly working faithfully and effectively for you, and he has many friends here who are aware of the real situation and the sacrifice which he is making. These friends, who are none the less your friends, think it would be to your advantage if the real state of affairs could be laid before the people. You know and I know that the opposition to Mr. Daugherty is in reality opposition to you, and as it might make matters worse and would be rather embarrassing for Mr. Daugherty to combat this opposition himself, I think that it would be well for you to let it be known that Mr. Daugherty is unselfishly interested in your cause and is conscientiously bending every effort in behalf of the Republican party. 72

While campaigning in Ohio to save his own political neck, Harding did defend Daugherty. His efforts were undercut, however, when stories circulated that Daugherty was instructing his friends to knife Herrick, another Harding candidate for delegate-at-large. 73

71 Daugherty to Donithen, March 27, 1920, Copy, Donithen Papers, Box 1/2.

72 Anonymous to Harding, March 30, 1920, Harding Papers, Box 685/1. Due to the similarities of style, Daugherty could have very well composed the letter.

73 E. G. Burkham to Harding, April 14, 1920, Harding Papers, Box 684/6.
The situation became more acute when the Harding campaign ran out of money in Ohio. When Scobey partially blamed Daugherty for the problem, the latter complained that he had personally "gone down in my pocket away beyond the stopping point . . . " to make up for the deficit. 74

The April 27 primary results were far from encouraging. Harding, despite his extensive campaigning, managed to win only thirty-nine delegates out of forty-eight. There were doubts that some of this support would hold steadfast after the first ballot. Herrick, Willis, and John Galvin were elected as delegates-at-large, but Daugherty went down to defeat to a Wood man. 75 Daugherty, with some justification, accused Hynicka and his friends of instructing Hamilton County Republicans to scratch him for either Turner or William Boyd. 76 Herrick, who gathered the most votes,

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74 Scobey to Robert Armstrong, April 19, 1920, Copy, Scobey Papers, Box 2/8. See also Daugherty to Reily, April 23, 1920, Daugherty Letters, V. F. M. 1581.

75 Of the six delegate-at-large candidates, four were to be selected. Herrick led with 131,190, followed by Willis with 121,942 and Galvin, 118,197. The Wood candidate Boyd won the final spot, gathering 107,449 votes. Daugherty finished in fifth position with 106,490, barely finishing ahead of Turner, 105,945. Secretary of State, Election Statistics for 1920, p. 634.

76 Daugherty to Reily, May 15, 1920, Daugherty Letters, V. F. M. 1581. See also Charles Dean to Christian, Jr., March 22, 1920, Harding Papers, Box 686/3.
meanwhile told Republican National Committee Chairman Will Hays that Daugherty had been successful in doing what he "had done before--messing up the Republican party." He hoped that Daugherty's defeat would eliminate him from the campaign.  

On top of the Ohio debacle Harding ran behind Wood, Lowden, and Johnson in the May 5 Indiana race. Wood's primary success placed him in a leading position followed by Johnson and Lowden. According to one account Harding was on the verge of withdrawing after Indiana. Mrs. Harding, who had objected to his candidacy, now opposed his quitting. She reminded Harding of his obligations to friends in Ohio. Harding reluctantly decided to continue. Daugherty was also discouraged by the outcome. Believing that it was now Wood against the field, he told Scobey that he was not going to deceive anyone about Harding's position. He concluded that the Senator's only chance lay in an understanding with Wood's opponents. If that occurred Daugherty might be able to cash in on his second or third-choice support. Since many delegates were either uninstructed or uncommitted, there was also a possibility that they would favor a compromise selection. Then again, Daugherty conceded that understandings failed

77 Herrick to Hays, May 5, 1920, Hays Papers, Unprocessed.

78 Sinclair, Available Man, p. 132.

79 Daugherty to Scobey, May 7, 1920, Scobey Papers, Box 2/8. See also ibid., May 8, 1920, Box 2/8.
at the 1916 convention when Hughes survived an unfriendly consolidation. 80

The situation was equally grim in Ohio. Harding found it exceedingly difficult to prevent another conflict from erupting. Daugherty's desire to punish Hynicka and others for his defeat contributed to the trying conditions. On May 8 he recommended that Harding aid in removing Hynicka as member of the Republican National Committee for Paul Howland of Cleveland. "If we acquiesce in Hynicka's election," Daugherty stated, "we acquiesce in everything that has been done to you, and that would never do." 81 Daugherty was also disinclined to trust Walter Brown. The Toledo boss had suggested that he could coax Hynicka to persuade the Wood men in Ohio to support Harding. Daugherty dismissed this as an impossibility. 82 If Daugherty had had his way, he would have purged Hynicka, Brown, and other laggards who were nevertheless now in the Harding camp—all this to Harding's disadvantage. Harding needed support not reprisals. On May 28 a trace of vindictiveness

80 Daugherty to Scobey, May 7, 1920, Scobey Papers, Box 2/8.

81 Daugherty to Harding, May 8, 1920, Harding Papers, Box 685/1.

82 Ibid., May 14, 1920, Harding Papers, Box 685/1.
appeared in Daugherty's self-righteous letter to Harding:

The one thing that you must consider is, what will the loyal, faithful Republicans of Ohio think of it if Hamilton County, under Hynicka and after his treachery to you, is to take over the political affairs of the state? This enthusiastic interest in the party's welfare on the part of Hynicka and others at this time falls fruitless before a man like me who, in season and out of season, for more years probably than any other man living, in defeat and personal humiliation and disappointment, has always stood for the party's welfare and for party success, and against the men who were cutting the party's throat. 83

Harding refused to accept Daugherty's solution. On May 15 Walter Brown advised Harding that he must not punish Hynicka for his personal opposition to Daugherty. Harding agreed that nothing could be accomplished through vindictiveness. 84 He instead worked toward a conference with Hynicka and Procter. Harding believed that Hynicka was willing to commit himself to a program which would further Harding's presidential ambitions. Relating his plans to Daugherty, Harding remarked that "I know you will receive this with a smile. . . ." 85 He nevertheless felt that he must go as far as he could to harmonize party differences. But with Daugherty anxious to

83Daugherty to Harding, May 20, 1920, Harding Papers, Box 685/1.


85Harding to Daugherty, May 17, 1920, Harding Papers, Box 685/1.
get even with Hynicka, the truce between Harding and the Hamilton County leader was an uneasy one. In mid-May Harding's fortunes reached their lowest ebb. He was no better than a dark horse nationally, and a divided delegation backed him at home.
The impetus that changed Harding's campaign from a misfortune to a potential success on the eve of the convention came from an unexpected source. Senator Borah, concerned about the amount of money dumped into the Wood campaign, charged in the Senate on March 26 that the Wood managers were trying to control the Republican convention by the use of money. With Senator Johnson's encouragement, Borah introduced a resolution in the Senate on May 6 calling for an investigation of all pre-convention expenditures.\(^1\) A subcommittee, under the chairmanship of Senator William Kenyon of Iowa, then went into action.

As soon as Daugherty heard the news, he wired Kenyon that he was willing on telegraphic notice to respond to any request for information regarding Harding's campaign expenditures.\(^2\) By the end

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\(^1\)Bagby, *Road to Normalcy*, pp. 52-3.

\(^2\)Daugherty to William S. Kenyon, May 22, 1920, Telegram, Copy, Harding Papers, Box 685/1.
of May, Daugherty, who had been bedridden for a week, appeared before the subcommittee where he effectively presented the modest figures of the Harding operation. The total receipts, according to Daugherty, were $113,109, which included a $14,500 contribution from himself, $13,950 from Carmi Thompson, an old Republican crony, and $30,000 from the Citizens of Marion. Harding contributed a modest $1,000 and Colonel James G. Darden, later involved in Teapot Dome, donated $6,000. When again asked whether the $113,109 represented the entire amount, Daugherty reported that because of their token funds Harding was able to enter only the Ohio and Indiana primaries. Daugherty further aided the Harding cause when he tactfully refused to speculate on the enormous spending of the Wood campaign. He told Senator Pomerene of Ohio, a member of the subcommittee:

It is not at all to my liking to criticize an opponent in a contest, or his friends, and my policy has been from the start and will be to the finish, to treat with the greatest respect all the candidates and all their friends, and I do not like to speculate on rumors.  

Daugherty suggested that if the subcommittee wanted information on Wood, its members should ask his managers.

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4Ibid., I, 367.
While Daugherty managed to show that the Harding campaign operated on a shoestring, the Wood organization could not. The Kenyon investigation listed Wood's official expenditure as $1,773,000, and indications were that it was several million more. His millionaire contributors included manager Colonel Procter, steelman and banker Dan Hanna, and copper magnate William Boyce Thompson.\(^5\) The allegation that the Wood men attempted to purchase the nomination appeared to be true. Although Lowden's disbursement was only $414,984, he was also tainted. The subcommittee proved that his Missouri manager paid two state delegates $2,500 each for switching their pledges from Wood to Lowden.\(^6\) One week prior to the convention, the Kenyon revelations damaged the positions of the two leading contenders.

Daugherty was confident that the investigation had aided Harding, but there was no way to determine the extent until the convention balloting. Meanwhile, Daugherty began to prepare for Chicago. His major problem was lack of funds since only $5,000 remained from campaign receipts. He turned to friends like humorist

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\(^6\) Ibid., I, 590-618, 631-50.
Finley Peter Dunne who arranged an interview with oil magnates Harry Sinclair and Harry Whitney. Although supporting Wood, they agreed to lend Daugherty $15,000 to enable him to set up headquarters. 7

Daugherty planned a well-organized operation. Having gone this far, he intended to push as hard as possible. He sent Howard Mannington and William Miller to Chicago almost three weeks prior to the convention to make the preliminary arrangements. 8 Daugherty himself selected the accommodations. He staked the remaining funds on the Chicago headquarters. Sparing no expense, he rented the largest room at the Congress Hotel which he converted into a suite of offices. The room, which served as the main headquarters, rented for $750 per day. In addition, he secured about forty rooms for delegates, friends, and part of the organization. Daugherty also obtained twenty-five rooms at the Morrison and other hotels for his staff.

When Harding came to Chicago, his entourage selected suites at the La Salle Hotel, a considerable distance from the Congress.

Daugherty consequently asked friend Ed Craeger, a Texas delegate,

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7 Daugherty to Dunne, May 13, 1920, Dunne Papers, 6325/D. See also Finley Peter Dunne, "A Look at Harding from the Sidelines," Saturday Evening Post, CCIX (September 12, 1936), 25.

8 Daugherty to Harding, May 20, 1920, Harding Papers, Box 685/1.
to surrender his two Auditorium Hotel rooms to Harding. An under-
ground passage joined it to the adjacent Congress, enabling the two
men to maintain constant contact. 9

Daugherty also gave considerable attention to the organiza-
tion of his convention staff. Originally comprising five hundred
workers, the contingent expanded into a two thousand-member volun-
teer force at the time of the nomination. Their task included meeting
every train that came into the "Windy City," greeting incoming dele-
gates, and making engagements to see them. Harding lookouts were
placed in every hotel in town. Daugherty's show of hospitality even
went to the extent of providing for a seventy-five-member glee club
from Columbus to serenade the delegates and candidates at their
hotels. 10 His strategy still involved finding out the second, third,
or fourth alternative each delegate would accept if his first preference
failed at nomination. A typical conversation between a Daugherty man
and a delegate went somewhat as follows:

Johnson? Well, a lot of folks like Johnson. But suppose
he doesn't come through; who's in your mind next?
Lowden, huh? Yes, Lowden's got a good chance. How
about third choice, then? 11

9 Daugherty to Harris, June 29, 1938, Harris Deposit,
Box 9/3.

10 Daugherty and Dixon, Harding Tragedy, p. 37 and 43.

11 Adams, Incredible Era, p. 143.
Daugherty kept a detailed record of the delegates' alternative selections which he often referred to during the convention.

Maintaining friendly relations with the Lowden organization was also part of Daugherty's strategy. There is no evidence, however, that he formulated an agreement, as he later asserted, with Lowden Manager, Louis Emmerson, to lend Harding delegates to Lowden until the latter passed Wood.\textsuperscript{12} Expecting Lowden to deadlock with Wood, Daugherty simply aspired for Lowden's delegate support. Harding, meanwhile, continued to make contacts. He hoped to capitalize on his popularity and his reputation as a second McKinley whose nomination would not only insure a Republican victory in pivotal Ohio but would lead to national success as well. Thinking it would be a boss-controlled convention, Harding also relied upon his senatorial friends to influence the various delegations. Certainly, he was more available than the other so-called dark horses which included Herbert Hoover, Nicholas Murray Butler, Charles Evans Hughes, Senator Philander Knox of Pennsylvania and Governor William Sproul of Pennsylvania.

\textsuperscript{12}Frank Lowden to Harris, August 8, 1938, Harris Deposit, Box 2/6. Lowden denied the understanding with Daugherty. For Daugherty's account, see Daugherty and Dixon, \textit{Harding Tragedy}, p. 36.
On June 8 Senator Henry Cabot Lodge gave the keynote address in the flag-draped Coliseum. It was mainly an hour and twenty minute denunciation of Woodrow Wilson and the League of Nations. The Republican leaders, conscious of divisive forces in the party, were able to agree on their hostility to the Versailles Treaty and the League. Always fearful of a bolt, the leadership worked overtime to conciliate the factionalism within the party. The situation enhanced Harding's availability, while it weakened that of the more independent Wood and Johnson--two of the front runners. The conservative platform again was not unfavorable to Harding's nomination.

Nominating speeches did not begin until Friday, June 11, the fourth day of the convention. Ohio's former Governor Frank B. Willis, an ornate and old-fashioned stump orator, succeeded in creating a friendly, easy-going air to the Harding candidacy when he nominated the Ohioan. Willis first described all the nominees as "great men" and then leaned over the rail to say in an intimate tone, "say boys--and girls, too, why not nominate ... ?" This evoked spontaneous laughter and applause from the delegates "who rose and cheered and began to march in the aisles, saying 'that's right, we are all boys and girls, the girls are in politics now, too.'"

\[13\] Sullivan, The Twenties, p. 52.
The first ballot went almost as expected. Wood and Lowden were in the lead with 287 1/2 and 211 1/2 votes, respectively. Harding received sixty-five votes, which placed him in sixth place behind Wood, Lowden, Johnson, Sproul, and Butler. The succeeding three ballots were a close repetition of the first with Lowden and Wood increasing their leads. The fourth ballot concluded the voting for the day, leaving Harding in fifth place with 61 1/2 votes. Wood had 314 1/2, followed by Lowden with 289 1/2, Johnson with 140 1/2, and Sproul, 79 1/2. Adjournment came after a consultation between Chairman Lodge and Senator Reed Smoot of Utah. A motion to adjourn until Saturday morning was then made and apparently not carried, but Lodge declared otherwise. The party elders saw no solution in continuing the Wood-Lowden deadlock in an unorganized manner. There was also the possibility that Borah and other former progressives would bolt if the Kenyon-exposed Wood or Lowden were selected as the party's choice. This threat, if fulfilled, would divide the party and again cost the Republicans an election.

There have been many accounts of how the "Senate Oligarchy" allegedly selected Harding during a Friday night conference and then

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15 Bagby, Road to Normalcy, p. 85.
imposed its will on the convention the following day. \(^{(16)}\) Available evidence does not support this theory, and Daugherty always denied its validity. \(^{(17)}\) It is true that there were conferences during the adjournment. This is a natural occurrence at any national convention, especially one that is in deadlock. The most publicized of these conferences was the one held on the thirteenth floor of the Blackstone Hotel in a suite rented by Will Hays, the Republican National Chairman, and the opportunistic journalist, George Harvey. The original participants were Lodge, Harvey, and Senator Frank Brandegee of Connecticut all of whom went to the Hays suite immediately following dinner. There was a constant flow of visitors throughout the evening; only Harvey and Brandegee remained the entire time. Senators James Wadsworth and W. M. Calder of New York, Medill McCormick of Illinois, and Reed Smoot of Utah were among the men who were in and out of the conference. \(^{(18)}\) Noticeably missing was Penrose who


\(^{(17)}\) Daugherty to Harry S. New, March 4, 1932, Harry S. New Papers, Box 1/4, Indiana State Library.

was one of the most influential Republican Senators of his time. He was seriously ill but maintained telephone contact with the Pennsylvania headquarters from his bedside.

Lodge and the rest of the group realized the dilemma of having the evenly matched Wood and Lowden fighting it out the next day. Opinions were expressed concerning their chances, and such alternate choices as Hughes, Knox, Hays, Hoover, Sproul, and Harding were discussed. 19 Harding's name was most frequently mentioned, but it was not always discussed in a positive manner. A few of his senatorial colleagues, who stopped by the Hays suite, did not think him a suitable choice. Others expressed their concern for party unity, making the friendly and harmonizing Harding a logical selection. Smoot was continually "talking up" Harding to those who came and went. A New York Telegram reporter, who met Smoot in the elevator during the early hours of the morning, asked whether the upstairs conference came to any decision. Smoot supposedly replied: "Yes, we decided on Harding, and he will be nominated this afternoon after we have balloted long enough to give Lowden a run for the money." This widely-quoted exchange contributed to the legend of the Smoke-filled Room. Smoot's statement, however,

cannot be accepted at face value. His own enthusiasm and his desire to promote Harding were compelling motives. He said no more then than he had earlier iterated.\textsuperscript{20}

There was, indeed, a conflict of testimony over the success of the Senate conference. Senator Wadsworth later related that he had met Harding in one of the corridors of the Blackstone about one o'clock Saturday morning and was told that there were no new developments. Wadsworth later stated unequivocally to Ray Baker Harris that he did not see Senator Harding again that night, and that at none of the several times he was in the suite was there anything even approaching a decision, an understanding, or a plan.\textsuperscript{21}

Harvey told two Kansas City (Mo.) Star reporters a completely different story around one o'clock that morning. He said that the Senators had agreed upon Harding and that the delegates would follow their instructions that day.\textsuperscript{22} Then, according to his secretary's subsequent account, Harding was brought to Harvey two hours later.

\textsuperscript{20}Harris, "1920 Republican Convention," p. 11.

\textsuperscript{21}James Wadsworth to Harris, October 8, 1932, Harris Deposit, Box 2/6. For a different account, see Joseph Grundy to Harris, June 20, 1928, Harris Deposit, Box 2/6.

\textsuperscript{22}Bagby, Road to Normalcy, p. 89. According to Bagby, two Senators were present at the time of the interview.
He asked Harding to take an oath that nothing precluded him from accepting the nomination that might later embarrass the party or make it inexpedient for him to run for the Presidency. Harding allegedly took ten minutes alone to decide before giving Harvey a favorable reply. \(^{23}\) Harding's humiliating appearance may have occurred, but Harvey's assertions that the senatorial cabal effected the nomination are erroneous.

Not being a delegate, Harvey's position in the inner circles of Republicans came by self-appointment. He was a man of great intelligence, but there was no one with more vanity and ambition. His account does not accord with later evidence, and neither Lodge nor Brandegee ever confirmed his story. \(^{24}\) It is too evident that the men who attended the conference—if they had, indeed, agreed on Harding—made no other decision than to recognize a situation they had not brought about, and which they were powerless to change. Their performance on the following day supported this conclusion. The "fifteen men in a smoke-filled room" prophesy, conceived by Daugherty in a half-serious manner months before the convention, became accepted

\(^{23}\) Daugherty later claimed that Harvey's former secretary, Willis Fletcher Johnson, fabricated the story in a *Saturday Evening Post* article on Harvey, dated August 31, 1929. Daugherty to Clemens, July 3, 1939, Clemens Papers, Box 1/13.

\(^{24}\) Harris, "1920 Republican Convention," p. 20.
as an accomplished fact after the Friday night recess by those who
found Harvey's version of the conference more exciting.

Daugherty did not attend the conference in Hays's suite.

He was probably not welcome as Senators like Wadsworth and Calder
did not think highly of him. Daugherty later claimed that he held meetings
of his own until two o'clock that morning in order to call in pledged
support. Harding had also gone to an earlier conference that even-
ing which turned out to be more important than the Blackstone
session. Hearing rumors that Rud Hynicka and other Ohio delegates
planned to defect to Wood once the convention reconvened, he called
a midnight caucus of the Ohio delegation to plead for continued sup-
port. There, delegate-at-large John Galvin of Cincinnati pledged
that he would favor Harding for six or sixty ballots. Willis thereupon
hugged Galvin, but the Cincinnatian's statement did not prevent
Hynicka and three other Hamilton County delegates from bolting moment-
tarily to Wood on the sixth and seventh ballot later that day.

25 Daugherty later admitted that at Chicago Wadsworth was not
"warmed up to me" and "a lot of people who I liked didn't like me so
See also William Calder to Harris, August 2, 1933, Harris Deposit,
Box 2/6.

26 Daugherty to Clemens, July 3, 1939, Clemens Papers,
Box 1/3.

27 Downes, "Rise of Harding," p. 512. At least one Harding
friend thought that Hynicka's actions were the result of his determina-
tion to beat Daugherty. Lee to Mrs. Harding, February 23, 1922,
Lee Papers, Box 9/3.
Harding’s efforts to keep Daugherty and Hynicka in the same camp proved an almost insurmountable task.

The convention met that morning at ten o’clock. At the end of the fifth ballot, Lowden moved ahead of Wood, 303 to 299. Harding meanwhile had only seventy-eight votes. On the next three ballots the deadlock continued as Daugherty began to request the promised second and third-choice votes from individual delegates. At the close of the eighth ballot, Harding had jumped to 133 1/2. To stem the Harding boom, Alvin Hert of Kentucky, a leader of the Lowden forces, presented a motion to recess until later in the afternoon. It was then seconded by a New York delegate. Daugherty was so perturbed about the possibility of an adjournment until Monday that he charged to the front of the stage, yelling at Lodge, "you cannot defeat this man in this way." Lodge, however, wrongly suggested to Herrick, chairman of the Ohio delegation, that the recess might be beneficial to Harding.

There was much activity during the three-hour delay. Wood and Lowden’s forces tried to form a coalition, but the two antagonists refused to make any concessions to one another. There was also an attempt by the Senate leaders to organize around Will Hays in

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28 Daugherty to Harris, June 29, 1938, Harris Deposit, Box 9/3.
order to stop the Harding drive. Their actions further disprove the thesis that Harding owed his nomination to a smoke-filled room.

Most of the Senators who had previously favored Harding at the Blackstone conference now backed Hays. Senator James Watson of Indiana later stated that because of the adverse press reaction to Daugherty's February prediction, other Senators had been reluctant to favor Harding at all, even though they were not against him.

This second conference proved as well that the Republican leaders had no powerful hold upon the delegates. Senator Brandegee, for example, instructed his state's delegation to shift from Lowden to Hays. Chairman J. Henry Roraback instead told him that the delegation now elected to back Harding. Brandegee was powerless to alter this decision. Similarly, Lodge could impose no control upon the Massachusetts delegation which favored Coolidge. The Hays push consequently collapsed from senatorial impotence.

During this second recess, Daugherty visited delegations, pleading for additional second, third, and fourth-choice pledges, the basis of his strategy for the past six months. He later asserted that

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29 Bagby, Road to Normalcy, p. 94.


31 Bagby, Road to Normalcy, p. 94.
he also paid a visit to the headquarters of the Pennsylvania delegation. There, Daugherty, in a room alone with an operator, used a special telegraph wire to get in touch with the ailing Senator. Informing him that the convention would nominate Harding that afternoon, he asked Penrose what support he could give Harding. Penrose allegedly promised him the Pennsylvania delegation and stated that he would issue a statement publicly to that effect. Daugherty thereupon requested that he not publicize it. He later explained to Harris:

> It was my idea not to have it said that Harding was nominated by the bosses and on that account I did not want Penrose to deliver the Pennsylvania vote until the last. Harding was actually nominated before the Pennsylvania delegation was reached and the newspapers could not say he was nominated by the 'big boss.'

The ninth ballot finally began after the four o'clock recess was extended for another forty-five minutes. Lowden's failure to get Wood to back him in exchange for the vice-presidential nomination caused several of Lowden's lieutenants to defect to the leading dark horse, Harding, who showed some strength prior to the recess.

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32 Daugherty to Harris, May 24, 1934, Harris Deposit, Box 9/4. See also James Davis to Harris, May 22, 1934, Harris Deposit, Box 2/6. For an opposing account, see Grundy to Harris, June 20, 1938, Harris Deposit, Box 2/6. In another letter, however, Daugherty admitted that Penrose had controlled only part of the delegation. Daugherty to Harris, November 30, 1937, Harris Deposit, Box 9/4. In his book, the often unreliable Daugherty claimed that Penrose had instead telephoned him! Daugherty and Dixon, Harding Tragedy, pp. 48-9.
Many Lowden delegates simply acted on their own in voting for Harding, their alternate choice. The Daugherty-Harding strategy of securing alternate-choice support, their early efforts to cater to Lowden men, and their friendly attitude to other candidates was now paying off for the available and popular Harding, who stood to gain from the deadlock. The Lowden swing to Harding also caused defections from the Wood ranks. The break began when Connecticut switched from Lowden to Harding. Other defections followed. Then Kansas surprisingly shifted from Wood due, in part, to the plea of Senator Curtis who saw an emerging bandwagon. Led by Lowden manager Hert, the Kentucky delegation also cast its votes to Harding, and the Lowden delegates from Missouri, New York, North Carolina, Oklahoma, South Carolina, Texas, and Virginia did likewise. At the end of the voting, Harding had 347 1/2, Wood 249, Lowden 121 1/2, and Johnson 82. 33 On the tenth ballot, Harding was nominated.

Senator Harry S. New of Indiana later remarked of Harding's nomination:

In the contemplation of all that I have seen, I do not hesitate to say that I never saw a nomination come about more

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naturally--I had almost said inevitably--than the nomination of Harding in 1920. 34

Daugherty stood in full accord with New's conclusions. 35

An analysis of the balloting is revealing as far as the senatorial delegates are concerned. There were only sixteen senatorial delegates, and only two of them voted for Harding on the first ballot. The number of states having a Senator on their delegations was eleven, and from those states Harding received just nine of their 984 delegate votes on the first ballot: five from Missouri, two from New York, one from Colorado, and one from Utah. The senatorial performance is even more surprising after the Friday night recess which followed the fourth ballot. Wadsworth of New York gave his support to Lowden until the eighth ballot; Calder of New York to Butler initially, then to Lowden following the fourth; Watson of Indiana to Wood on every ballot; New of Indiana to Wood until the eighth, then to Harding; Lodge of Massachusetts to Harding on the ninth ballot; Sherman of Illinois to Lowden to the tenth; Spencer of Missouri to Lowden until released after the eighth ballot; McCormick of Illinois to Lowden throughout; and Brandegee's Connecticut delegation to Lowden up to the ninth. Penrose did not release the


35 Daugherty to New, March 4, 1932, New Papers, Box 1/4.
Pennsylvania delegation to Harding until the final ballot. Only Smoot of Utah and Phipps of Colorado voted for Harding on every turn. 36

The lack of senatorial power was again exhibited in the vice-presidential nomination. The Old Guard's choice was the progressive Senator Irvine Lenroot of Wisconsin who would balance the ticket. Daugherty later wrote that the Senators consulted him about the feasibility of choosing Lenroot. In voicing his approval, he replied that Lenroot was geographically right and had numerous friends. 37 The delegates, however, foiled the party leaders' attempt to put Lenroot across. Conservative Calvin Coolidge of the Boston Police Strike fame was more to their liking in a period when strikes were associated with Bolshevism. 38

While Daugherty played a significant—but not an indispensable—role in Harding's nomination, he moved more to the background in the presidential campaign. Harding posed as Ohio's second McKinley in conducting the campaign initially from his expansive

36 For more detailed statistical analyses of the senatorial vote, see Harris, "1920 Republican Convention," p. 19 and New, "Senatorial Oligarchy," p. 21 and 84. See also Daugherty Inclosure, March 3, 1932, New Papers, Box 1/4.

37 Daugherty to Harris, October 9, 1939, Harris Deposit, Box 9/5.

38 Sinclair, Available Man, p. 150. See also Wadsworth to Harris, October 8, 1932, Harris Deposit, Box 2/6.
front porch at Marion, but Daugherty never became the second Hanna.

The Republican National Committee, under the supervision of Will Hays, directed the operation almost independently of the original Harding organization. Daugherty, who had not been on good terms with Hays prior to Harding's nomination, later explained that he had rejected the chairmanship of the National Committee following Harding's nomination. There is no evidence, however, that Harding or any Republican leader had recommended the controversial Daugherty for that post. Certainly, Harding had no reason to replace the competent Hays. As in 1912 Daugherty's desire to boss the national party did not gain the acceptance of his peers.

Instead Daugherty antagonized Harding in the weeks immediately following the nomination. The Republican nominee seriously questioned his motives in this period. Apparently, Daugherty gave more consideration to strengthening his own political position and to punishing Hynicka than to promoting Harding's election. Harding told Jennings that, as far as Daugherty was concerned, he (Harding) was

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39 Daugherty to Harris, June 29, 1938, Harris Deposit, Box 9/3. See also Daugherty and Dixon, Harding Tragedy, p. 56.

In a more contemporary letter, Daugherty stated that he "would not have taken the chairmanship of the National Committee at the suggestion of the members . . . or Harding himself and it is fortunate that I did not." Thus, Daugherty admitted that it was never offered to him. Daugherty to Reily, August 16, 1920, Daugherty Letters, V. F. M. 1581.
"not wholly to blame for some of the manifestations which are lacking in good taste."

Harding eventually sent Daugherty a stern telegram, reprimanding him for his unworthy motives. Confessing that the disagreement had depressed him, Daugherty quickly altered his attitude. Relieved that Harding had forgiven him, he then denied that any disagreement existed. Daugherty wrote Harding that he had

only one desire and one ambition--your success now and in the great days to come. We have gone this journey too far and too long together for misunderstandings. Whatever I do or refrain from doing is for you and your interests. No one else, much less men with selfish motives, can do more. I am not infallible, and while I have endured much, I have never for one moment lost sight of the great cause in which we are embarked together.

By July Daugherty accepted a position on the National Committee steering subcommittee along with Charles Hilles, A. T. Hert, Raymond Robins, and former Senator John Weeks of Massachusetts. Although some steering subcommittee members felt that Hays neglected their advice, Daugherty seemed to have cooperated well

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40 Harding to Jennings, June 24, 1920, Jennings Papers, Box 1/5.

41 Daugherty to Harding, July 1, 1920, Harding Papers, Box 763/4.

42 Ibid.
with the National Chairman. He often acted as a liaison between Harding and the various Republican headquarters at Marion, Chicago, and New York. Despite the illness of his wife and his sister-in-law, Daugherty traveled extensively from headquarters to headquarters, either representing Harding or performing organizational work. The experienced Daugherty did the latter especially well. Hays appreciated his work, but it was nevertheless Hays who ran the campaign—not Daugherty.

Daugherty also offered some good suggestions to the Republican National Committee. Believing that Harding should not prepare his own speeches, he advocated that a staff of experts compose a series of addresses which Harding would periodically revise or reorganize to suit himself. Daugherty then recommended "must" topics which included the agricultural program, the administration of the Federal Reserve Board, the high cost of living, the tariff, and the opening of foreign markets. Daugherty advised that former

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43St. Louis Daily Globe-Democrat, August 30, 1920. Clipping in Hays Papers, Unprocessed. See also Daugherty to New, May 25, 1936, New Papers, Box 1/5.

44Daugherty to Reily, August 21, 1920, Daugherty Letters, V. F. M. 1581.
Senator George Sutherland of Utah aid in the preparation of this work. The National Committee quickly agreed to follow this advice.

It was Daugherty who was, in part, responsible for Harding departing from his front-porch campaign in early October to embark on a swing through the west which was followed by two other junkets into the border and eastern states. Daugherty attempted to act as Harding's speech adviser on these trips. Aware that women were voting in a presidential election for the first time, he reminded Harding to include them in his talks. Always, Daugherty asked that he stick to the America-First theme which could hardly lose any votes. To confront the pro-leaguers at Buffalo and Rochester, he recommended that Harding present his social justice speech which expressed an appreciation of our obligations to the distress of the world. Daugherty, however, in no way acted as Harding's principal adviser; his suggestions were always informal and brief. They were sometimes devised to insure that he would remain in Harding's confidence.

45 Judson C. Welliver to Scott C. Bone, August 3, 1920, Hays Papers, Unprocessed.
46 Bone to Welliver, August 5, 1920, Hays Papers, Unprocessed.
47 Daugherty to Harding, October 17, 1920, Harding Papers, Box 656/2.
48 Ibid., October 18, 1920, Harding Papers, Box 656/2.
The national contest did not prevent Daugherty from concerning himself with the local political situation. Friction between Daugherty and the Brown-Hynicka-Wolfe faction remained throughout the campaign. It heightened when Harding decided to favor Walter Brown for his Senate seat. Harding accepted the viewpoint that Brown's victory would reunite the progressive-old-guard groups in Ohio. Since Brown had acted ably as Harding's convention floor leader at Chicago, Harding had no doubts about his loyalty. Daugherty, however, objected to Brown's race. He pushed Willis and opposed Harding's request that the former Governor withdraw. When Harding refused to ask Willis publicly to step aside, the latter declined to terminate his candidacy. He defeated Brown overwhelmingly in the primaries. The disagreements over this contest left the Ohio Republican party a potential powder keg throughout Harding's presidential years.

Harding's victory in November temporarily quieted the intraparty friction in his home state. He won 60.2 per cent of the national popular vote, while fellow-Ohioan James M. Cox captured only 34.4 per cent and the imprisoned Eugene Debs, a surprising

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49 Dan Hanna to Harding, July 3, 1920, Harding Papers, Box 594/4.

50 Charles A. Jones to the Author, Interview, April 2, 1967.
5.4 per cent. Harding's decisive win was not only a reaction to Wilsonianism but also a tribute to his own personal popularity. Daugherty played only a modest and sometimes conflicting role in Harding's November victory, but he had contributed to his nomination. Daugherty, after years of political frustration, appeared to have reached the apex of his stormy political career.
CHAPTER XI

"THE TRAGIC BLUNDER:" DAUGHERTY AND
THE FORMATION OF THE HARDING CABINET

In The Inside Story of the Harding Tragedy, Daugherty stated that he had desired no responsibility in the new Administration. Mortally tired of politics, he had intended to retire immediately to his profitable law practice. The necessity to assist the Republican National Committee in balancing its financial accounts had first detained him; subsequently hordes of office seekers and "axe grinders," thinking Daugherty a cog in the new Administration, had besieged him at Columbus. Despite his protests and denials, they had continued to hound him. Finally, Harding himself, Daugherty insisted, had refused to accept his recommendation that former Senator George Sutherland of Utah become Attorney General. The President-elect had further chosen to ignore the opposition of the press and of leading Republicans in announcing the Daugherty appointment. Under these circumstances, Daugherty wrote, he had unwillingly accepted the cabinet post. ¹

¹ Daugherty and Dixon, Harding Tragedy, pp. 68-91.
Hindsight had partially muddled Daugherty's memory. Immediately after the November election, the press speculated that the legally respected Sutherland was under consideration for Attorney General—at least friends so reported to Sutherland. By early December, however, when Harding first gave serious attention to cabinet selections, Daugherty's sole competitor was not regarded as a contender. On December 10, Harding adviser Judson Welliver informed Sutherland that he would be Harding's first appointee to the Supreme Court. Daugherty also arranged a meeting with Sutherland in order to relate the same information.

Harding apparently considered Daugherty his choice from the outset. To protesting Senators Wadsworth and New, he indicated that Daugherty could have any cabinet position, aside from Secretary of State, which he planned to offer to Charles Evans Hughes. Harding stated that Daugherty had informed him he wanted to be

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2Lindsay Rogers to George Sutherland, November 9, 1920, George Sutherland Papers, Box 3/35, Library of Congress. See also Frank T. Hines to Sutherland, November 11, 1920, Sutherland Papers, Box 3/35.

3Welliver to Sutherland, December 10, 1920, Sutherland Papers, Box 3/36.

4Daugherty to Sutherland, December 9, 1920, Sutherland Papers, Box 3/36.
Attorney General "and by God he will be Attorney General. n5
Gratitude caused Harding to accede to Daugherty’s request. The
President-elect explained to one dissenter: "I would not want the
country to think me so much an ingrate that I would ignore a man of
Mr. Daugherty’s devotion to the party and to me as an aspirant and
a candidate."6 Harding could not easily forget that the often maligned
Daugherty had invested considerable time and money in the vital pre-
convention fight, even though Harding’s chances then appeared slim.

Money per se did not always motivate Daugherty. He could
easily have enhanced his income by returning to private practice
since campaign publicity had elevated his image with corporation mag-
nates. The fact that Harding had been elected President would alone
have made Daugherty one of the busiest lobbyists in the country.
Businessmen, involved in litigation with the government, would
have readily pursued the ingenious Daugherty.

Daugherty viewed the Attorney Generalship as an instrument
to vindicate a past which was constantly under suspicion by his crit-
ics. Having always held a high opinion of himself, Daugherty was
incensed by the type of criticism which had prevented him from

5 Wadsworth to Harris, June 20, 1938, Harris Deposit,
Box 2/6.

6 Harding to Bishop William F. Anderson, February 20,
1921, Harding Papers, Box 655/1.
becoming National Chairman in 1912 and that now confronted him in 1920. As one contemporary writer astutely observed, Daugherty's appointment would give him a certain respectability in legal circles which he had never had. He could then leave office with a title, ready for life upon a new level. In Daugherty's own words, he wanted the post so that he could tell arch-critic Robert Wolfe "to go to hell."

It was clear that Daugherty would not be satisfied with anything less than being the nation's leading law officer. To appoint him to a lesser post would have been an admission that he was neither qualified nor capable of performing as Attorney General. Consequently, his sense of vindication would have been incomplete. There is no evidence, however, that Daugherty ever pressured Harding to make the assignment. Finley Peter Dunne later remarked rightly that if Harding had refused him the appointment, Daugherty "would have gone into a corner and cried. But then he would have wiped away the tears and come back and served as faithfully as ever."

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9 Dunne, "Look at Harding," p. 77.
Throughout December Harding continued to express to Republican leaders who traveled to Marion his desire to appoint Daugherty. Charles Dawes, who was being considered for Secretary of the Treasury, and Myron T. Herrick, who would again become Ambassador to France, both warned Harding not to select Daugherty. Others voiced similar objections. Only William Howard Taft recorded a favorable but qualified response. Harding remarked to Taft that he "could see through Harry when Harry did not suspect it" but added that Daugherty was loyal and a good lawyer. Taft conceded that Harding was entitled to have such a friend in the cabinet.

By the end of January Harding departed from his "great listening post" at Marion for an extended vacation in Florida where he combined cabinet making and relaxation. With him went an entourage of friends which included Daugherty. The press continued to speculate on cabinet selections throughout the sojourn. The New


11 Calder to Harris, August 2, 1933, Harris Deposit, Box 2/6.

York Times' assumption that Daugherty's ambitions would be fulfilled only increased opposition to his appointment. On February 6 Jennings wrote Harding that for the past few days staff men had visited Columbus from the New York World, the New York Times, and other newspapers, investigating "past history and interviewing men to gather stories which may lead to later investigations of Daugherty's legal and business operations." He stated that Wolfe was also making "war medicine" against Daugherty. The Chicago Tribune had earlier put together some twenty potential charges, ranging from misappropriation of trust funds to confiscation of campaign monies. These accusations had allegedly been presented to Daugherty who had made a three-hour explanation.

The most comprehensive denunciation came from the Democratic New York World. Its expose, delving deeply into Daugherty's past, was serialized for five consecutive days beginning on February 21. Following each publication, the World sent the article to Daugherty who was with Harding at St. Augustine. The paper hoped Daugherty might use its columns either to deny or to explain the


14 Jennings to Harding, February 6, 1921, Copy, Jennings Papers, Box 1/6.

15 J. Reuben Clark, Jr. to Philander Knox, April 9, 1921, Philander Knox Papers, Volume 23, Library of Congress.
charges. Daugherty instead replied: "You cannot quote me by as much as one word."

The World elaborated upon several of Daugherty's earlier indiscretions which included his changed vote in the 1892 Sherman-Foraker senatorial contest, his "holding up" of Hanna in 1898, his involvement in the Morse case in 1911, and his part in the failure of the Columbus Savings and Trust Company in 1912. In citing a number of these incidents, it attempted to portray Daugherty as an unscrupulous politician who would be dangerously out of character as Attorney General. In analyzing Daugherty's lobbying activities the World secured numerous statements from unnamed Ohio attorneys and judges to the effect that Daugherty had not appeared in an Ohio Common Pleas or State Supreme Court in recent years. The carefully researched articles portrayed Daugherty as an accomplished lobbyist whose clients included the Ohio subsidiary concerns of the

16 New York World, February 18, 1921.

17 For the Sherman-Foraker senatorial contest, see above, pp. 16-30; the excessive fee against Hanna, pp. 49-51; and the Morse case, pp. 90-105. The author did not previously cover Daugherty's involvement in the Columbus Savings and Trust Company demise. Suffice it to say that Daugherty, a director and vice-president, and friend Cyrus Huling were almost prosecuted for the misuse of depositors' funds. Cox, Journey, p. 305. See also New York World, February 20, 1921.

18 New York World, February 17, 1921.
American Gas and Electric Company, the Western Union Telegraph Company, the Ohio State Telephone Company, and the Columbus Depot Company. Daugherty frequently represented the first three corporations before the Ohio Public Utilities Commission where he succeeded in obtaining a sizable increase in Ohio telephone rates in 1919. His firm also made appearances before the Ohio Tax Commission in several tax reduction cases which involved the above clients. The World accurately depicted Daugherty's influence on the recent General Assembly where the crafty William Halley held sway as senate clerk. Since the house clerk was also a crony, Daugherty was in excellent position to obstruct unfriendly bills. 19

Concluding that Daugherty's legal experience did not lend itself to the Attorney Generalship, the World recommended Sutherland. 20 Even the conservative New York Times prophetically pointed out that a third-class lawyer would be ill-equipped to handle the extensive war claims against the government, the difficult interpretation of the law in connection with labor and railroad disputes, and the increasing number of federal cases in the next four years.

19 For Daugherty's lobbying escapades, see New York World, February 17, 1921.

20 The World editorial also appeared on February 17, 1921.
Having no objection to Harding rewarding Daugherty, it insisted that the reward be commensurate to Daugherty's abilities. 21

The World's detailed exploration of Daugherty's past was not totally unfounded. Its premise that an attorney who had devoted considerable time to lobbying would perform less capably as Attorney General was sound. Even ignoring the question of qualifications, such an appointment would only attract former associates to Washington to seek favors from Daugherty. They would try to stand close to him as he had stood close to Taft, Wickersham, and others. 22 An Attorney General with Daugherty's background would be much more willing to ignore their indiscretions or to concede to their questionable requests than one more disciplined in the law. Daugherty's future conduct proved his critics correct.

But the aggressive press attacks against Daugherty in February did not go unchallenged in Ohio. Senator Willis publicly defended Daugherty as did a number of Ohio attorneys and judges. 23 Many were long-standing friends like federal judges John E. Sater


22 Lobbying friend Thomas Felder was a classic example. See below, p. 275 and p. 322.

23 For Willis’s defense, see New York Times, February 22, 1921.
and E. B. Kinkaid. Even former Democratic state attorney general Timothy Hogan, who had attempted to curb Daugherty's lobbying activities, now stated that Daugherty was "a man of good sense, an excellent lawyer, and with a courage that welds his friends to him like steel to steel." Hogan and other sympathizers were willing to defend a fellow Ohioan from the unmerciful criticism which also embarrassed Harding. Some, like Taft, implied that Daugherty's lobbying experience need not be a handicap. Taft reasoned that while an Attorney General has no time to prepare and argue cases, he must be persistent, a good organizer, and know how to deal with men. He predicted that Daugherty "would surprise a good many people with the efficiency of his views."  

Despite the strong sentiment against Daugherty on the part of the press and some members of the party, Harding followed his own inclinations. On February 21, two days after he declared Hughes

24 Willis to Managing Editor New York Tribune, March 1, 1921, Copy, Willis Papers, Box 13/87. Willis cited a number of Daugherty defenders in his letter.

25 Ibid.

26 Taft to Karger, February 14, 1921, Copy, Taft Papers, Letterbook 98, Series VIII. One recent historian also felt that Daugherty's understanding of lobbying tactics could have been beneficial to him for the protection of the common good. But Daugherty was not often motivated by such altruism. See Robert K. Murray, "President Harding and His Cabinet," Ohio History, LXXV (Spring and Summer, 1966), 123.
his Secretary of State, he announced the Daugherty appointment. His announcement came at a St. Augustine press conference which was attended by two of Daugherty's chief critics—Mark Sullivan of the New York Evening Post and Louis Seibold of the New York World. Sullivan later made much of the fact that Seibold's presence angered Harding to the point that he snapped: "I am ready today to invite Mr. Daugherty into the cabinet as my Attorney-General; when he is ready there will be an announcement, if he can persuade himself to make the sacrifice; . . . and if I can persuade him to accept the position."

Harding's anger, however, did not cause him to act in either a rash or hasty manner. Although criticism strengthened his resolve, he had promised the position to Daugherty as early as November and had consistently intended to honor his commitment.

A few minutes after the conference, Daugherty ran into Sullivan. When the latter remarked: "Well, you're going to be Attorney-General," Daugherty good naturedly retorted: "Yes, no thanks to you, Goddam you." Later that day the prospective Attorney General proclaimed that "no man could refuse to serve a friend and his

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28Ibid., p. 152.
country under the circumstances. I am appreciative of both the
honor and the responsibilities."²⁹

Harding was almost as strong willed about his other cabi-
net appointments. While consulting the "best minds" of the country,
he made his own decisions. Daugherty, the Senators, and the press
were hard put to move Harding once he had decided on a candidate.³⁰
In choosing his cabinet Harding relied on three criteria: a man's
qualification for public service, which he considered to be the most
important; the attitude of the public toward the man under considera-
tion; and political considerations.³¹ He had varying degrees of suc-
cess in following his own guideline. Hughes, whom he highly
respected, was his first and only choice for Secretary of State, de-
spite the fact that the Old Guard favored Knox or Root. Harding
judged Henry C. Wallace the best man for Secretary of Agriculture
and again secured this selection, even though the packers and food-
processing industries opposed the liberal Wallace.³² His decision


³⁰ Professor Murray convincingly portrayed Harding as
acting more independently and conscientiously in selecting his cabinet
than past historians have credited. Murray, "Harding and His
Cabinet," pp. 108-25. For a more critical account, see Sinclair,
Available Man, pp. 181-97.


³² Ibid., January 14, 1921.
to appoint Herber Hoover, however, caused tremendous opposition among Republican leaders. The Old Guard found Hoover too pro-
gressive, too internationally minded, and too ambitious. Daugherty claimed that Progressives objected to him. 33

Harding had to use considerable ingenuity to secure approval of Hoover's nomination. He won the Old Guard only through political blackmail. While once favoring Charles Dawes for Secretary of the Treasury, he later turned to Andrew Mellon, the Pittsburgh multi-
millionaire, who had considerable eastern support. In early February he sent Daugherty to Washington to talk to Mellon's two staunchest backers in the Senate--Penrose and Knox of Pennsylvania. Daugherty, acting under Harding's instructions, frankly told them that Harding would not appoint Mellon unless they agreed upon Hoover as Commerce Secretary. 34 Penrose, Daugherty later remarked, "rose to heights of profanity I have never heard equaled." 35 The two Senators nevertheless reluctantly agreed to favor Hoover in order to save Mellon.

33 Daugherty to Harding, February 6, 1921, Harding Papers, Box 363/5.

34 Ibid., Telegram, Copy, Harding Papers, Box 695/1.

35 Daugherty and Dixon, Harding Tragedy, p. 99. Daugherty further stated: "He swore in every mood and tense. I had 'cussed' a little at times when unduly provoked. But I listened in awe to my master's voice."

Harding's move was the more remarkable because Daugherty did not like the independent Hoover. Knowing Harding's determination on this matter, he tactfully tried to persuade Harding not to ignore the opposition. "There is very little support in Congress..." Daugherty warned. He hoped that Harding would "consider the Hearst's newspaper opposition very seriously" as it was "very intense against this party." Only then did Daugherty state: "I do not want you to be influenced in this matter by my judgment and I am not expressing my judgment, as you know I have refrained from giving you my personal views in these matters..." Harding promptly replied that the more he considered Hoover the more he thought well of him. "Of course," Harding added, "I have no quarrel with those who do not think as I do, but inasmuch as I have the responsibility to assume I think my judgment must be trusted in the matter." The President-elect selected the rest of his cabinet in the same deliberate and independent fashion. Neither Daugherty nor any one Republican had Harding's ear. Daugherty later bragged,

36 Daugherty to Harding, February 6, 1921, Copy, Harding Papers, Box 695/1.

37 Ibid.

38 Harding to Daugherty, February 9, 1921, Copy, Harding Papers, Box 695/1.
however, that Will Hays would not have been appointed Postmaster General had he (Daugherty) not insisted upon it while with Harding in Florida. He claimed that he had advised Harding that he must show the country that the President-elect "was loyal to friends he was under obligation to." The truth was that Harding had already offered Hays the position several days before their departure to Florida in late January 1921! There was never any hesitation on Harding's part in offering the efficient Republican National Committee Chairman the post which has customarily doubled as the administration's patronage office. The hesitation came from Hays who preferred to be Commerce Secretary.

While gratitude swayed Harding to name Daugherty, friendship and admiration prompted him to select Senator Albert Fall of New Mexico as Secretary of the Interior. Harding had sat next to Fall in the Senate where he had come to like this frontier baron whose trademarks were a handle-bar mustache, a black cape, and a broad-rimmed Stetson. Both enjoyed games of chance and both loved a good game.

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39 Daugherty to New, May 25, 1936, New Papers, Box 1/5. Daugherty earlier stated that he made only two cabinet recommenda-

tions: Mellon and Sutherland. Daugherty and Dixon, Harding Tragedy, p. 98.

40 Hays to L. W. Henley, February 4, 1921, Copy, Hays Papers, Unprocessed. See also, Murray, "Harding and His Cabinet," p. 120.
story. Harding also respected Fall whom he considered an expert on western matters and on Latin American affairs. His senatorial colleagues thought so highly of him that they unanimously approved of his appointment without the usual committee inquiry. Indeed, only the conservationists were strongly opposed to Fall whose senatorial record indicated an anti-conservation bias and whose oil holdings in Mexico appeared to have spelled trouble. 41 Daugherty, who disliked Fall because of his past progressivism, did not voice any objection to his selection. 42 Later assertions, however, that Fall's selection was related to a deal with the oil interests at the 1920 Republican convention runs counter to prevailing evidence. As Daugherty accurately pointed out, the big oil operators had backed Wood. The fourteen leading oil states had given Harding only eighty out of 403 delegates prior to the ninth ballot. Of the eighty votes, thirty-nine had come from Ohio. 43 A historian on the 1920's recently called the alleged deal "so much nonsense." 44 Fall's later unethical actions came as a complete shock to those who knew him well.


42 Daugherty and Dixon, Harding Tragedy, pp. 77-8.

43 Daugherty Inclosure to New, March 3, 1932, New Papers, Box 1/4.

44 Murray, "Harding and His Cabinet," p. 121.
Harding rounded out his cabinet by appointing former Massachusetts Senator John W. Weeks as Secretary of War; Edwin Denby, Secretary of the Navy; James Davis, Secretary of Labor. The capable Weeks, a former member of the Senate Military Affairs Committee, had been surprisingly defeated in 1918. Like Mellon, he was a chief financial contributor in the 1920 campaign. Denby came almost as an after-thought to Harding when Lowden declined the Navy post. Nevertheless, Denby appeared to be an excellent choice since he had an exceptional service record and had spent six years in Congress where he had served on the House Naval Affairs Committee. Davis represented a political compromise. Although not associated with the Gompers faction, he had been an iron "puddler" and an active union member. A strong Harding supporter in 1920 and the Director General of the Loyal Order of the Moose, Davis quickly developed into Harding's top choice for the Labor assignment.

By March 1 the Harding cabinet was officially formed in its entirety. Of its ten members, Daugherty, at sixty-one, was the second oldest and one of the least solvent financially. He was the only Methodist and represented Harding's one selection from Ohio. He also represented Harding's greatest accommodation to personal rather than to public considerations. Though the press favorably received the cabinet as a whole, some scorn was reserved for
Daugherty. The New York Times remarked that "from Hughes to Daugherty is a pretty long step."

In Ohio the Wolfe-owned Ohio State Journal labeled Daugherty as the one weak appointment. Privately, however, friends and foes alike congratulated Daugherty in his moment of personal triumph. Ironically, in later life, Daugherty was to regard his decision to accept the Attorney Generalship "the tragic blunder of my life."
CHAPTER XII

ATTORNEY GENERAL DAUGHERTY:
THE FIRST YEAR

Attorney General Daugherty began his tenure with a party. After taking the oath of office, he held a formal reception that lasted for an hour. Both personal friends and political leaders attended the affair in order to pay allegiance to the temporarily vindicated Daugherty. Among the guests was retired actress Lillian Russell escorted by wealthy husband Alex P. Moore, the Pittsburgh publisher, who had contributed so handsomely to the 1920 Republican campaign. She had highlighted the ceremony by planting a kiss on Daugherty immediately after he had been formally inducted into office.¹ The circumstances in which Daugherty officially entered are not so important, however. What remains significant is the manner in which he departed.

The burly, thick-necked Attorney General, whose trademarks became a derby hat and diamond stick pin, soon found that

his job necessitated a tremendous effort. Of all the executive branches in the Wilson Administration, the Department of Justice had been one of the most inept. Attorney General A. Mitchell Palmer had neglected it in his two years in office in order to avert an imaginary Bolshevik revolution and to seek the presidential nomination. As a result, the Department had slowly degenerated. Corruption was now suspected, especially in connection with the unprosecuted war-fraud cases where the government stood to gain $192,000,000 from defrauding industries. Due in part to prohibition, the undermanned federal courts were faced with crammed dockets. Not only did the court system need revamping but the Department required a reorganization to include an influx of competent attorneys to tackle the backlog of cases. It was also essential that the new Attorney General formulate clear-cut policies to meet the responsibilities that confronted the Department in the postwar period.

An Attorney General is only as successful as his staff. While Daugherty had promised to appoint the best lawyers, his appointments left much to be desired. William Howard Taft once

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remarked that poor assistants contributed to Daugherty's troubles. Taft was undoubtedly right. As Daugherty frequently thought in political terms, he hired too often on the basis of political and personal considerations. Not all his selections were ill-fated; enough were, however, to undermine the capabilities of the Department. Rush Holland of Colorado, the Assistant Attorney General for Personnel, was a notorious example of such an assignment. He had formerly operated a weekly newspaper in Zanesville which had consistently favored Daugherty for the governorship. Holland later departed to Colorado where he had operated as a political lobbyist. He had crossed paths with Daugherty again while a delegate at the 1920 Republican national convention. There, he had assisted in swinging the Colorado delegation to Harding on the last ballot. Mabel Willebrandt, an able Assistant Attorney General, contemptuously stamped Holland "a politician pure and simple." She and others blamed much of the Department's difficulties on him.

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3 Taft to A. I. Vorys, November 13, 1922, Copy, Taft Papers, Box 527/13, Series III.

4 Charles L. Lobingier to Thomas Walsh, January 29, 1925, Thomas Walsh Papers, Box 278/1, Library of Congress.

More disastrous was the appointment of William Burns of Columbus as Director of the Bureau of Investigation. His Columbus detective agency had gained a reputation for its strike-breaking activities. Burns himself had been accused of packing a jury in a 1905 Oregon land-fraud case. He proved his lack of integrity in his new position. Included among his special agents were several with criminal records. One investigator, Gaston B. Means, had once been indicted for the first-degree murder of a rich widow. Embezzlement had been an alleged motive as he had in fact forged her will. The courts, however, had ruled the death accidental. Previous to this involvement and prior to our entry into the World War, Means had been in collaboration with the German attaches—Captain Karl Boy-Ed and Colonel Franz Von Papen. Burns permitted Means to conduct important investigations, even though he was now deeply involved in several illicit operations including the marketing of confiscated alcohol. When Daugherty first learned of his activities,

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6 Mason, Stone, p. 149.

7 Memorandum from Rush Holland to Daugherty, January 12, 1922, Department of Justice, File 191307-8, National Archives. Holland relayed Burns' assertion that Means was wrongfully accused. See also Edward Swann, District Attorney of New York City, to Daugherty, January 27, 1922, Department of Justice, File 191307-9.

he suspended Means only to reinstate him when Burns convinced him that his investigating abilities were needed! In 1924, after he had greatly embarrassed Daugherty and the Department, Means was convicted along with Thomas Felder, Daugherty's former partner in the Morse case, of defrauding the government.

Wearing the checked frock coat of an earlier day, Burns used the Bureau of Investigation to harass prominent congressmen and public officials who questioned some of Daugherty's official policies or who found Burns's actions intolerable. The menacing Burns created a poor public image. In the Harding Papers, a complaining letter remains from a Brooklyn newspaper editor after Burns telephoned to inform him that he was a "God d-- liar" and "damn big stiff." The Bureau was a dangerous organization under Burns. It was not until Daugherty left office that J. Edgar Hoover replaced Burns and cleaned up the Bureau.

The wardenship of the Atlanta penitentiary was another political appointment that later haunted Daugherty. J. E. Dyche's qualifications for the office were his political association with Jake Hamon,

9 Daugherty to A. T. Seymour, April 27, 1923, Telegram, Department of Justice, File 191307-12X.

10 Mason, Stone, p. 149. See also Adams, Incredible Era, p. 319.

11 Joseph J. Early to George Christian, Jr., February 24, 1923, Harding Papers, Box 28/2.
a shady political boss from Oklahoma, who had been murdered in late 1920. The Justice Department continually had to reprimand Warden Dyche for permitting prisoners to take undue liberties. The sale and use of narcotics among convicts was also a frequent occurrence while he remained warden. Daugherty, however, did nothing to stop the drug market. He apparently feared unfavorable publicity.

Daugherty attempted to engage one of the best lawyers in the country to investigate the important war-fraud cases, one of the major tasks of his Department. Henry L. Stimson, Taft's former Secretary of War, refused to serve as Assistant Attorney General because of the sacrifices he had already made to public life. Daugherty then reverted to the inept Assistant Attorney General Guy Goff to supervise the investigation. Taft was especially critical.

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12 Daugherty to Harding, May 3, 1921, Harding Papers, Box 219/12. Harmon had been friendly to both Daugherty and Harding.

13 For example, see Daugherty to J. E. Dyche, November 3, 1922, Department of Justice, File 4-1-4-61-2 and A. T. Seymour to J. E. Dyche, July 11, 1923, Department of Justice, File 4-1-4-61-5.

14 Select Senate Committee, Attorney General Hearings, Part 4, p. 974.

15 Daugherty to Henry L. Stimson, June 23, 1921, Henry L. Stimson Papers, Box 204, Yale University Library. See also ibid., July 30, 1921, Stimson Papers, Box 204.
of Goff who retired in 1922 to devote his time to politics. In his brief stay, he did not do his job. By early 1922 members of Congress began to criticize Daugherty for not prosecuting one war-fraud case. Daugherty argued that he lacked the necessary funds to conduct the investigations because appropriations from Congress were $3,000,000 less than the estimates of his Department for 1922. More difficult to explain away was the influence that Thomas Felder exercised in at least one action. Felder, representing the German Bosch Magneto Corporation, saw to it that the case did not receive top priority. In May 1922 Congress appropriated $500,000 to expedite the prosecutions. Daugherty, under pressure to complete the task, created a War Transaction Section to devote full time to the work. When Goff left in November 1922 the more able A. T. Seymour replaced him. Only then did the Department realize some success.

Not all of Daugherty's appointments were unfavorable.

Conservative Solicitor General James M. Beck, who represented the

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16 Taft to Vorys, November 13, 1922, Copy, Taft Papers, Box 527/13, Series III.

17 Daugherty to Harding, June 23, 1921, Harding Papers, Box 29/1.

18 Gilbert, Behind the Mirrors, p. 137.

government before the Supreme Court, was a glutton for work.

William Riter of Utah performed ably as an Assistant Attorney General. He had been a successful attorney who took a sizable financial cut to serve. Mabel Willebrandt, another assistant, was a devoted public servant. But the Department was only as strong as its weakest links, for Holland, Burns, and Goff undermined the efforts of other officials. Daugherty's failure to provide the necessary direction contributed to the overall poor performance of the Department.

On the favorable side, Daugherty was instrumental in the appointment of William Howard Taft to Chief Justice of the Supreme Court. When the incumbent Edward White died in May 1921, Daugherty constantly suggested Taft to Harding. The deliberate Harding thought he should consider other candidates before reaching a decision. Daugherty argued that the appointment must come immediately. He explained that the courts were congested, additional judges were needed, and overall judicial reform was necessary. He further informed Harding that he needed Taft to advise and guide him. On July 30, 1921 the President appointed Taft.

No one had a greater positive influence on the Attorney General than Taft. Because of the Chief Justice's guiding hand, Daugherty was generally successful in recommending well-qualified judges to the federal courts. Even before Taft became Chief Justice, he wrote Daugherty: "If you don't mind it, my interests in the Federal Judiciary, where I know something of the situation, makes me anxious to give you the benefit of what I have learned from considerable experience." Taft, in reality, had a veto over Daugherty's selections, for the latter continually acceded to the experienced Taft. Taft's disavowal of political appointments to the judiciary influenced Daugherty so strongly that he advised Harding "that Senators and Representatives and political influences generally should be given to understand that they must not expect, as a matter of patronage, to dominate or dictate these appointments . . . ." On one occasion, it was the gracious Harding who swayed the hesitant Daugherty to recommend a weak judicial candidate to satisfy a pleading Senator. "He almost wept during our interview," Harding said of the Senator, "and I am frank to say I am exceedingly reluctant to disappoint him."
Daugherty also worked closely with Taft to expand the number of judges in the congested federal districts. It was he who initially took the lead. Introducing himself as one "less experienced in the office than any of my predecessors," the Attorney General told the Senate Judiciary Committee of his plans and proceeded to create a special committee of five federal judges and U. S. Attorneys to iron out the specifics. Taft then took command. He wrote the tentative bill, cajoled indifferent legislators, and persuaded Daugherty to help increase the number of new judges from eighteen to twenty-four. By September 1922 the judicial expansion bill passed Congress. In the months prior to its passage, Taft felt that he and Daugherty were working for the same things. He sincerely advised his long-time associate:

My dear Harry, you want to refute your enemies, and you are going to do it, but one of the chief opportunities is through the selection of the highest standard of men for these . . . additional judges. I hope you will appoint some Democrats, in spite of the partisan bitterness of the attacks on you.

Daugherty did not disappoint him.

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24 Daugherty to A. J. Volstead, August 18, 1921, Copy, Taft Papers, Box 498/12, Series III. See also Mason, Taft, p. 98.

25 Mason, Taft, p. 122.

26 Taft to Daugherty, June 5, 1922, Copy, Taft Papers, Box 517/5, Series III.
Taft showed his gratitude by defending Daugherty in the months that followed. Because of the Attorney General's abortive injunction against the striking railroad workers in September 1922, however, even the Cincinnati Times Star became mildly critical.  

The Star's criticism hurt Daugherty deeply. He told Taft that it was "the most hurtful and humiliating thing that could have happened to me." The Chief Justice wrote owner Charles Taft that "there is nothing as aggravating to a man, when he is in the situation Harry has been in, as a slurring of him by those whom he expects to be his friends, and it was unfortunate that Hulbert or whoever wrote the article, should think it necessary to make concessions, at Harry's expense, in an article which he wished to be in Harry's favor." In the meantime, Daugherty continued to express his hurt feelings to Taft, indicating that "I would give anything in the world if I could get over this insult but it does not seem possible for me to do so. . . ."  

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27See below, pp. 301-09.  

28Daugherty to Taft, January 3, 1923, Taft Papers, Box 531/3, Series III.  

29Taft to Charley Taft, January 3, 1923, Copy, Taft Papers, Box 531/3, Series III.  

30Daugherty to Taft, January 4, 1923, Taft Papers, Box 531/4, Series III.
Daugherty undoubtedly believed that the Tafts were obligated to him for his efforts in their behalf in 1912. Taft, indeed, had always felt indebted to Daugherty. One Taft, however, reminded the Chief Justice that the family had already repaid their obligation. In a most revealing letter, nephew Hulbert reviewed the family's past association with Daugherty:

My feelings toward Harry Daugherty are mixed. For ten years--since 1912--Uncle Charlie, the Times-Star and I have been his outspoken friends in Cincinnati. Because I mix around more and because people have not hesitated to attack one of our friends in my presence as they would when Uncle Charlie was around, I have felt the rub of it more than he has. We have a hundred editorials altogether in his favor. He asked our support for the Senate and we did everything we could in the face of the outspoken opposition of the organization and the sneering hostility of the intellectuals and the 'reform' crowd. And now the Attorney General, in the executive offices of the White House and before witnesses shouts out--'I deserve well of the Taft family. I have served them without thought of expense or of consequences. To this day I am pursued by the enemies in their cause.' It appears to me that this is ungracious and one-sided in failing to recognize that the Taft family, by your attitude in the Morse case and by our general support out here has not been neglectful of its obligations. 31

Still, the elder Taft felt that Daugherty "has always been most friendly to us" and now "has consulted me a great deal about judicial appointments." For these reasons, he hoped that the family would be "scrupulous to avoid any reflection on him, or any comparison, to his disadvantage, with other Attorneys-General."

31 Hulbert Taft to Taft, January 6, 1923, Taft Papers, Box 531/6, Series III.
After all, "Harry is an honest man and a courageous man," Taft asserted, "and he has had against him some of the greatest pretenders and frauds... that this country affords. When one, therefore, finds a friend slurring one with contemptuous reference, it cuts most deeply and makes one review his entire relations, and gives one the impression that the particular former friend is going with the yellowing pack. . . ."32 Despite some realization of Daugherty's inadequacies, Taft refused to believe the worst about him.

There was more behind Daugherty's difficulties, however, than a few poor appointments and his own legal incapacity for the office. He permitted friends to use the Justice Department as the vehicle for their own profit. The "ring leader" of the mythical "Ohio gang" was a Washington Court House dry goods merchant, Jesse (Jess) Smith, who had been Daugherty's preconvention campaign secretary in 1920. Mark Sullivan colorfully but accurately described the Ohioan when he again appeared in Washington in the spring of 1921:

Smith was a large loose-framed, rather stout man in his late thirties or early forties, with pink, loose-hanging cheeks, a black mustache and large brown eyes. He was naive, crude, and friendly, quite unread except as to newspapers, and in them, only as to the political and sports news, perhaps also the 'funnies'--a country come-to-town. 33

32 Taft to Hulbert Taft, January 7, 1923, Copy, Taft Papers, Box 531/7, Series III.

Smith resided with Daugherty first in a little house on H Street and later in a luxurious Wardman Park Hotel suite. Failing to secure the post of Commissioner of Indian Affairs or Treasurer of the United States for Smith, Daugherty asked him to manage the job seekers who thronged to Washington after Harding's inauguration. Smith also acted as a valet during the extended hospitalization of the ailing Mrs. Daugherty. Above all, he was Daugherty's close companion and frequently accompanied him at social functions. President Harding was only one of many who found the genial Smith a delightful acquaintance.

For all his personal charm, Smith lacked character. Too much of his life was spent in the home of an over-possessive mother who prevented him from maturing emotionally. Smith, for example, was never permitted to enjoy marriage. When he was in his early thirties he married Roxie Stinson, a twenty-four year old redhead, but his mother's interference soon caused a divorce. The elder Mrs. Smith was unable, however, to keep Jess from seeing Roxie on occasion.

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34 Cincinnati Times-Star, May 11, 1921, Clipping in Fairbanks Papers, Box 1/4. See also Daugherty and Dixon, Harding Tragedy, p. 102.

35 Adams, Incredible Era, p. 45.
Despite Smith's obvious shortcomings, Daugherty gave him an office in the Department of Justice. His unofficial position created some confusion among the employees. Mrs. W. O. Duckstein, a confidential secretary who later testified before the select Senate committee which investigated the Attorney General, considered him the "second in authority" to the Attorney General; on the other hand, Miss Mary Yeager, a stenographer, said he was little more than a public relations man. 36 L. J. Bailey, acting head of the Bureau of Investigation until September 1921, thought him more important, for he stated that Daugherty referred him to Smith in matters on which the Attorney General was too busy to act. 37 Visitor Finley Peter Dunne later recalled Smith sitting behind his large desk, smoking a dark cigar. He thought it curious at the time that Thomas Felder should be sitting opposite Smith with his feet on Smith's desk and his hat on the back of his head. 38

In reality, Smith acted as Daugherty's personal secretary. He conducted interviews for minor political appointments, performed liaison work, and spent considerable time taking stock market reports


37 Select Senate Committee, Attorney General Hearings, Part 9, p. 2456.

38 Dunne, "Look at Harding," p. 79.
over the telephone. The fact that he was so close to Daugherty made
the willing Smith a target for an assortment of lobbyists and grafters
who desired accommodations from the government. They continually
dined him and provided him with stocks and money in return for favors
Smith easily secured from the Justice and Treasury Departments. He
had no trouble obtaining liquor withdrawal permits from friends in the
Treasury Department's Prohibition Bureau.Smith was equally as
successful in using his influence in the Justice Department. Assuming
that Smith acted in Daugherty's behalf, unsuspecting employees
released confidential information to him as to the progress of cases
and pardon recommendations. This knowledge proved invaluable to
lobbyists. He received $50,000 for obtaining a release in one case
that was in the custody of the Alien Property Custodian's office, one
of the most corrupt of all federal agencies.

Smith eventually promised more than he could fulfill. George
L. Remus, a Cincinnati bootlegger, allegedly paid him between
$250,000 and $350,000 for protection from prosecution. But Smith
failed, and the angry Remus suffered confinement at the Atlanta Peni-
tentiary. Smith tried in vain for a commutation of the sentence.

39 Select Senate Committee, Attorney General Hearings,
Part 2, p. 485. See also ibid., Part 2, p. 537; Part 8, p. 2406 and

40 See below, pp. 354-57.

41 Select Senate Committee, Attorney General Hearings,
Part 9, p. 2405-414.
By late 1922 he had made so many similar blunders that this once carefree man lived in fear of retaliation by disappointed favor seekers. In the spring of 1923 Harding finally told Daugherty that Smith must leave Washington. On May 29, 1923, physically as well as mentally ill, the despondent Smith ended his life in the suite he shared with the Attorney General. 42

The naive Smith did not act alone. The headquarters of corruption centered at 1625 K Street where Howard Mannington and his cronies resided. Aside from Smith, Mannington was by far the closest to Daugherty. Their friendship had begun in the early 1890's. After managing Harding's front porch campaign, Mannington eventually departed for Washington, D.C. at Daugherty's request to help review applications for minor appointments. He found his work extremely profitable. As early as July 1921 watchdog Malcolm Jennings reported to Harding that he had heard that "Mannington has some sort of a government brokerage office . . . and that people desiring government favors have to apply through him." "Of course this is silly," Jennings qualified, "but I have heard it very frequently." 43 Apparently, Harding did nothing, for Mannington continued

42 Daugherty and Dixon, Harding Tragedy, pp. 242-49.

43 Jennings to Harding, July 12, 1921, Jennings Papers, Box 1/7.
his activities. He, M. P. Kraffmiller, whom Mannington had met at the 1920 Republican convention, and other K-Street cronies, worked with Smith in obtaining liquor withdrawal permits from the corrupt Prohibition Bureau. Kraffmiller admitted Mannington's part when he later testified before the Select Senate Committee investigating the Attorney General. He then stated that Mannington obtained two manufacturing and one wholesale liquor permits for J. B. Scheuer and Co. in exchange for a $25,000 fee. Kraffmiller also related that he, Mannington, and another friend divided $20,000 after delivering wholesale permits to the General Drug Co. of Chicago. Mannington later left the country when it became evident that the Senate Committee intended to question him.

The "Ohio-gang" label was nevertheless a misnomer. Many of the scavengers who undermined the Administration were not Ohioans. Bill Orr of New York and Fred Urion of Chicago knew Daugherty well enough to claim immunity. Both disregarded the 1910 Rodenberry Act which prohibited the interstate transportation of prize-fight films. The bill's origin was admittedly questionable. It had been enacted after white pugilist Jim Jeffries had lost a championship fight to Negro Jack Johnson. Racism had obviously forced its passage. The

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44 Select Senate Committee, Attorney General Hearings, Part 8, pp. 2171-178. See also Part 2, p. 448.
Wilson Administration nevertheless had clamped down on profiteers in enforcing the measure. The situation changed in the succeeding Administration. Orr, Urion, and other friends collaborated with Smith to assure F. C. Quimby, who shared the rights to the Jack Dempsey-George Carpentier fight of July 1921, that a safe and profitable venture was at hand. For almost half of the profits, Quimby permitted them to market his films in more than twenty states with nothing to fear but a small fine. Soon the Dempsey-Willard 1920 fight films went into circulation despite some complaints. Daugherty made no conscientious attempt to enforce the law until March 1924, even though he knew that Urion, Orr, and the rest were capitalizing on his friendship. This neglect reflected the overall maladministration of the Daugherty regime.

There is no doubt that Daugherty was fully aware of the activities of Smith, Mannington, and other hangers-on. He not only lived with Smith, he occasionally visited the "little green house on K Street" to join in poker sessions with Mannington and his


46 Reverend William F. Crafts to Daugherty, April 6, 1922, Department of Justice, File 81-203014-21.

47 Department of Justice, File 81-203014-21, et passim.
friends. There is no evidence that he ever censured their actions. On the contrary, he pretended that their frauds did not exist. He used his office to protect rather than to expose the crimes of friends. The truth is that Daugherty never had a scrupulous regard for public service. He had matured in a political environment which tolerated boodle and personal aggrandizement. But even Foraker and Hanna had deplored Daugherty for failing to measure up to their own standard of decency, such as it was. The trouble with Daugherty was that he never grew. He always remained a self-seeking man. Bernard Baruch later related an incident that best expresses Daugherty's attitude toward public service. In a party at newspaper magnate Ned McLean's country house, the Attorney General, somewhat in his cups, approached Baruch and mockingly referred to his wartime service in Washington by stating: "Baruch, you're an honest so-an-so." To Daugherty wartime employment had signified an added opportunity to ingratiate himself with utility interests. The investigation of his Department in 1924 would circumstantially reveal that he too managed to profit from his position as Attorney General.

48Select Senate Committee, Attorney General Hearings, Part 4, p. 1003.
50See below, pp. 354-65.
Daugherty also weakened his standing by refusing to stay out of local politics. His interference proved detrimental to the Ohio Republican party as well. Only days after his inauguration, Daugherty found himself involved in a patronage fight with Walter Brown over the internal revenue collectorship at Toledo. He and Senator Willis opposed Brown's candidate despite President Harding's wish that Brown name the appointment. It was not until June that Harding selected Brown's choice. He then had to confront Willis's objection to a Senate confirmation. In October Harding won out but only after the intraparty bickering had embarrassed the Administration.  

The Attorney General continued his opposition against his other enemies. He attempted to crush Hynicka as a political force through his friend William Halley, who now directed the Daugherty wing in Ohio. Such exclusive policies contributed to the weakened state of the Ohio party. The Republicans consequently lost the

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51 Toledo Times, March 18, 1921, Cleveland Leader, March 13, 1921, Toledo News-Bee, May 6, 1921, and Toledo Blade, August 18, 1921. Clippings in Willis Papers, Box 10/5 and 6. See also V. A. Schreiber to Daugherty, May 22, 1921, Willis Papers, Box 10/5 and Newt Miller to Willis, May 11, 1921, Willis Papers, Box 10/3.

52 Lee to Mrs. Warren G. Harding, February 23, 1922, Copy, Lee Papers, Box 9/3.
governorship in 1922. One loyal Harding supporter, Mary Lee, complained bitterly about Daugherty in 1922:

I know about as little as any human being can know as to what is wanted from the Washington end. I know that we want a friendly organization and that with all the hurrah and shouting about Daugherty's fine political sagacity that he has lost everytime he has been a candidate; that he came blamed near losing Ohio to Harding and that he has lost control of the State Central Committee. I further know that it would be entirely agreeable to have a friendly administration in Ohio.

Mary Lee then added that it was Daugherty's "satellites that brought trouble from Washington to Columbus and his satellites that gave us the disgrace of "we boys" and he himself is not entirely free from the suspicion down here." In another letter, she reminded Harding that a number of Republicans "don't like Daugherty." Jennings also informed the President that there was a feeling of opposition to any party dominance on Daugherty's part.

Harding discreetly refused to criticize the Attorney General. He had appointed him in spite of tremendous public criticism. Moreover, Harding deprecated political conflicts of this nature and avoided facing difficult issues. Harding, in fact, retorted to

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53 Lee to Charles E. Sawyer, February 15, 1922, Copy, Lee Papers, Box 2/5.

54 Lee to Harding, February 15, 1922, Copy, Lee Papers, Box 9/3. See also Lee to Mrs. Harding, February 16, 1922, Copy, Lee Papers, Box 9/3.

55 Jennings to Harding, August 15, 1921, Copy, Jennings Papers, Box 1/7.
Jennings that nobody could have been more considerate than
Daugherty in the distribution of patronage in Ohio. 56 He said this
with the full realization that Daugherty had intended to divert patro-
nage from the Brown-Hynicka group. 57 Harding assured a doubting
Walter Brown that "the Attorney General has a very exalted concep-
tion of his official obligation. . . ." He promised Brown, at least,
that Daugherty would not interfere with Brown's senatorial candi-
dacy in 1922. 58 To his last days in Washington Daugherty continued
a personal vendetta against Brown, Hynicka, and Wolfe. 59

In the first year of the Administration Daugherty remained
close to Harding. Like Harding, he loved poker, and this, in itself,
brought the two together socially for one or two evenings per week.
While the President found that he could relax better with cronies
like Daugherty than with Hughes or Hoover, the Attorney General
in no stretch of the imagination wielded great influence on Harding.

56 Harding to Jennings, August 13, 1921, Jennings Papers, Box 1/7.

57 Daugherty to Harding, June 9, 1921, Harding Papers, Box 248/7.

58 Harding to Brown, April 14, 1922, Brown Papers, Box 1/B.

59 For example, see Taft to Daugherty, November 16, 1923, Copy, Taft Papers, Box 547/11, Series III and Daugherty to Hard, October 20, 1923, Hard Papers, Box 2/2.
On one of the major issues involving the Justice Department in 1921, Harding found himself in disagreement with Daugherty. It was the latter who had to recast his beliefs.

The question involved the imprisoned radicals who had opposed and obstructed America's participation in the War. Many had been prosecuted under the provisions of the Espionage and Sedition Acts despite their often minor offenses. By 1921 some two hundred "political prisoners" still remained, including the principled Eugene Debs and a large number of International-Workers-of-the-World revolutionaries. Liberal and reform groups clamored for their release. Opposing a general amnesty, Harding instructed Daugherty to review their records on an individual basis. For political as well as humanitarian reasons he was especially concerned about releasing Debs. Daugherty consequently asked that Debs be transported from the Atlanta penitentiary to his office for a personal interview. 60 He desired to show Debs and his followers "that our system of government was fair enough and generous enough to permit any man to present his cause to the executive branch of the Government. . . ." 61 Daugherty found that Debs not only had an excellent personal record but was a

60 New York Times, April 3, 1921.

61 Daugherty to Harding, December 23, 1921, Department of Justice, File 35-386-3336.
man of much personal charm and an impressive personality. "In the world he has undertaken," Daugherty warned, "these qualities make him a very dangerous man. . . ."62

Daugherty was personally against Debs's release. He argued that clemency would place a premium upon "disloyalty, lawlessness, and defiance of the authority of the government." The fact that the war had ended, that his crime had been political, and that mercy should be extended did not alter the situation. Debs's offenses, according to Daugherty, "are crimes of far greater menace to society and to the government at large than ordinary crimes, for they go to the life and strength of the nation."63 He reluctantly accepted Harding's decision, however, to release Debs. In his December 23 brief to Harding, he alluded to Debs's advanced age, his poor health, and his martyred image in recommending that Harding commute his sentence on December 31, 1921.64 Even then Daugherty advised that Harding not require Debs to take a loyalty oath. He scornfully asserted that "he is such an habitual violator of the laws of this country and has such a chronic disregard for his

62 Daugherty to Harding, December 23, 1921, Department of Justice, File 35-386-3336.

63 Ibid.

64 Ibid.
country and is so ignorant of his obligation to society that he might go upon his honor, if he has any. " Harding elected to give Debs his freedom on December 25 despite Daugherty's contention that such an act would only desecrate Christmas. Daugherty's charity apparently extended only to his own kind.

On January 6 Harding indicated to Jennings that Daugherty was not the only one advising against executive clemency. "The esteemed lady whom you delight to address as 'Duchess' was very much opposed to any clemency being shown to Debs," Harding claimed. He was nevertheless convinced that he had done the right thing. Harding went on to say that a half dozen members of the House and Senate were as deserving of the penitentiary.

The Attorney General was more strongly opposed to extending clemency for the 150 or 160 "wobblies." After examining their records for a four-day period, Daugherty preached that "we soon forget." He further affirmed that "the crimes of these men were more horrible than outright murder, and in many instances murder

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65 Daugherty to Harding, December 17, 1921, Harding Papers, Box 154/5.


67 Harding to Jennings, January 6, 1922, Jennings Papers, Box 1/8.
was part of their crimes." Daugherty claimed that their oath was the most "revolutionary, uncivil and wicked that could be taken with any sacredness." 68 Although Harding was opposed to a general amnesty, he requested releases periodically. Daugherty reluctantly agreed to commute several aliens in the summer of 1921 on the stipulation that they return to Russia. 69 Harding ordered additional commutations in the next two years. By the time of his death, only twenty-one still remained confined. 70

The President also found that he could not always rely upon Daugherty on more conventional pardons. In late August 1921 the Attorney General requested that Harding sign the pardon petition of Lee Gibson of Arkansas. Afterward Harding found that he had been misled. He had pardoned a man who had not served one day of his sentence. 71 Harding thereupon wrote angrily that he wished

68 Daugherty to Harding, December 17, 1921, Harding Papers, Box 154/5.

69 Daugherty to Harry Weinberger, October 12, 1921, Harry Weinberger Papers, Box 50, Yale University Library. See also ibid., March 18, 1921, Weinberger Papers, Box 50.


71 Harding to Daugherty, September 2, 1921, Copy, Harding Papers, Box 363/4.
Daugherty "would admonish those who make up reports on which
the Executive must base his clemency that hereafter I must have
full information in every case. I have been subjected to unfair
criticism," he continued, "because I was not fully informed in this
particular instance." Daugherty declared that the trial judge and
the prosecuting attorney had also recommended the pardon. He con­
ceded, however, that it would have been better if the pardon attorney
had wired for information as to whether Gibson had been imprisoned.
Later evidence indicated that it had been allegedly possible for a few
wealthy convicts to purchase pardons by employing Jap Muma or
John E. Todd, Daugherty's former law partner. There is no indi­
cation, however, that the Gibson pardon was obtained in this way.

Harding soon learned to be more cautious of Daugherty's
official recommendations. On October 18, 1921 the Attorney Gen­
eral advised that an executive proclamation was not necessary to
terminate the state of war with the Central Powers since Congress
had already enacted two joint resolutions providing for cessation.

72 Harding to Daugherty, September 2, 1921, Copy, Harding
Papers, Box 363/4.
73 Daugherty to Harding, September 7, 1921, Harding Papers,
Box 363/4.
74 Select Senate Committee, Attorney General Hearings,
Part 6, p. 1486 and Part 7, p. 1884.
75 Daugherty to Harding, October 18, 1921, Department of
State, File 711-62119-96.
But Hughes had earlier felt that such a proclamation was legally essential. Harding also remained unconvinced as to Daugherty's correctness, even though a peace treaty had been signed with Germany in August 1921. To provide "full understanding all around," the President decided to seek the advice of the State Department. Harding had more confidence in the abilities of Hughes and other cabinet members than in Daugherty.

Daugherty did not always receive a free hand in patronage recommendations because Harding found that he could not always trust him. After Daugherty had suggested a candidate for the postmastership of Columbus, Harding quickly asked Jennings to "write me in confidence whether this is the appointment to make." His friend replied that this man was a "rough neck" who had been accused of shady dealings. In the process of investigating another Daugherty selection, Harding surprisingly learned that the candidate desired the position in order to get even with Hynicka and the

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76 Hughes to Daugherty, July 6, 1921, Department of State, File 62119-98A.

77 Harding to Daugherty, October 24, 1921, Department of Justice, File 198333-46X.

78 Harding to Jennings, November 15, 1921, Jennings Papers, Box 1/7.

79 Jennings to Harding, November 20, 1921, Copy, Jennings Papers, Box 1/7.
Hamilton County organization. He promptly told Daugherty that public office ought not to be used for that purpose.\(^80\) Equally shocking to Harding was hearing that Daugherty appointed railway officials as U. S. marshals in the face of a threatening railroad strike. He again told Daugherty to alter "this colossal error."\(^81\) No wonder, Daugherty whined to friend Finley Peter Dunne in April 1922 that Harding

never took any advice from me about anything; he never listens to me, never pays any attention to me, doubts my loyalty to him, he doesn't see how I am serving him or the government and on the whole considers me of very little good. I guess he is right. Nobody at the White House cares for me but Mrs. Harding, and she takes a delight in rubbing me the wrong way 'good-naturedly' every time I see her. I can't quarrel with a woman so I take it out on the dog.\(^82\)

Harding's feelings did not prevent Daugherty from continuing to impose on him in this period. The Attorney General had committed himself to speak before the National Electric Light Association's annual meeting on May 18, 1922. Since the N. E. L. A. had been a former client, Daugherty did not wish to disappoint the organization. But one day prior to his scheduled speech he decided

\(^{80}\)Harding to Daugherty, April 17, 1922, Copy, Harding Papers, Box 29/4.

\(^{81}\)Ibid., July 19, 1921, Copy, Harding Papers, Box 695/1.

\(^{82}\)Daugherty to Dunne, April 8, 1922, Dunne Papers, Box 6325/D.
that he had too much work and asked Harding to send him a note, requesting that he remain in Washington the following day to work on a very important matter. "I don't want you to lie for me as I would be delighted to lie for you," Daugherty stated, "but you can do this in a second and I will forgive you what you owe me on account of the bet you made Saturday morning." Harding's reply was, in contrast, formal, agreeing that Daugherty should not leave his office.

Harding defended Daugherty publicly no matter how he felt about him personally. By spring 1922 criticism against the Attorney General swelled to serious proportions. In April Congressman Ray O. Woodruff of Michigan and Royal C. Johnson of South Dakota began to accuse Daugherty of failure to prosecute the war-fraud cases and demanded an investigation of the Department of Justice. It was in May that Senator Caraway obtained additional evidence on Daugherty's involvement in the Morse case. He not only denounced the Attorney General in the Senate but also asked that he

83 Daugherty to Harding, May 17, 1922, Copy, Harding Papers, Box 695/2.

84 Harding to Daugherty, May 18, 1922, Copy, Harding Papers, Box 695/2.

resign. Other attacks were directed against his official policies. The activities of Smith and his friends, however, were not yet fully revealed to Daugherty's critics. Throughout this period Harding stood up strongly for his Attorney General. To one inquisitive constituent he "felt quite sure about the high purpose and the thoroughly justified course" that the Attorney General was taking. He related to James T. Williams, Jr. of the Boston Evening Transcript that "Mr. Daugherty is really giving us a very fine administration of a very difficult and important office." Harding concluded that he "should be the last man to shield or defend anyone whom I believed guilty of a betrayal of public trust. . . ." Of course, there was little else the President could say to allay attacks which indirectly discredited him. To remove Daugherty was unthinkable as it would be an admission that Daugherty had failed. Harding chose to act defensively. Ironically, he became more sympathetic toward Daugherty in his last year, even though he relied on him less.

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86 See above, pp. 104-05.

87 Harding to Osborne Mitchell, May 25, 1922, Copy, Harding Papers, Box 28/3.

88 Harding to James T. Williams, Jr., June 13, 1922, Copy, Harding Papers, Box 28/3.
CRITICISM OF DAUGHERTY IN HIS SECOND YEAR OF OFFICE

Much of it was based upon his actions in the railroad strike of 1922. To liberals, labor union members, and the majority of the press alike, Daugherty came out as a strong-armed reactionary who sought the destruction of effective unionism. They pointed to his sweeping injunction, which was one of the most severe governmental actions ever directed against organized labor. Their reactions put Daugherty on the defense for the remainder of the Harding Administration.

The incident began on July 1, 1922 when 400,000 members of the A. F. of L. shopmen’s unions struck against the National Railroad Labor Board’s order decreeing a $60,000,000 wage cut to aid the staggering railroads. The wage reduction was only the immediate issue to the unions. They found the Railroad Labor Board, created by the Esch-Cummins Act of 1920, a poor substitute for the Railroad Administration of the Wilsonian period which had enforced...
collective bargaining and had provided for national arbitration. In contrast, these unions now faced the threat of the company union, which General W. W. Atterbury had already put into effect on the Pennsylvania. A growing movement for the open shop permeated the other roads. The carriers also hindered collective bargaining by refusing to agree upon national adjustment boards which were to be implemented in accordance with the Esch-Cummins Act. The nine-member Railroad Labor Board, representing the government, the carriers, and the unions, proved ineffective in handling the shopmen's problems. In addition, the unions were especially dissatisfied with Railroad Labor Board chairman Ben Hooper who was not a non-partisan. On the eve of the walkout, he issued a proclamation outlawing the actions of the strikers and their organizations.

Three days afterward, Hooper announced that men taking the strikers' jobs would be performing an "indispensable service," and therefore "entitled to the protection of the government."


The Railroad Labor Board prevented an early settlement by abrogating the seniority rights of the striking workmen. The loss of tenure constituted a severe punishment to those engaged in a lawful act. Naturally the unions refused to accede to a form of liquidation. The Board imposed other unfair restrictions which only intensified the strike.

By July 31 Harding finally intervened. He urged the workers to return to their jobs in exchange for the retention of their seniority rights. The railroad executives, however, refused to accept the settlement even though the strikers had agreed to the wage reductions. On the other hand, Harding's August 7 proposition was unsuitable to labor. The shopmen saw no solution in the Railroad Labor Board adjudicating the issue of seniority rights since the Board had already decided on the question. Harding, who also faced a coal strike, initially relied on the moderate advice of Secretaries Hoover and Davis. In the succeeding weeks, he became less sympathetic to the strikers and consequently listened more to Daugherty.

The strike heightened in mid-August. The trains did not always run, and riots and demonstrations occurred throughout the

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4 Edward Berman, Labor Disputes and the President of the United States (New York, 1924), pp. 231-34.

5 Daugherty and Dixon, Harding Tragedy, pp. 128-29.
country. Violence on the part of the angry strikers was not un-
common. As one union president told union attorney Donald Richberg:
"A strike ain't no pink tea." Daugherty submitted countless and
often exaggerated reports to Harding of shootings, trains abandoned
in the desert, and acts of sabotage. Innumerable plots to dynamite
bridges also came out of the Attorney General's office. On August 15
he accused the I. W. W. of attempting to take over the railroads and
the local governments in the west. One week later Daugherty blamed
the I. W. W. for "fanning the flames" of the railroad strike at Shawnee,
Oklahoma. There is no mistaking the efforts of the red-baiting
Attorney General to link the strike to a red conspiracy. Daugherty
would later blame the "red borers" inside the shopmen's unions for
the strike itself.

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6 Donald Richberg, My Hero: The Indiscreet Memoirs of an

7 Appendix to the Annual Report of the Attorney General of
the United States for the Fiscal Year of 1922 (Washington, 1922),
et passim. This is a separate volume containing the field reports
on the strike. See also Daugherty to Harding, August 16, 1922,
Harding Papers, Box 62/1.

8 New York Times, August 16, 1922.

9 Ibid., August 23, 1922.

10 Daugherty and Dixon, Harding Tragedy, p. 127.
Daugherty advised Harding that a federal injunction was the one way to quell the conspiracy. He justified its use in the same manner that President Cleveland had defended it in the 1894 Pullman strike. Daugherty presented Harding with a copy of the 1895 Debs case in which the Supreme Court had sanctioned the federal injunction to insure the freedom of interstate commerce and the transportation of the mails. "The chief difference," Daugherty explained, "lies in the fact that the unions are much better organized, new plans for interference have been adopted, [and] the acts of strikers are more widespread and more modern." He consequently wanted a stronger injunction. Harding, who squelched the coal strike by threatening to use troops, apparently agreed to Daugherty's solution after more moderate plans had failed. On September 1 Daugherty appeared before Judge James H. Wilkerson of the District Court at Chicago to obtain a temporary restraining order. By then, however, encouraging reports indicated that strikers were returning to work. Daniel Willard of the B & O had already opened his doors to negotiate a settlement that would consider the workers' seniority rights. Bert M. Jewell, the president of the Federated Shop Crafts, had

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11 Daugherty to Harding, September 14, 1922, Harding Papers, Box 30/3.

agreed to begin discussions. The weakened unions had run out of funds and had been badgered enough by the state injunctions and the militias.

The fact that the federal restraining order came when the strike was on its last legs was damning in itself. It needlessly punished the strikers and restricted their efforts to obtain an honorable settlement. As a result, many shopmen had to accept the loss of their seniority rights in order to return to their jobs. Almost thirty-five per cent did not go back because of unsatisfactory agreements.

A fair number of the carriers took advantage of the situation to institute the open shop and the company union. Daugherty indicated that this was one of his objectives. In presenting his argument before the court, he stated that he would use his power to prevent "the unions of the country from destroying the open shop." He arbitrarily attempted to settle a question that should have been decided in a fair struggle between capital and labor. It was certainly not a decision that was to be determined by the Attorney General.

13 Richberg, My Hero, pp. 116-17.


The temporary restraining order forbade almost all action that contributed to the furtherance of the strike. It enjoined peaceful picketing, newspaper interviews, meetings, addresses, and other forms of communications. It also restrained the use of labor-employment funds. The injunction order, in fact, declared the strike an unlawful act because the strikers refused to comply with the decision of the Railroad Labor Board. The provisions of the Esch-Cumming Act, however, compelled no one to accept the decisions of the Railroad Labor Board. The shop crafts had originally complied with the law by bringing their case before the Board. But Daugherty saw a national emergency that threatened the very fabric of government. He alluded to thousands of acts of violence, often allegedly Communist inspired, in justifying his action. By interfering with the mails and disrupting transportation, Daugherty felt that the strikers had further relinquished their rights. Consequently, he sought to destroy the "red-tinged" unions in addition to ending an already spent strike.

Daugherty's actions shocked many Senators and Representatives from his own party. The New York Times, previously

17Berman, Labor Disputes, p. 231. See also New York Times, September 2, 1922.

18New York Times, September 4, 1922. See also William Borah to Roy N. Castle, September 14, 1922, William Borah Papers, Box 214/4, Library of Congress. Borah did not believe the injunction would help end the strike. "In my opinion," Borah stated, "it militated against the successful adjustment of it."
opposing the strikers, also severely criticized him for issuing a 
restraining order "apparently not warranted by federal law," while 
the New York World considered Daugherty's conduct plausible ground 
for impeachment. 19 The liberal New Republic asserted that the in-
junction "abandons all pretense of government impartiality." It too 
asked Daugherty to resign. 20

Cabinet members were startled by Daugherty's restraining 
order. Herbert Hoover later recalled his reaction:

The morning papers brought me the news. I was outraged 
by its obvious transgression of the most rudimentary rights of men. Walking over to the Cabinet meeting that morning, 
I met Secretary Hughes. He said that it was outrageous in 
law as well as morals. I suggested that he raise the 
question in Cabinet. He replied that it scarcely came with-
in his functions as Secretary of State to challenge the 
actions of the Attorney General, and suggested that as 
Secretary of Commerce interested in the economic conse-
quences, I had the right to do so.

Hoover said that he and Hughes protested to Harding who abruptly 
instructed Daugherty to withdraw the disputed sections of his re-
straining order. 21 Daugherty later admitted that his action was

19 "Labor Injunction Must Go, " New Republic, XXXII
(September 27, 1922), 109.

20 "Daugherty Declares War, " New Republic, XXXII
(September 13, 1922), 58. For criticism from another liberal 
periodical, see "Government by Daugherty," Nation, CXV 
(September 13, 1922), 243.

21 Herbert Hoover, The Memoirs of Herbert Hoover: The 
criticized by Cabinet members but denied that it came from Hoover or Hughes. He later stated that neither Hoover nor Hughes raised a voice when Interior Secretary Fall and Assistant Secretary of the Navy Theodore Roosevelt, Jr. had their outburst. "The President stopped it all," Daugherty said, "by saying that it was my responsibility, that he had been consulted and he approved what was done and he didn't want to hear any more discussion about it in the cabinet or on the outside."  

On September 11 Harding permitted Daugherty to extend the restraining order, indicating that he still favored Daugherty's actions. This came at a time when the strike was over in all but a few areas. One week and a half later Daugherty secured a permanent injunction from Wilkerson that differed little from the original restraining order. Some of the disputed clauses were removed, but the injunction was altogether as firm. It appears evident that Harding was as adamant as Daugherty in taking strong action against the recalcitrant shopmen's unions.

Although Daugherty never admitted that he had acted severely against the shopmen, he later tried to erase his antilabor enmity

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22 Daugherty to Harris, September 19, 1936, Harris Deposit, Box 9/4.


24 Ibid., September 22, 1922 and September 24, 1922.
in other labor conflicts. In late December 1922 Daugherty revealed that the Builders' Exchange of San Francisco contravened the conspiracy clause of the Clayton Antitrust Act in enforcing an open-shop labor policy. After the federal government had won its case, the San Francisco Labor Council forwarded a copy of the resolutions in praise of the Department of Justice and other individuals who contributed to the victory. It did not mention Daugherty. He angrily wrote: "why omit my name in resolutions whereas I heard, directed and ordered it all." Organized labor never forgave the Attorney General.

Daugherty's injunction incensed the A. F. of L. Samuel Gompers accused the Attorney General of malfeasance of office and demanded his impeachment. On September 10 Congressman Oscar E. Keller of Minnesota, a single taxer, formally introduced this request in Congress. The pro-labor Keller asked that his resolution be referred to the House Committee on the Judiciary. The

25 Daugherty to John T. Williams, December 28, 1922, Department of Justice, File 60-12-4-23X. See also San Francisco Bulletin, January 5, 1923. Clipping in Department of Justice, File 60-12-4-23X

26 Copy of resolution in Department of Justice, File 60-12-4-4. See also Homer Cummings and Carl McFarland, Federal Justice: Chapters in the History of Justice and the Federal Executive (New York, 1937), pp. 459-60.

Congressman, who was represented by Jackson Ralston, an attorney for Gompers, and Samuel Untermyer of the People's Legislative Service, relied on the labor leaders for specific charges to justify an impeachment. It was not until December that Keller submitted his fourteen specifications to the Committee.

Among his fourteen charges, Keller stated that Daugherty had appointed the unscrupulous Burns as Director of the Bureau of the Investigation; neglected to enforce the railway appliance law; accorded special favors to individuals and corporations affiliated with J. P. Morgan; refused to prosecute the war-fraud cases; failed to enforce the Antitrust and Federal Trade Commission Acts; allowed Thomas Felder to pervert Justice Department operations; and instituted the injunction against the striking shopmen. Keller only offered testimony on two charges. The evidence he offered on the alleged failure of the Attorney General to enforce the railway safety appliance law was so flimsy that his own attorney admitted that it did not sustain the charges. His material on Burns was not incriminating enough and certainly not grounds for impeachment.

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28 New York Times, September 18, 1922. See also Daugherty and Dixon, Harding Tragedy, p. 156.

29 "Uncle Sam's Prosecutor Prosecuted," Literary Digest, LXXV (December 16, 1922), 11.

30 Congressional Record, 67th Cong., 4th Sess., p. 2413.
Keller was so unsuccessful in presenting these two specifications that he refused to proceed. Since he previously claimed that he had evidence to support his other charges, the Committee secured a subpoena, requiring Keller to testify. He failed to obey the order. The Committee on the Judiciary then ended the hearing. The labor organizations had duped the unfortunate Keller.

Daugherty was not inactive during the inquiry. Embarrassed by the charges, he fought back hard. On October 21 Daugherty defended his injunction in a speech at a Republican rally in Canton, Ohio. When the local county committee and Congressman had protested violently against his coming, he had become all the more insistent. Theodore Roosevelt, Jr. claimed that the state organization had not been able to find any other city that wanted him. At Canton, Daugherty justified the injunction by stating that the labor leaders had mutinied against the government which "they mocked and pillared in scorn." The injunction, according to Daugherty, had prevented a civil war. While lecturing to the audience, he later asserted that he had smelled a strange pungent odor that came from

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31 Congressional Record, 67th Cong., 4th Sess., p. 2413.

32 Theodore Roosevelt, Jr. to Edwin Denby, October 16, 1922, Edwin Denby Papers, Burton Historical Collection, Detroit Public Library, Unprocessed.

33 Cincinnati Enquirer, October 22, 1922.
an enormous bouquet of flowers that stood beside the speakers' rostrum. Daugherty thought that the enemy had slipped a deadly gas trap into the floral arrangement! 34

The Attorney General also utilized the Department of Justice to answer Keller's charges in formal fashion. The Department's staff helped Daugherty publish a detailed reply in pamphlet form which was distributed among Congressmen and government leaders. In the reply Daugherty not only challenged each specification but lashed out at his critics. He labeled them as grafters, profiteers, war defaulters, and radicals who had attempted to intimidate him because he had chosen to enforce the laws. 35 "Getting a man's goat is a great game," Daugherty later stated, but "I never had a goat farm and they could not get a goat where there was none." 36

Daugherty's critics remained unconvinced. Congressmen and newspapers did not criticize Daugherty for performing his job vigorously as Daugherty suggested. They focused most of their

34 Daugherty and Dixon, Harding Tragedy, p. 152.


36 Daugherty to Harris, November 18, 1932, Harris Deposit, Box 9/3.
criticism on his failure to act positively as Attorney General. Even before the September injunction, Daugherty had faced this sort of stricture. Keller only intensified the issue. Although the Congressman was not viewed as a tool of labor, Daugherty's opposition felt that the House Committee on the Judiciary should have investigated the other twelve specifications. Questions relating to Daugherty's failure to take action against the whiskey ring remained unanswered. The influence of Thomas Felder and other lobbyists required explanation. They wondered, too, why Daugherty failed to investigate trusts connected with the J. P. Morgan interests or why he still lagged on the war-fraud cases. 37 There was also dissatisfaction in the manner in which some cases failed in court because of poorly-prepared briefs. The fact that Daugherty often appointed non-departmental counsel to argue the government's side contributed to poor performances since they were selected on a political basis. In contrast, Daugherty's successor, Harlan F. Stone, used departmental personnel and often argued important cases personally--something Daugherty never did. 38 Likewise, Daugherty's claim of commencing

37 Congressional Record, 67th Cong., 4th Sess., pp. 2428-249. See also "Mr. Daugherty Comes Clear," Literary Digest LXXVI (February 10, 1923), 16.

38 Mason, Stone, pp. 166-67.
more antitrust actions than his predecessors did not conceal from
the opposition the favoritism and ineptitude that characterized the
work. 39

The impeachment attempt affected Daugherty deeply. The
embarrassment and the mental strain taxed his nervous system and
weakened his general health to the point that he could no longer per-
form his job. In early January he went to French Lick Springs,
Indiana for a rest. He returned later that month still not well. For
the following month Daugherty remained in his Wardman Park Hotel
suite under the care of a private nurse. He had to forego his of-
 official work almost entirely. On February 28 Daugherty wrote
Harding that he felt better. Even then, he cautioned that he was un-
able to talk much because it "makes me a little nervous." 40
Daugherty's nurse later claimed that Harding visited him at his
apartment during February. From another room, she heard the two

39 Daugherty asserted that he commenced thirty-two antitrust
cases in twenty months while Wilson initiated eighty-five cases in
eight years and Taft, eighty cases in four years. Reply by the
Attorney General, p. 6. The Annual Reports of the Attorney General,
however, credited him with instituting only seventeen antitrust
actions during his first three years in office. U. S., Annual Reports
of the Attorney General for the Fiscal Years of 1921-23 (Washington,
1921-23), 1921, p. 18; 1922, p. 16; and 1923, p. 10. See also "The
Attack on Daugherty," Literary Digest, LXXVII (February 16, 1924),
16.

40 Daugherty to Harding, February 28, 1923, Harding
Papers, Box 195/12.
argue with Daugherty responding "I cannot agree with you Mr. President" and "we could not permit anything like that to happen."  

In February Harding first became aware of the betrayal of his Veterans' Bureau chief Charles Forbes. It is possible that at the February meeting Harding confronted Daugherty with this information and told Daugherty his friends were destroying the Administration.  

Nothing came from this confrontation. In March Daugherty departed for Florida along with Harding and a presidential party that included Jess Smith. Dr. Charles Sawyer, who was treating Daugherty, left instructions at the Department of Justice that no mail or business be brought to the Attorney General's attention.  

Daugherty's health was not improving. High blood pressure and other complications further compounded his nervous collapse. Harding felt

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41 Memorandum of Special Agent Shine's interview with Mrs. E. C. Kidd, February 1, 1927, Department of Justice, File 22830. See also Daugherty to Mrs. Harding, February 28, 1923, Florence Kling Harding Papers, Box 789/5. According to Daugherty, Harding had visited him that day.

42 Daugherty later stated that he and Dr. Charles Sawyer, the White House physician and a personal friend of Harding, had revealed Forbes's shady activities to the President. Daugherty's part is very questionable because of his illness. Daugherty and Dixon, Harding Tragedy, pp. 181-82.

43 Attorney General's Office to W. W. Keepers, March 7, 1923, Department of Justice, File 215000-1369.
badly about Daugherty's condition and did everything that he could to aid his recovery. He encouraged him to take as much time as necessary to recuperate. After Harding returned to Washington Daugherty left for an extended rest at Asheville, North Carolina. There, he began to improve. He wrote Taft that he did not know it was possible to have been so sick. Daugherty added that he could now be up for an hour in the morning and an hour and a half in the afternoon. He was hardly strong enough to resume his position.

Jennings thought that Daugherty would never get back to par. Although he sincerely hoped that Daugherty would improve, he informed Harding that Robert Wolfe of the Ohio State Journal would support the President's re-election provided that Daugherty would not interfere in Ohio matters. Harding confessed that Daugherty had "spread some irritation in some quarters." He depreciated Daugherty's future political involvements, however, because of his serious illness.

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44 Daugherty to Taft, April 4, 1923, Taft Papers, Box 536/4, Series III.

45 Jennings to Harding, April 13, 1923, Copy, Jennings Papers, Box 1/10.

46 Harding to Jennings, April 16, 1923, Jennings Papers, Box 1/10.
Daugherty could not accept political retirement. In order to bolster his sagging public image as Harding's political adviser, Daugherty had announced to Florida newspaper men on March 17 that Harding would seek renomination. Daugherty wrote Harding that he hoped that he had not embarrassed him. He admitted that he had never previously spoken for him without explicit authority. "Just what happened," Daugherty explained, "was that newspapermen had importuned me to give them a visit." Daugherty unconvincingly asserted that he had not acted with any expectation of exploitation. He simply had given his personal opinion, although he acknowledged that he had stated that there would be a more concrete revelation of Harding's convention plans that summer or fall. The newspapers logically believed that Daugherty had spoken for the President.

The Attorney General did embarrass Harding. The President planned a summer western trip as a non-political "voyage of understanding" in which he would communicate to the people the aims and goals of his Presidency. Harding felt that Daugherty's interview had created the impression that he would travel across the

47 Daugherty to Harding, April 16, 1923, Copy, Harding Papers, Box 695/3.

48 New York Herald, March 18, 1923, and New York World, March 19, 1923. Clippings in Clemens Papers, Box 1/13. See also Daugherty to Clemens, August 15, 1939, Clemens Papers, Box 1/13.
the country as a candidate for renomination. Of course the President had this in mind. To portray that aim, however, could only jeopardize his desire to crystalize popular support for himself as well as his programs. Not wishing to hurt the stricken Attorney General, Harding said little to Daugherty about the faux pas.

Daugherty never depended more on the President. Throughout April he eagerly awaited Harding's letters which helped to ease his depression. Although claiming that he was homesick for the Hardings and restless to return to his work, he conveyed a reluctance to go back to Washington. Daugherty momentarily lost confidence in his abilities to administer a job that was often too big for him. He perhaps feared possible disclosures in his own Department which would necessitate an explanation. These factors might have prolonged his illness. Harding, however, continued to remain sympathetic to Daugherty. He explained that while he was anxious to have him return, he thought that he should remain as long as he continued to benefit from the stay in Asheville. "The main thing," Harding explained, "is for you to get well--back to normalcy." Harding thoughtfully added that "everybody in public service inquires about you every day so that I spend about as much time telling

49 Harding to Jennings, April 16, 1923, Jennings Papers, Box 1/10.

50 Daugherty to Harding, April 16, 1923, Copy, Harding Papers, Box 695/3.
people how I think you are as I do in carrying on the affairs of the state."

Always the political animal, Daugherty, upon learning that Harding was concentrating on plans for the western trip, notified Harding on April 24 that he was coming back to Washington. The fact that Walter Brown was handling the preparations must have irked Daugherty. Not wanting to be left out, he desired to discuss the speaking sites and to offer a few suggestions. Knowing that Harding contemplated joining the World Court, Daugherty advised him not to commit the country to the tribunal without safeguards. He suggested that a specific congressional declaration precede any Court jurisdiction in American disputes. He apologized for offering unsolicited advice, but he thought the subject too critical.

Daugherty spoke in vain. Harding was now listening to the more internationally-minded Hughes and Hoover. Daugherty had less to say about his own departmental duties. He promised, however, that he would be capable of doing a vast amount of work that summer provided it was done in his own way.

51 Harding to Daugherty, April 19, 1923, Copy, Harding Papers, Box 695/3.
52 Daugherty to Harding, April 24, 1923, Harding Papers, Box 360/4.
53 Ibid.
Daugherty only stayed a short period in Washington. He conferred with Harding who confronted him with Smith's activities. He also attended a couple of cabinet meetings and visited the Attorney General's office. He then departed for Columbus where he conducted his official duties for two hours each morning at his Federal Building office. Having much free time, he was able to rest at the "Shack," his summer cottage near Deer Creek in Pickaway County. Daugherty appeared to have little to do with the western trip to Alaska. He later asserted that he had advised Harding to reduce his planned speaking engagements after noting his wearied appearance. He might, indeed, have cautioned him. Their last correspondence, however, does not reflect Daugherty's concern. His only comment came on April 24 when he had remarked that while the tour would be a strain, he knew that Harding was an expert in handling himself under the circumstances. The overworked and overly-worried Harding, suffering from a weak heart, high-blood pressure, and probable Bright's disease, denied himself the rest that he so kindly conceded to his subordinates.

54 Daugherty to Harding, May 19, 1923, Harding Papers, Box 367/3.

55 Daugherty and Dixon, Harding Tragedy, p. 268.

56 Daugherty to Harding, April 24, 1923, Harding Papers, Box 360/4.
The progress of the war-fraud cases was the subject of one of Daugherty's last departmental letters to Harding. Obviously the problem concerned the President since reports continued to circulate that the Department was not obtaining sufficient results. Daugherty admitted that it would take a long time to complete the work because of the large number of cases and the crowded court dockets. He claimed that hundreds of cases were under investigation aside from the $3,000,000 that had already been collected from successful court actions. His statistics were not impressive, however, when compared to the estimated $192,000,000 total of expected collections.

The Attorney General must have feared that additional questions might follow on specific cases in which the Department had allegedly delayed prosecution due to outside influences. On July 12 he asked Assistant Attorney General John Crim to forward a memorandum on the controversial Bosch Magneto case which involved a defrauding corporation that had employed Felder to safeguard its interests. After hearing that Crim was no longer investigating

57 Daugherty to Harding, May 22, 1923, Memorandums, Harding Papers, Box 30/2.

58 Ibid., May 22, 1923, Harding Papers, Box 30/2. See also "Bad News," p. 14.

59 Daugherty to John Crim, July 12, 1923, Copy, Department of Justice, File 70-337-191677-71X.
the matter, he contacted Assistant Attorney General Seymour to relate that while the case had been "side-tracked," he now desired that the investigation "be pushed as rapidly as possible, for we are losing valuable time." Similarly, Daugherty finally requested that the Department aggressively handle the equally controversial and long-delayed New York City war-fraud cases which had been delayed by Felder.

Although Daugherty had frequently disappointed and embarrassed Harding, their last correspondence indicated that there was no personal estrangement. The estrangement instead developed over official matters where the President learned to rely upon the advices of more competent cabinet members. One exception was the shopmen's strike of 1922 in which Harding himself had leaned toward a tougher approach. The President had less control over purely departmental concerns. It was Daugherty's word against that of his critics. Wanting to think well of Daugherty, Harding defended

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60 Daugherty to Seymour, July 22, 1923, Copy, Department of Justice, File 70-337-191677-72X.

61 Daugherty to Crim, July 16, 1923, Wire, Department of Justice, File 36-1456.

62 Harding to Daugherty, May 21, 1923, Harding Papers, Box 367/3. Harding in this letter, for example, was polite and understanding toward Daugherty's desire to delay his return in order to attend the Shriners' convention.
him in the face of what he considered unfair criticism, despite finding Daugherty's actions sometimes irritating and shocking himself. In time Harding became more aware of Daugherty's ineptitude and deceit. Even then he shifted the ultimate blame upon himself for appointing a political friend who lacked the character and training to be Attorney General. This probably explains why Harding continued to act kindly to a sometimes unkind man.

Daugherty saw the President for the last time in mid-June, a few days before the latter embarked on his western excursion. He did not feel able to accompany the President for the entire sojourn. He planned instead to join Harding at Los Angeles in late July in order to join in the presidential cruise to Panama. That meeting never occurred. The President overexerted himself in the process of making eighty-five addresses in six weeks. The strain prevented him from relaxing. Consequently, he rose early and went to bed late. He consumed his free time in lengthy bridge sessions, but neither cards nor alcohol brought relaxation.

Additional revelations of possible scandals in the Administration also unnerved the touring President. Near Hutchinson, Kansas he related to William Allen White, the influential publisher

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63 Daugherty to Rudolph Forster, July 9, 1923, Harding Papers, Box 30/2.
of the Emporia Gazette, that "I have no trouble with my enemies. I can take care of them. It is my friends that are giving me my trouble."64 White recorded that he had also visited Harding in a Kansas City hotel on the previous evening. There, Mrs. Albert Fall later appeared unexpectedly and spent considerable time consulting with Harding in an adjoining room. While White had left before they reappeared, he claimed that Senator Arthur Capper of Kansas, another guest, told him the following day that Harding came out of the meeting frustrated, worried, and excited.65

In his Memoirs Herbert Hoover later remembered a similar incident. On July 3 he and his wife joined the presidential party at Tacoma, Washington for the Alaskan junket. Harding asked Hoover to come to his cabin during the voyage. There, he supposedly questioned him: "If you knew of a great scandal in our administration, would you for the good of the country and the party expose it publicly or would you bury it?" Hoover's reply was to publish it in order to get credit for integrity. Harding retorted that this method might be dangerous politically. His Commerce Secretary then asked for the

specifies. Hoover later recalled Harding's reply:

He said that he had received some rumors of irregularities, centering around Smith, in connection with cases in the Department of Justice. He had followed the matter up and finally sent for Smith. After a painful session he told Smith that he would be arrested in the morning. Smith went home, burned all his papers, and committed suicide.

Hoover asked Harding if Daugherty were in any way involved.

Harding, according to Hoover, "abruptly dried up and never raised the question again."66

Frustration, worry, and overwork were too much for a man who had suffered from an enlarged heart and high-blood pressure.

Harding was first stricken at Seattle on his return from Alaska.

Dr. Sawyer, erroneously attributing the collapse to ptomaine poisoning, had the balance of his engagements cancelled.67 The presidential train sped for San Francisco where Harding was to recuperate. He was put to bed at the Palace Hotel. There, he contracted pneumonia which often follows some heart disorders. His condition was grave.

66 Hoover, Memoirs, p. 49.

67 The cause of Harding's illness is still unsettled. In a recent article, Francis W. Schruben claimed that Harding could have well suffered ptomaine poisoning from spoiled crab meat which might have been obtained from Alaskan fishermen. But why was Harding the only one stricken? Schruben does not answer this important question. Francis W. Schruben, "An Even Stranger Death of President Harding," Southern California Quarterly, n.v. (March, 1966), pp. 71-3. For a recent contrary account, see Sinclair, Available Man, pp. 285-86.
George Christian, Jr. notified Daugherty of Harding's attack. Daugherty came directly to San Francisco. Although the President rallied from pneumonia by August 1, Daugherty did not visit him. He later said that there were too many people at the hotel for him to add to the confusion. Daugherty allegedly told Mrs. Harding that he would see the President in a couple of days. On August 2 he held a reception for a few West Coast judges and lawyers at his hotel. That evening he claimed that Dr. Joel T. Boone, one of the presidential physicians, and a nurse walked softly into his room to inform him of the tragedy. Harding had succumbed to apoplexy. Daugherty could scarcely say a word. "I had received the hardest blow of my life," he later wrote, for "I had felt the foundations of the world sink." He managed to wire Vice-President Coolidge immediately, suggesting that he take the oath of office at once.

Daugherty returned to the "shack" after Harding's funeral. He wrote Finley Peter Dunne that he was still broken up over Harding's death and wanted to be alone. He confessed that his heart was not in Washington and that he would be happier if he were out of

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69 Daugherty and Dixon, Harding Tragedy, pp. 269-71.
70 Ibid., p. 271.
public life. Retirement was nevertheless unthinkable. "I am going to stay in the Cabinet," Daugherty asserted, "because the President desires me, and many want me to stay and many enemies don't want me to." To another friend he reiterated that he would leave public service if he felt that he were no longer useful. Daugherty added that the nation was fortunate to have a man like President Coolidge who was safe, sincere and capable. "I will give him as much help as I can as long as I can," he promised. Daugherty tenaciously held on, still hoping to vindicate himself from the charges of his enemies.

71 Daugherty to Dunne, August 22, 1923, Dunne Papers, Box 6325/D.

72 Daugherty to Fred Seeley, August 26, 1923, Harris Deposit, Box 9/3.
CHAPTER XIV

THE TRIALS OF AN ATTORNEY GENERAL

The outset of the Coolidge Administration must have been an unhappy period for Daugherty. Harding's death remained on his mind. He also worried about his crippled wife's deteriorating condition. The doctors had attempted to correct her arthritic limbs by breaking the leg joints, but she had collapsed after the first operation. The frail Mrs. Daugherty now had to wear heavy casts on her legs. It was hoped that the leg movement could be restored through the gradual adjustment of the casts. Unfortunately, she was not responding to treatment. The concerned Daugherty took her to Atlantic City for a two-week vacation in mid-September in the hope that she would improve. ¹ She would die the following year.

The Attorney General was anxious, too, to win the confidence of Coolidge. He attempted to convince him that he was, indeed, an active and valuable Attorney General. After submitting

¹Daugherty to Mrs. Harding, September 13, 1923, Florence Kling Harding Papers, Box 789/5. See also Daugherty to William Jennings Bryan, January 5, 1923, William Jennings Bryan Papers, Box 36, Library of Congress.
a progress report on the war-fraud cases that fall, Daugherty remarked that as soon as he had assumed the office he had quietly begun this vigorous investigation. He added that the extent of this work would soon astonish the nation. In December Daugherty further informed the President that he had recently prepared bills for Congress which proposed a separate federal prison for women, a program for employing young attorneys in the Justice Department, a division of criminal investigation, and additional judges in federal districts. He even sent Coolidge replies from friends who had commented favorably upon specific cases handled by the Department. Admitting that he was sending an unusual number of letters, Daugherty confessed that "I do not send you one out of a hundred [that] I should like to have you see." On another occasion he reiterated that there were so many things for him to discuss that he was sometimes ashamed to impose upon Coolidge and purposely overlooked some matters. Always he took advantage of the opportunity to renew his "assurances of high esteem and cordial regard."

2 Daugherty to Calvin Coolidge, October 1, 1923, Calvin Coolidge Papers, Box 26/10, Library of Congress.

3 Ibid., December 31, 1923, Coolidge Papers, Box 26/10.

4 Ibid., December 15, 1923, Coolidge Papers, Box 26/10.

5 Ibid., January 5, 1924, Coolidge Papers, Box 26/10.
From its inception Daugherty did not feel secure in the new Administration. Although Coolidge did not wish to disturb his predecessor's cabinet for the remainder of the term, he would have no obligations upon re-election. In the fall of 1923 Daugherty had already expressed his intentions to take the lead in swinging the Ohio delegation to the President in 1924 as part of an effort to tighten his hold on the Attorney Generalship. On October 23 he wrote Hard that he must insist on becoming a delegate-at-large to the 1924 Republican national convention. This, of course, meant fighting Hynicka, Brown, Wolfe, and the rest of the anti-Daugherty crowd. He was not unwilling to do this. Claiming that he believed in frank politics, he accused them of holding conferences, "slipping around on gum shoes, and operating after methods which I do not hold." Daugherty consequently stated that he would prevent Hynicka from remaining a member of the National Committee. While Harding had chosen to ignore Hynicka's actions, he reminded that he was a different sort of man. "It is not good for the discipline of the party," he added, "and it is not fair to President Harding's memory. Daugherty eliminated Walter Brown by stating that he was "late getting into the wagon" in 1920 and "did not do much anyway. . . ." 

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6 Daugherty to Hard, October 20, 1923, Hard Papers, Box 2/2.
7 Ibid.
8 Ibid.
Even the **Cincinnati Times-Star** did not share Daugherty's views. It reported that Coolidge would not risk alienating any faction within the Ohio party. This caused Daugherty to send the article to Taft, complaining that the **Times-Star** was trying to embarrass him and was attempting to put "Hynicka and Robert Wolfe in the White House." Taft did not agree with Daugherty. He believed that Coolidge should be willing to establish friendly relations with Brown, Hynicka, and Wolfe. Although conceding that he did not like that association any better than Daugherty, he affirmed that a united party behind Coolidge was certainly a desired goal. The Chief Justice concluded:

> Of course you are too old in politics to need any suggestions from me, but I think you are a bit too sensitive in respect to such a matter as this. I know what a strain you have been under and how justified you are in your feeling of contempt and disgust toward your unscrupulous opponents... but I depreciate it, and I think as the situation wears on you will agree with me that you borrow trouble by worrying over such an incident.  

Daugherty retorted that Taft failed to see the entire picture. Coolidge's decision to cooperate with the anti-Daugherty faction undercut Daugherty's political ambitions in his own state as well as damaged his political influence in the new Administration.

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9 Daugherty to Taft, November 14, 1923, Taft Papers, Box 547/9, Series III. See also **Cincinnati Times-Star**, November 7, 1923.

10 Taft to Daugherty, November 16, 1923, Copy, Taft Papers, Box 547/11, Series III.
Far more disturbing to Daugherty that fall was the investigation of the naval-oil-reserve leases. On October 22 Senator Reed Smoot of Utah convened the Senate's Public Lands Committee. By January Senator Thomas Walsh of Montana, the Committee's counsel, already had enough circumstantial evidence to indicate that in April 1922 Secretary of the Interior Albert Fall had improperly leased the naval oil reserves at Teapot Dome, Wyoming and Elk Hills, California to private concerns in return for a personal consideration. As the investigation progressed attention gradually shifted to Daugherty. After all, Fall must have sought his judgment prior to leasing the reserves.

Actually, no written opinion existed to implicate Daugherty. He testified that Fall had never come to him for an opinion nor had the matter been discussed in cabinet. He further denied that he had given an oral judgment. No Attorney General, he asserted, ever offered unwritten opinions. It is nevertheless unlikely that Harding failed to consult Daugherty before giving Fall permission to lease Teapot Dome to Harry Sinclair and the Elk Hills reserve to Edward Doheny. Sinclair had been a major contributor to the 1920 campaign. He was also a good friend of Daugherty.

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11 Daugherty to Clemens, September 24, 1938, Clemens Papers, Box 1/12. See also ibid., January 29, 1938, Clemens Papers, Box 1/13 and Atlee Pomerene to Paul Howland, July 22, 1931, quoted in Daugherty and Dixon, Harding Tragedy, pp. 307-11.
Daugherty and Harding, in fact, helped Fall enforce the lease at Teapot Dome. One month after Fall had turned over the Wyoming reserves to Sinclair, Harding learned from Fall that his friend James Darden, who had contributed $6,000 to Harding's campaign, continued to drill on his small claim in the Teapot Dome reserve despite Fall's orders to get out. Darden thought that he had a legal right to the small portion of the reserve and decided to take his case into court. Fall, fearing publicity over his own leasing, convinced Harding that Darden must be forcibly removed. On July 24 Harding wrote Daugherty that the Darden friendship did not justify the defiance of government authority. "If you have had the interview and he has declined to comply," he stated, "please advise me and I will then be justified in ordering a naval contingent to put an end to the activities of his company." Daugherty replied that he knew absolutely nothing about the matter aside from Darden's belief that he had a claim to the property. Harding, in any event, hoped that Daugherty would expedite his interview with Darden. "I have a very pressing letter from Secretary Fall," he persisted, indicating that "our position will be more difficult if we proceed with a suit at law and believes that forceful action should be taken." A small

12 Harding to Daugherty, July 24, 1922, Copy, Harding Papers, Box 695/2.

13 Ibid., July 27, 1922, Copy, Harding Papers, Box 695/2.
contingent of marines finally succeeded in removing the unfortunate Darden from Teapot Dome.

Both Harding and Daugherty undoubtedly acted from the conviction that Fall had leased the reserves out of national interests. Little did they know that he had received over $400,000 in bribes for his action. It was probably not until the western trip that Harding first learned that Fall had betrayed him. By that time Fall was no longer Interior Secretary. He had resigned on March 4, 1923 to take a lucrative position with the Sinclair oil interests. Whether Daugherty knew prior to the investigation that Sinclair and Doheny had bribed Fall is still uncertain. There remains in the Fall Papers, however, an intriguing letter from Daugherty. He wrote Fall two weeks after Harding's death, about two months prior to the convening of the Senate investigation. Although Daugherty later asserted that he had never been close to Fall, his letter began on a note of intimacy:

My Dear Friend Albert:
I tried to see you before I came away but it was impossible as I was fussed around with and had so many things to do. I don't think there was anything special that I wanted to talk with you about but wanted to have another little visit with you before we separated. There is a matter I will write you about when I have confirmation of a report I received recently.14

14Daugherty to Albert Fall, August 20, 1923, Albert Fall Papers, Box 1, University of New Mexico Library.
Aware of the approaching investigation, Daugherty probably wanted to discuss the leases to insure that Fall would not implicate him in any way. The fact that he had been Attorney General at the time of the leasing, however, was enough to involve him indirectly.

By January 1924 the Senate investigation increased Daugherty's political liability. Having sat in the Harding cabinet where critics insisted that the leases had been discussed, he was hardly in a favorable position to prosecute the alleged offenders. Coolidge at first remained unmoved. On January 24 he reminded Daugherty to have a competent member of his staff attend the Senate hearings so that the Department might take such steps that were necessary to protect the financial interests of the United States. In addition, he directed him to examine all evidence disclosed at the hearings and to make any independent investigation that the Attorney General thought essential. Coolidge intimated that Daugherty would supervise the subsequent prosecution.¹⁵ Daugherty advised that Rush Holland was attending all the meetings. "All phases of this matter are under observation, investigation, and consideration by the Department," Daugherty assured, "and I can, with great pleasure assure you

¹⁵ Coolidge to Daugherty, January 24, 1924, Department of Justice, File 22016X.
that your instructions and desires meet with my hearty and cordial support. . . . "16

On January 26 Coolidge wavered when he heard that Walsh and other Democrats were preparing a resolution that would authorize Coolidge to bring suit to annul the leases, to prevent further extraction of oil, and to appoint special counsel to prosecute the guilty parties. 17 That evening he seized the initiative by stating that he intended to employ special counsel drawn from both political parties to handle the oil lease litigation. Claiming that possible guilt tainted both political parties, Coolidge promised that any wrongdoing would be punished, any civil liability would be enforced, and any illegal contract would be cancelled. Every right of the people and the government, he affirmed, would be protected. 18

Daugherty, who was in Florida at the time, heard about Coolidge's proposed statement from his assistants a few hours prior to its release to the press. In order to cover himself from the President's oblique slap, he boldly wired Coolidge shortly before the President had made his statement. Daugherty urged him to appoint

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16 Daugherty to Coolidge, January 24, 1924, Copy, Department of Justice, File 22016X.


18 Ibid.
special counsel to handle all aspects of the oil leases. Not wanting to avoid responsibility, he pointed out that since he had served in the Cabinet with Fall his suggestion was in the best interests of all involved.\(^{19}\) Two days later Daugherty publicly released his telegram. On January 31 he congratulated Coolidge on the two men he had appointed to investigate the leases. He assured that the Department would be ready to furnish all needed assistance.\(^{20}\)

On February 8 Daugherty returned from Florida. By this time he, too, was under a barrage of criticism from the opposition in Congress which doubled its efforts to link him to the oil scandals. The issue clearly had political significance. The Democrats concentrated on the vulnerable Daugherty in order to discredit the Administration further in an election year. Fall had already been dishonored. Secretary of the Navy Edwin Denby was also under fire for having permitted Fall to transfer the oil reserves from the Navy to the Interior Department. On February 18 he tendered his resignation to Coolidge. After the Literary Digest stated that Coolidge

\(^{19}\) Daugherty to Coolidge, January 26, 1924, Coolidge Papers, Box 26/10.

\(^{20}\) Ibid., January 31, 1924, Coolidge Papers, Box 26/10. On January 29 Coolidge had nominated Republican Silas H. Strawn of Chicago and Democrat Thomas W. Gregory of New York as special counsel. By February, however, they were no longer acceptable and Democrat Atlee Pomerene of Ohio and Republican Owen J. Roberts of Pennsylvania became Coolidge's final choices. Noggle, Teapot Dome, pp. 98-114.
had lost confidence in his Attorney General, Daugherty countered that if he thought this were true "my resignation will be placed in your hands to carry to him." But Daugherty was not the kind to run away because "some irresponsible scalawag and gossip scavenger ... makes an attack on me." 21

There was considerable speculation over how long Coolidge could afford to retain Daugherty. This was especially true after February 19 when Democratic Senator Burton K. Wheeler of Montana introduced a resolution asking for an investigation of the Department of Justice. The politically minded Wheeler demanded an inquiry on the grounds that Daugherty had failed to arrest and prosecute Fall, Doheny, Sinclair, Forbes, and other conspirators who had defrauded the government. He also revived charges that Keller had made in December 1922. He presented his case in a rather injudicious fashion, intimating that he did not intend an impartial investigation. Wheeler informed the Senate:

Recently when the oil scandal first developed it appears that the Attorney General's name was mixed in it. It appeared, if you please, that he was a friend of Ned McLean. Everybody knows that he was the friend of Doheny. Everybody knows that these three men met in the apartment of the Attorney General from time to time. Everybody knows that Jess Smith, who was brought from the State of Ohio and

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21 Daugherty to Robert J. Cuddiby, February 16, 1924, Copy, Coolidge Papers, Box 26/10. See also "Attack on Daugherty," p. 16.
had an office in the Department of Justice, and who was not on the payroll, was accepting cases that arose in the Department of Justice. 22

The charge that "it appeared" that "everybody" knew the activities of the Attorney General threw the Republican senatorial leadership into a state of confusion. After the embarrassing disclosures of the Forbes and Fall scandals, they panicked at the thought of another Democratic-inspired investigation. On February 19 Republican Senator George Pepper of Pennsylvania asked Daugherty to resign at a Daugherty-arranged conference. This only angered Daugherty, who later repaid Pepper's faith in him by charging that the Senator had resented not being named Solicitor General. 23 Knowing that Daugherty would never resign voluntarily, Senator Borah, the most outspoken Republican critic, told Coolidge at the White House on the evening of February 18 that he (Coolidge) must ask for Daugherty's resignation. While Borah was stating his reasons, Daugherty joined them in the study, the cagey Coolidge having arranged a meeting between the two antagonists. 24 He obviously hoped

22 Congressional Record, 68th Cong., 1st Sess., p. 2769.


to learn from their confrontation. When the Idaho Senator momentarily hesitated, Daugherty sarcastically remarked: "Well don't let my presence embarrass you." Borah, recovering his poise, shot back: "I think I should be the least embarrassed person here." He then told Daugherty that he should quit because he no longer commanded the respect of the country. The Attorney General retorted that the matter was not one for the Senator or the Senate to decide. He reportedly added: "I don't know why you want me to resign. I have never had to turn you down. You never asked me for anything." They continued their heated discussion for about an hour as the silent Coolidge listened intently while twirling his horn-rimmed glasses in his hand. 25

In the next few days Coolidge received Lodge, Borah, Pepper, Hughes, and Hoover. All asked for Daugherty's dismissal. Hughes even offered to arrange to have all members of the cabinet place their resignations in Coolidge's hand so that the President could then reappoint whomever he wished. "No, don't do that,"

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25 The basis for this story came from White House secretary Mary Randolph, an eyewitness, which was retold in White, Puritan in Babylon, pp. 268-69. For other variations of the same incident, see Marian C. McKenna, Borah (Ann Arbor, 1961), pp. 202-03 and McCoy, Coolidge, pp. 212-13. For Daugherty's account, see Daugherty and Dixon, Harding Tragedy, pp. 287-88. Daugherty later claimed that Borah had opposed him because he had held Daugherty responsible for the defeat of the resolution recognizing Russia. Daugherty to Harris, January 21, 1939, Harris Deposit, Box 9/4.
Coolidge supposedly warned, "it might leave me alone with Daugherty." But Coolidge also heard from Republicans who wanted Daugherty retained. Republican National Chairman John T. Adams and a number of old guard national committeemen did not want the President to yield to the Democratic "gang." Senators Willis and Fess of Ohio also argued that Daugherty's dismissal would split Ohio and give it to the Democrats. Coolidge greatly simplified the issue when he told former progressive Raymond Robins that "it is a sound rule that when the President dies in office it is the duty of his successor for the remainder of that term to maintain the counsellors and policies of the deceased President."

Daugherty, meanwhile, refused to sacrifice himself for the party, accusing Republicans who favored his dismissal of cowardice. On February 21 he issued an open letter to Senator Pepper in which he indicated that he did not object to an impartial investigation but asserted that the charges made against him in the Senate were unfounded.

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27 Congressional Record, 68th Cong. 1st Sess., pp.2891-892. See also Noggle, Teapot Dome, pp. 118 and 125.

28 The Ohio Senators were Daugherty's only senatorial backers. On one occasion, Willis, obviously carried away, characterized Daugherty as being "as clean as a hound's tooth." Congressional Record, 68th Cong., 1st Sess., p. 3394.

29 McCoy, Coolidge, p. 214.
and malicious. Daugherty warned, however, that he would carry the
issue to the country and, in public addresses, denounce the actions
of the Administration if he were removed from office pending investi-
gation. On February 27, upon hearing that Coolidge intended to
ask for his resignation, he again declared that he did not propose to
resign. On the following day he pleaded with Coolidge that he had "as
much at stake as you have and you must do me the justice of assuring
yourself on that point." He then pathetically scrawled:

All things will come out all right. You will not be injured
but helped. I see the way. No straight path. If they could
get you to doubt me and [if] they could have you say . . .
[that] I would soon quit, or resign then they could say they
were right and justified in what they have done. I haven't
told you how secure I am. 31

Unknown to Daugherty and to most Republican leaders,
Coolidge had already made his decision. Perhaps recent testimony
in the naval-oil-reserve-hearings that Daugherty owned Sinclair oil
stock or Borah's threats to initiate impeachment proceedings against
Daugherty were the last straws. 32 By the end of February Coolidge
asked his old friend, Harlan Fiske Stone, a former dean of the
Columbia Law School, to come to Washington to discuss Daugherty's

30 Congressional Record, 68th Cong., 1st Sess., p. 2890.

31 Daugherty to Coolidge, February 28, 1924, Coolidge
Papers, Box 26/10.

32 New York Times, February 27, 1924. See also Congressional Record, 68th Cong., 1st Sess., p. 2982.
replacement. Taft was also busily helping Coolidge find a new Attorney General. On March 6 he related to brother Horace that the President could not politically afford to carry Daugherty any longer and Harry ought not to ask it. As a personal choice, the Chief Justice recommended Judge George Carpenter of Chicago who owed his federal judgeship to Taft. In mid-March, however, Coolidge settled on Stone. Even then the President continued to delay his announcement.

The select Senate Committee's investigation of the Attorney General convened on March 13 after Wheeler and his colleagues had raked Daugherty in the Senate for the preceding two weeks. The Attorney General countered with the Bureau of Investigation which investigated Wheeler. Daugherty later had Wheeler, whom he labeled the "leader of the I. W. W.," indicted in Montana on a conflict

33Mason, Stone, p. 143.

34Taft to Horace Taft, March 6, 1924, Copy, Taft Papers, Box 554/6, Series III. Despite conceding that Daugherty was not an able Attorney General, Taft still defended him from the "reckless charges."

35Three Democrats and two Republicans comprised the committee. Besides Wheeler, the Democratic Senators were Chairman Smith W. Brookhart of Iowa and Henry Ashurst of Arizona. The Republicans consisted of Wesley L. Jones of Washington and George H. Moses of New Hampshire.
of interest charge. The atmosphere was extremely emotional and certainly not conducive to an impartial inquiry. Senator Wheeler began by employing the dragnet method. Witnesses however remotely connected with Daugherty and the Department were brought before the committee to testify on activities that spanned the continent. He initially based his case on evidence presented by such questionable personalities as Gaston Means, the former Bureau investigator, and Roxie Stinson, the ex-wife of Jesse Smith. Wheeler cynically justified his reliance on ex-convicts and bootleggers, by stating that Daugherty did not associate with preachers.

Means, under indictment in New York for accepting bribes to obtain whiskey withdrawal permits, testified to various incidents of bribery, extortion, and corruption by persons close to the Attorney General, perjuring himself by fabricating several incidents to punish Daugherty. On one occasion he accused Jesse Smith of

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37 Roxie Stinson is still (1968) a resident of Washington Court House. To this author, at least, she chose to remain silent about her past.

collecting $100,000 from a corporation which he said faced prosecution by the Department. Subsequent investigation proved that the Department never had the case to prosecute.\(^39\) Wheeler managed to corroborate some of Means's accusations but came under press criticism when he permitted his star witness to ramble from one undocumented episode to another. The documents Means promised to present were suddenly "stolen," and, to end a bizarre situation, Daugherty's counsel was not given the opportunity to cross-examine.\(^40\)

Only Roxie Stinson directly implicated Daugherty with any illegal operation. She recalled her ex-husband's role in the Dempsey-Carpentier fight-film transactions:

Miss Stinson. He [Smith] declared that 'we' had a big thing if this could be put over a concession--I mean the rights to display it, that it meant a lot of money; he even mentioned a sum of money.

Senator Jones. When he said it was for 'we,' you understood it to mean that it was for Harry Daugherty?

Miss Stinson. There might have been others in it, but whenever he discussed anything of that sort, it referred to Mr. Daugherty.\(^41\)

Miss Stinson testified, but was unable to prove, that Daugherty was...


\(^40\)New York Times, May 22, 1924.

\(^41\)Ibid., March 13, 1924.
also involved in the whiskey permit operations. Her admission that she believed that Mally Daugherty, the Attorney General's brother, had cheated her out of a portion of the Smith estate weakened the credibility of her charges against the Attorney General. She introduced many letters from her ex-husband as evidence, but these established no direct link between Daugherty and the corruption. Daugherty replied by circulating "evidence" on her alleged immoral personal life.

The investigation dragged out for three months, mired in politics and characterized by innuendo and vituperation. One witness was interrogated as follows:

Senator Moses. Are you a Republican, Mr. Miller?

Mr. Miller. I am a Democrat.

Senator Wheeler. That is, you call yourself a Democrat?

Mr. Miller. I am a Democrat.

Senator Wheeler. When the Democrats are in power you are a Democrat and when the Republicans are in power you are a Republican.

Mr. Miller. I am a Democrat.

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42 Select Senate Committee, Attorney General Hearings, Part 5, p. 570.

43 Ibid., pp. 566-601.

44 Daugherty to Herbert Hoover, September 8, 1924, Herbert Hoover Papers, Box 1-5/20, Herbert Hoover Presidential Library.
Senator Wheeler. We know what kind of Democrat you are. 45

Mr. Miller. About a year ago Mr. Traylor made a trip to New Mexico.

Senator Wheeler. For you?

Mr. Miller. For the Marland Oil Co. and me together.

Senator Wheeler. And who is the Mellon Oil Co.?

Mr. Miller. The Marland, M-A-R-L-A-N-D. . . . 46

The following occurred when Roxie Stinson was testifying:

Senator Wheeler. Mr. Smith was one of Mr. Daugherty's partners was he not?

Senator Moses. (interposing) Oh no.

Senator Wheeler. I say, he was one of Mr. Daugherty's partners was he not?

Miss Stinson. In law?

Senator Wheeler. No, in crime. . . . 47

By March 27, 1924 Wheeler nonetheless managed to disclose enough about Daugherty and his Department to allow Coolidge

45 Select Senate Committee, Attorney General Hearings, Part 5, p. 1158. George L. Miller was an Oklahoman rancher who became involved in an illegal transaction with the Otoe and Ponca Indians.

46 Ibid., p. 1199.

to ask for Daugherty's resignation. Coolidge's decision to delay his announcement until then minimized charges that he was acting hastily. To delay longer would have incited further criticism that Coolidge had bowed to the "old reactionary crooked crowd." Daugherty's refusal to allow the committee access to certain files in the Justice Department gave the President the needed justification. He stated that while Daugherty was correct in not releasing information or documents that would be detrimental to the public interests, he would be able to form an independent judgment of Daugherty only after an impartial Attorney General presented him with the facts. Not intending to prejudge, Coolidge continued:

I am not questioning your fairness or integrity. I am merely reciting the fact that you are placed in two positions, one your personal interest, the other your office of Attorney General, which may be in conflict. How can I satisfy a request for action in matters of this nature on the grounds that you, as Attorney General, advise against it, when you as the individual against whom the inquiry is directed necessarily have a personal interest in it? 49

The fact that Coolidge based his request on a technicality weakened his action. Chief Justice Taft called it a letter of a lawyer. Inferring that Hughes had written the communication, Taft told his


49 Coolidge to Daugherty, March 27, 1924, quoted in Daugherty and Dixon, Harding Tragedy, pp. 311-12.
son that the request might have stated a much stronger case. In any case, the letter provided Daugherty with an opportunity to reply forcibly. On March 28 he complied with the President's request to resign, but pointed to the dangers of forcing a man from office for the reasons stated in the letter:

Your suggestion that an attack upon a cabinet officer disqualifies him from further official service is a dangerous doctrine. Mr. President, all the pretended charges against me are false. But, whether true or false, if a member of the Cabinet is to be incapacitated or disqualified by the ferment of charges against him, no matter how malicious and groundless, and he is compelled to give up his responsible position and sacrifice his honor for the time being because of such attacks, no man in any official position is safe, and the most honorable, upright and efficient public servants could be swept from office and stable government by clamor.  

Daugherty used Coolidge's letter to justify his innocence. "If there was anything wrong about a man," he later related, Coolidge never would have written such a letter. He wrote Newton Fairbanks that if the President had "kept his feet" twenty-four hours longer he would have seen that he had the "wolves about licked."  

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50 Taft to Robert Taft, March 30, 1924, Copy, Taft Papers, Box 555/15, Series III.

51 Daugherty to Coolidge, March 28, 1924, quoted in Daugherty and Dixon, Harding Tragedy, pp. 313-17.

52 Daugherty to Harris, May 29, 1939, Harris Deposit, Box 9/4.

53 Daugherty to Fairbanks, April 3, 1924, Fairbanks Papers, Box 1/4.
Daugherty's dismissal had the effect of making him very self-righteous. He continued to maintain that his official household and private life had always been pure, that he had never violated his oath of office, and that only in the "hell-hole of Washington could such an injustice occur. He blamed Coolidge's timidity for his discharge, for it took a strong man to withstand a storm that had swept from the Justice Department to the White House. Even though he had suffered, he would do everything he could to keep his personal resentment down in order to prevent harm to the party, the country, or the President. "I can stand anything," Daugherty wrote Postmaster General Harry New, "and thrive on it." 54

In the ensuing months any advantage Daugherty might have secured from Coolidge's "weak" dismissal faded. On June 5, despite having clamored for a hearing for the previous three months, he announced that he would neither testify nor allow counsel to represent him before the committee. He justified this decision on three grounds: first, the committee had ample opportunity to learn about his official acts through assistants in the Department; next, asserting that no one had introduced any incriminating testimony "except by way of the grave," he declared the committee existed solely to

54 Daugherty to New, April 1, 1924, New Papers, Box 1/3.
blacken his reputation by relying upon unreliable witnesses instead of pursuing a fair and impartial inquiry into his official conduct as Attorney General; finally, he stated that the powers of the committee were "absolutely void and without constitutional authority." 55

The basis for Daugherty's final assertion developed after his brother Mally prevented John L. Phelon, a Senate committee accountant, from finishing his investigation of Daugherty's accounts at the Midland National Bank in Washington Court House. Cited for contempt of the Senate, Mally appealed to the courts and obtained from an obliging federal judge, A. N. J. Cochran of Kentucky, an opinion that the committee was in effect trying Harry Daugherty. 56 Cochran upheld Mally's refusal to open the records for Phelon. In June 1924, because of Daugherty's failure to testify and the action of the court, the Senate investigation came to an end. On June 5, however, by a 70 to 2 vote the Senate voted to condemn the court ruling. Only Willis and Fess defended Judge Cochran whose decision, they argued, was a matter which should be left to the courts. 57

55 Daugherty to Smith W. Brookhart, June 4, 1924, Department of Justice, File 226225-1.


The investigation, although politically motivated, revealed that the Department of Justice had been an inefficient operation under Daugherty. The more than 3,000 pages of published testimony did not fundamentally alter criticisms made of Daugherty's official performance. In war-fraud, antitrust, and prohibition cases, unexplained delays, favoritism, and ineptness generally characterized the Department's performance. The investigation confirmed, however, that conditions had improved somewhat in Daugherty's last fifteen months in office. How much this had been due to his efforts is unknown. He had been ill for much of this period. Moreover, the investigation failed to implicate Daugherty in the oil and Veterans' Bureau scandals.

The committee further disclosed that a criminal organization, of which Jesse Smith was most prominent, existed in the household of the Attorney General. Other revelations remained unexplained. Phelon's incomplete inquiry at Washington Court House divulged at least $75,000 in uncanceled certificates of deposit which bore the name of H. M. Daugherty. Four other certificates of $5,000 each were endorsed by him. The sum was not huge, but in relation to his tax returns for 1920 and 1921, it required explanation. In 1920 Daugherty's liabilities were $27,000, and the total amount of his property was $22,730 which included 500 shares of Wright-Martin
aircraft stock. In 1921 he erased his entire indebtedness and increased his holdings in Wright-Martin aircraft stock fivefold. 58

Daugherty's annual salary was $12,000, but he and Smith shared expenses amounting to $50,000 per year. Although Daugherty played the stock market, his financial solvency cannot be attributed to that venture; he and Smith lost more than they won. 59

Further financial disclosures connected part of his wealth to a 1921 alien property decision. On May 8, 1925 Daugherty was indicted for defrauding the government of his own services. The indictment included Alien Property Custodian Thomas Miller. The other alleged conspirators, Jesse Smith and John T. King, were now dead. The alien property involved was the American Metal Company, a German concern, which was one of the many enemy-owned corporations confiscated by the United States Alien Property Custodian's office during the war. The company had been liquidated, and its $6,500,000 had been invested in Liberty Bonds under the control of the Alien Property Custodian. Some corporations, however, had been wrongfully seized. It was therefore possible for the injured

58 Select Senate Committee, Attorney General Hearings, Part 6, pp. 1424-425. Curious, too, was Daugherty's huge increase in Wright-Martin stock. Daugherty failed to prosecute that corporation for war fraud, a charge that had evolved from the Wilson Administration.

parties to file claim for compensation. Both the Alien Property Custodian's and the Attorney General's office had to render favorable opinions before any return could be made. On March 10, 1921 Daugherty had insured his authority in all alien property cases when he asked Harding to delegate to him his powers under the Trading with the Enemy Act. 60 It was for this reason that he became involved in the American Metal case.

In April 1921 Richard Merton, a representative of the American Metal Company, came to the United States to claim the $6,500,000 on the pretext that one month prior to the U. S. declaration of war the German corporation had been transferred to a Swiss concern, the Société Suisse pour Valours de Metaux. Finding it difficult to get any action from the Alien Property Custodian's office in New York, Merton hired John T. King, a clever but unscrupulous political-financier to look after his interests. King, a former campaign manager of General Leonard Wood in 1920 and a friend of Daugherty, arranged several meetings with Jesse Smith, Thomas Miller, and subordinates from both departments. There was also an April session in New York in which Daugherty was assuredly present. 61 King's incentive was a

60 Daugherty to Harding, March 10, 1921, Harding Papers, Box 28/5.

$50,000 retainer plus a percentage of the $6,500,000 if he were successful. He, in turn, offered Miller, Smith, and allegedly Daugherty a portion of his commission which would amount to more than $400,000. 62

In the summer of 1921 the American Metal Company case received a favorable review from the Alien Property Custodian's office despite some obvious discrepancies in its records. The claim was brought to the Justice Department in July where Henry Foster of the Alien Property Division was assigned to review its merits. Foster later testified that both Smith and King asked him to expedite this "praiseworthy" case. Smith further informed him that the Attorney General was interested. Foster refused to allow the claim because it did not come within the law. 63 It was therefore removed from his jurisdiction and reviewed by A. R. Johnson Jr. who was in charge of the Justice Department's Alien Property Division. After finding some obvious inconsistencies, Johnson postponed action on the case, while Merton departed for Germany to "doctor" the records. Upon Merton's return, Johnson naively accepted the claim despite the fact that nine of the company's fifteen directors had been Germans and


63 Henry I. Foster to Toland, February 5, 1927, Interview, Department of Justice, File 228730.
that Swiss investors had owned scarcely 50% of the stock. Other factors made this a weak case, but Johnson neglected to go beyond Merton's questionable records in rendering his decision. On September 21 Miller formally signed the release. Two days later Guy Goff, the Assistant to the Attorney General, acted in behalf of Daugherty who later declared he knew nothing of the case. On September 26 Merton received checks from the United States Treasury for $6,500,000. He subsequently paid King close to $400,000 in Liberty Bonds; King in turn paid Miller $50,000, Smith, $224,000, and himself $112,000. The prosecution contended that Daugherty's share came out of Smith's excessive fee.

The American Metal Company decision was first questioned in June 1922 when Charles Calvert, a disgruntled Alien Property Custodian employee, complained to Harding that Daugherty and Miller had allowed claims for reasons other than a fair consideration of the facts. Among the cases he listed was the American Metal Company. Harding asked the two principals for an explanation, even though "it was possible that these were mere vagrant rumors for

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64 Select Senate Committee, Attorney General Hearings, Part 6, pp. 2983-3002.

65 New York Times, October 9, 1926.
which there is no foundation. The President must not have been satisfied with their replies because he then assumed personal supervision of all alien property claims that exceeded $10,000.

It was not until the investigation of the Attorney General that the American Metal Company case received any extensive review. Its irregularities intrigued Wheeler and eventually Attorney General Stone. The latter assigned Special Assistant Hiram Todd to investigate the transaction. Subsequently, District Attorney Emory Buckner of New York took over the case in order to file charges against Daugherty and Miller. After securing an indictment in the spring of 1925, Buckner set the trial date for September 1926.

Daugherty appeared to have a fairly good defense. He contended that Goff, not he, had acted on the claim and stated that he had not heard of the American Metal Company until Harding had interrogated him about it in June 1922. Goff testified that he had never consulted Daugherty and accepted full responsibility for his actions.

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66 Harding to Thomas Miller, June 30, 1922, Copy, Harding Papers, Box 124/1. See also Charles Calvert to Harding, January 22, 1923, Harding Papers, Box 124/1, and Miller to Christian Jr., February 15, 1923, Harding Papers, Box 124/1. Calvert strangely dropped the charges in January 1923.


68 Ibid., October 2, 1926. See also Daugherty and Dixon, Harding Tragedy, p. 253.

69 Ibid.
But Buckner was not satisfied. He traced a large portion of the
Liberty Bonds that Smith had pocketed to the Midland National Bank.
Further exploration revealed that four $10,000 bonds had been con-
verted into certificates of deposit and placed in Daugherty's account.\(^70\)
In addition, it was discovered that a $22,000 cashier's check from
John King was cashed at the Midland Bank on the day of Daugherty's
arrival at the Fayette County seat.\(^71\) Two Justice Department tele-
phone operators also attested that Daugherty had been in constant
telephone contact with King throughout the period of the American
Metal Company settlement.\(^72\)

Buckner was unable to pursue effectively his investigation
of Daugherty's receipts at Washington Court House because in August
1925 Harry Daugherty had destroyed most of the bank ledgers and
records that related to his, Smith's, and Mally Daugherty's accounts
in the important 1920-1923 period. In consequence, after tracing
several uncancelled checks to the Midland Bank, Buckner could not
prove that they went into Daugherty's account. Jesse Smith and Mally
Daugherty also had deposits at the same bank. Daugherty justified

\(^{70}\) Emory Buckner to William J. Donovan, January 25,
1926, Department of Justice, File 228730-239.

\(^{71}\) New York Times, September 9, 1926.

\(^{72}\) H. L. Shine to Cook, February 7, 1927, Memorandum,
Department of Justice, File 228730.
the destruction by explaining that the bank ledgers had contained vital financial records of the 1919-1920 Harding presidential campaign. Any revelation, he asserted, would constitute a breach of trust. 73 His counsel Max Steuer argued that the "hounds" who desired to investigate the ledgers were the "barking dogs, the yelpers," who wanted to know how the funds had been used in that campaign. 74 The defense never effectively explained, however, why Daugherty had destroyed records in the post-election period.

For similar reasons, Daugherty refused to take the stand. This time he pointed to his confidential relationship with Harding as Attorney General, attorney, and close friend. He intimated that in some dark way he would betray the confidence of the late President or Mrs. Harding by agreeing to testify. 75 Even after Harding's death Daugherty attempted to capitalize on his friendship. To some people, however, Daugherty's argument seemed plausible. Too many rumors circulated about Harding's personal life, his part in scandals,

73 Daugherty and Dixon, Harding Tragedy, pp. 256-57.

74 New York Times, October 8, 1926.

75 Ibid., September 7, 1926.
and the nature of his death. Taft, for example, felt that Daugherty's refusal to testify "was made rather to save Harding's memory than to save himself." Although he still thought that Daugherty was personally honest, Taft conceded that his destruction of evidence was damning.

The former Attorney General also attempted to explain why $40,000 of Smith's cancelled Liberty Bonds had found their way to his own account. He stated that Smith had been over $60,000 in arrears in monies collected during the 1920 campaign. In order to make up for some of the deficit, Smith had given Mally Daugherty five $10,000 liberty bonds that were later traced to the American Metal transaction. Mally, without his brother's knowledge, had sold four of these bonds and had transferred the money to Harry Daugherty's account which, for some reason doubled as a political cache.

In 1927 Nan Britton's The President's Daughter added to the rumor mill. The previous year Samuel Hopkins Adams' thinly disguised novel Revelry depicted the President as an incompetent "boob" who ended his life by his own hand. In 1930 Gaston Mean's notorious The Strange Death of President Harding intimated that Mrs. Harding had taken her husband's life. Throughout this period an array of inaccurate articles also contributed to some wild speculation about Harding's Presidency.

Taft to Elihu Root, September 17, 1926, Taft Papers, Box 606/2, Series III.

Buckner to William J. Donovan, January 25, 1926, Department of Justice, File 228730-239. See also New York Times, October 6, 1926 and September 27, 1926. Daugherty later explained that the $50,000 went into a political account labeled "Jess Smith Extra" which had no connection with his personal account. This was not, however, the interpretation placed upon that evidence at the trial. Daugherty and Dixon, Harding Tragedy, p. 255.
Daugherty neglected to explain why he had never turned over the
$40,000 to the Republican National Committee.

Buckner presented a strong circumstantial case against
Daugherty in the September and October 1926 trial, although his
evidence was more substantial against Miller. He was able to trace
most of the Liberty Bonds that Miller had obtained to his personal
accounts. Of the two, it was Miller, however, who was the calmer.
According to the New York Times, Daugherty, nursing an inflamed
eye with a handkerchief, appeared visibly concerned at various stages
of the trial.\footnote{New York Times, October 11, 1926.} Despite Buckner's efforts, after sixty-five hours of
deliberation, the jury failed to agree. The final jury vote stood at
eight to four to convict Daugherty and ten to two for conviction of
Miller. Mally Daugherty was unable to repress his happiness at the
outcome. He shook hands with members of the jury, slapped re-
porters on the back, and attempted to dance the Charleston.\footnote{Ibid., October 12, 1926.}

Buckner pressed for a retrial. In February 1927 the second
action began. Daugherty now requested that former Solicitor Gen-
eral James Beck and Assistant to the Attorney General Mabel
Willebrandt testify in his behalf. On January 31 he had asked Mrs.
Willebrandt to attest "that he had never instructed his assistants to
render any decision that contradicted their judgment and that Jesse Smith had never interfered with departmental business."
"I hate to cause you any trouble," Daugherty stated, "but this may be an important phase of the trial this time."

Beck "gladly" agreed to testify. He not only believed in Daugherty's innocence but claimed that he would "have felt small indeed if, having shared the honors of his administration, I had not been willing to help him in his hour of trial." Willebrandt and Beck asserted at the trial that Daugherty had permitted his assistants to run their own departments, implying that assistants had decided the American Metal Company case. Both denied that Smith had a part in the Daugherty administration, while Goff again accepted the blame for having accepted the claim.

The prosecution countered by showing circumstantially that Daugherty and Miller, through their assistants, had defrauded the government of the honest, faithful, and impartial performances of their duties. It introduced against Daugherty the same circumstantial evidence of the previous trial. Again, Buckner elaborated on the

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81 Daugherty to Mabel Walker Willebrandt, January 31, 1927, Department of Justice, File 228730-605.


tainted money found in Daugherty's account, the destruction of the bank records, the large amount of Liberty Bonds traced to his brother's bank, Daugherty's connection with King, and his refusal to testify. Daugherty's counsel placed the responsibility for the Midland Bank mess on Smith whose suicide, he maintained, resulted from a "voice of conscience crying in his heart." He concluded that Daugherty would never go to the penitentiary, for a conviction would kill him on the spot. 84

On March 4 the jury agreed on Miller's guilt but failed to convict Daugherty due to the dissent of a single juror out of twelve. This one dissent later enabled Daugherty to assert that "no charge against me was ever proven in any court. . . ." 85 After hearing the verdict Daugherty spoke at the trial for the first time in his own defense:

May it please the court, perhaps I am taking a liberty few men could take. I am the only Attorney General, I believe, except one that has ever been tried for a felony. I am innocent of this charge. I am grateful to the court for its courteous consideration during the performance of its duty, which was not easy. 86

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85 Daugherty and Dixon, Harding Tragedy, p. 3.

86 Ohio State Journal, March 5, 1927.
His brother then grasped his hand, and the two left the courtroom. In another room Daugherty broke down in tears. He said that he intended to return to Columbus to resume his law practice. 87

87Ohio State Journal, March 5, 1927.
CHAPTER XV

IN POLITICAL RETIREMENT

In 1925 Harry Daugherty returned to his large house on East Town Street in Columbus where he had lived from 1904 to 1921. There he remained until the mid 1930's when he moved to the Seneca Hotel. He resumed his law practice which he continued until retirement in 1932. In Columbus personal disaster quickly followed public misfortunes. Daugherty's son, son-in-law, and mother died within a five-year span. In 1931 the depression and poor banking practices brought about the collapse of his brother's banks in Washington Court House. Mally Daugherty was subsequently convicted of mishandling depositors' funds and sentenced to the Ohio Penitentiary. A reversal on appeal saved him from imprisonment. ¹ It could not protect him from the ostracism of the Washington Court House community which had lost its savings in the disaster. Such reverses compounded the Daugherty tragedy.

¹Ohio State Journal, March 5, 8, and 19, 1931.

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Daugherty's set backs were underscored by the success of his opponents. In 1929 Herbert Hoover became President; Walter Brown served as Postmaster General while also controlling affairs of the Republican party in Ohio. Adding to Daugherty's discomfort was the scathing picture writers painted of Harding and his official family. In 1929 Daugherty decided to publish his own account to counteract alleged misrepresentations. After President Hoover delivered the long-delayed dedication address for the Harding Memorial at Marion in June 1931, Daugherty was more than ever determined to speak out. He was on the platform as a trustee of the Harding Memorial Association when Hoover declared:

"Here was a man whose soul was seared by a great disillusionment. We saw him gradually weaken, not only from physical exhaustion, but also from mental anxiety. Warren Harding had a dim realization that he had been betrayed by a few of the men whom he had believed were his devoted friends. It was later proved in the courts of the land that these men had betrayed not alone the friendship and trust of their staunch and loyal friend but they had betrayed their country. That was the tragedy of the life of Warren Harding."

Daugherty immediately returned to Columbus and employed former novelist, Thomas Dixon, the author of such racist works as The

\[\textit{The Tragedy of Warren Harding.}^{\text{4}}\]

\[\textit{Daugherty and Dixon, Harding Tragedy, p. 3.}^{\text{4}}\]

\[\textit{Daugherty to Christian Jr., May 20, 1929, Christian Jr. Papers, Box 30/D.}^{\text{3}}\]

\[\textit{For several examples, see above, p. 361, n. 76.}^{\text{2}}\]
Leopard's Spots, Birth of a Nation, and The Klansman, to help write the book. He denied that Hoover's words applied to him, asserting: "No charge against me was ever proven in any court and Mr. Hoover knew this."\(^5\)

The Inside Story of the Harding Tragedy was more an attempt to rehabilitate Daugherty than a truthful revelation of President Harding and his life--its intended objective. In many instances vindication of Daugherty came at the expense of Harding. Even though he defended Harding's personal integrity and his Presidency, Daugherty was probably more responsible than any other person for creating the prevailing caricature of Harding as a negligible politician, a submissive personality, and one totally dependent upon Daugherty.\(^6\) Such an account is a reflection of the Daugherty personality which constantly demanded more than it deserved. In seeking to vindicate his own career, Daugherty did Harding an injustice. So convincing was he in asserting that he had guided Harding from political oblivion to the Presidency that he succeeded in convincing Charles Hard, a Harding lieutenant, who had best understood Daugherty's questionable actions

\(^5\)Daugherty and Dixon, Harding Tragedy, p. 3.

\(^6\)The Harding image is undergoing extensive reassessment. The Harding Papers, recently opened to scholars, have put him in a new light. For examples of Daugherty's distortions, see ibid., especially chapters II and III, pp. 8-31.
prior to January 1919. In 1939, however, Hard remarked that in 1916 Daugherty had been the brains behind a movement to nominate Harding in 1920! By 1939 the Daugherty myth had won wide acceptance.

Daugherty devoted a major portion of his book to justifying his service as Attorney General. No admissions of poor judgment or misguided acts marred his self-appraisal. He denied knowledge of Jesse Smith's illicit operations until just prior to his suicide and made no explanation as to why Smith had an office in the Department. His analysis of his official acts was no less enlightening. Daugherty defended his 1922 railroad injunction, for example, on the grounds that it prevented a communist revolution and generally dismissed his opponents as communists, self-seekers, and avengers. Immediately prior to the book's publication, Daugherty wrote Hard that while Harding's Administration had been a success, "I was right effective myself, when my work is examined." He followed this premise unequivocally in the *Harding Tragedy*.

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7 Hard to Clemens, November 5, 1939, Clemens Papers, Box 2/9.


10 Daugherty to Hard, January 12, 1932, Hard Papers, Box 2/4.
Despite a series of unfavorable reviews, Daugherty assured friends that every statement in his account was true. The trouble was, according to Daugherty, that some people did not like to see the truth presented.\(^\text{11}\) He thought the book a colossal success in curbing the falsehood of the times. He declared that he received over 5,000 letters and telegrams in addition to hundreds of splendid editorials in praise of its honest appraisals. Daugherty took full credit for this achievement. Because Dixon had wanted to be nasty and sensational, Daugherty boasted that he had destroyed the first draft and had written the book himself.\(^\text{12}\) His secretary Katherine Carroll expressed his differences with Dixon in another way. Dixon, she wrote, "did not always recognize the importance of the political angle."\(^\text{13}\)

Daugherty implied after he had completed the work that he was not through with his enemies. In July 1933 he told Charles Hilles that he had "a few debts to settle which I always settle no matter what kind they are." He went on to say that he was not friendly to Hoover and Brown:

\begin{quote}
Hoover does not know much that is worth anything to the country and he could never work with anyone but fellows
\end{quote}

\(^{11}\) Daugherty to New, March 31, 1934, New Papers, Box 1/5.

\(^{12}\) Ibid. See also Daugherty to Maurice Maschke, January 6, 1932, Maurice Maschke Papers, in the possession of Maurice Maschke Jr., Cleveland, Ohio.

\(^{13}\) Katherine Carroll to New, March 3, 1932, New Papers, Box 1/4.
like Walter Brown. Brown never got anywhere in this State until Hoover put him on the map. Both he and Hoover were disloyal to Coolidge and I know they were disloyal to Harding. I could say so for publication and prove it if necessary. 14

Daugherty was never one to let bygones be bygones.

Although he never published again, Daugherty influenced others who wrote on the Harding period. In 1932 former Postmaster General Harry New relied on Daugherty to help prepare an article for the Saturday Evening Post on the 1920 Republican National Convention. "The Senatorial Oligarchy" was one of the first refutations of the influence of the senatorial cabal at that convention. Much of the statistical material that New incorporated came from Daugherty. 15 While the article was a fairly accurate analysis of the division and lack of influence among the senatorial delegates, it was not until 1955 that an historian first discounted the Smoke-filled Room theory. 16

Much more important to Daugherty's reputation was journalist Mark Sullivan's contemplated sixth volume of Our Times: The

14 Daugherty to Hilles, July 21, 1933, Hilles Papers, Box 214.

15 Carroll to New, March 3, 1932, New Papers, Box 1/4. See above

United States, 1900-1925. By early 1935 Sullivan had already completed his account of the Harding era. In order to verify the accuracy of the work, he sent the galley proofs to several of the leading participants. Daugherty found much of the draft totally unacceptable. "He said some terrible things about Harding," Daugherty later wrote, "and he drew a most unpleasant picture of me." Daugherty contended that Sullivan had obtained his information from people who either depended on their imagination or their prejudice. Sullivan's errors, he further explained, were compounded by the fact that he "was a Progressive and never got over it."

Sullivan wanted to visit Daugherty in Florida to discuss the critique. Unable to see him there, he came to Columbus upon Daugherty's return. In June 1935 Sullivan spent several days with Daugherty in going over the account. In the process, he acceded to many of Daugherty's recommendations. Although Sullivan refused to change some portions of his text, Daugherty was satisfied because "what he finally wrote about Harding was not one-one-hundredth part as bad as his first draft." Daugherty nevertheless insured

17 Daugherty to Clemens, May 23, 1936, Clemens Papers, Box 1/2.
18 Daugherty to Harris, May 21, 1935, Harris Deposit, Box 9/4. See also Daugherty to Maschke, July 15, 1935, Maschke Papers, Unprocessed.
19 Ibid., September 19, 1936, Harris Deposit, Box 9/4.
that Sullivan made him the master of Harding's fortunes. Sullivan's final interpretation of that relationship was most flattering to Daugherty. He credited him with having directed Harding's political destiny from the first moment that Harding had entered the political arena. Then again, it was Daugherty who had almost single-handedly pushed Harding into the White House. Always, it was Daugherty who had dominated their association. Sullivan was also charitable in accounting his years as Attorney General. He reasserted Daugherty's claim that he had unwillingly accepted the cabinet post in order to protect Harding from the crooks. Conceding that Daugherty had been unable to protect his own Department, Sullivan, despite study of the Daugherty investigations, could not believe that any dishonest money had ever reached him.

Daugherty likewise attempted to sway would-be biographers of Harding. Early in 1932 Allan Nevins published a somewhat critical article on Harding for the *Dictionary of American Biography*. The essay incensed Daugherty who must have thought of Nevins when he spoke before the Columbus Kiwanis Club later that year. On the

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21 Ibid., pp. 149-50 and p. 356.

evening of November 2, 1932 he stated that "men's tongues wag too freely in spreading false gossip about public officials." Nevins' article also angered Ray Baker Harris, an employee of the Library of Congress, who believed that historians had unfairly abused Harding. He vowed to write an objective biography of Harding based upon existing source materials and the testimony of Harding's contemporaries. Harris consequently sought Daugherty's recollections; so did Cyril Clemens, Mark Twain's nephew, who desired to compose a sympathetic account of Harding's life.

Neither Harris nor Clemens succeeded in their efforts. Clemens failed to publish because his manuscript was too eulogistic; death overtook the meticulous Harris after thirty years of awaiting access to the Harding correspondence from the Harding Memorial Association at Marion. What makes both Harris and Clemens significant to later scholars was their extensive correspondence with Daugherty in the 1933-1941 period. In providing them with information, Daugherty continued to exaggerate his influence. Harding, he

23 Copy of Daugherty's Kiwanis-Club speech in Harris Deposit, Box 4/6.

24 Carroll to New, February 20, 1932, New Papers, Box 1/4.

25 David Muzzey to Clemens, September 18, 1939, Clemens Papers, Box 2/20. See also Harris to Carl W Sawyer, et passim, Harris Deposit, Box 9/6.
wrote Harris, "appealed to me for advice more than to any or all other men put together in the more than twenty years of our intimate acquaintance and association."

After Harris suggested that he intended to visit Marion, Daugherty recommended that he see him first, since "there are certain things that no one else can tell you and I want to help keep you straight on some matters."

Daugherty also wished to read his manuscript "so that any mistakes that might have crept in may be corrected. . . ." It was obvious that Daugherty was deeply concerned about his role in history.

By the end of 1938 Daugherty decided to write his memoirs. Asking Harris to help, he explained:

When the world is through with me there will be dug up and hashed up a lot of stuff that will be mostly unreliable, and it might afford my friends some comfort and do justice to what small family I have left, if I were to leave a record of many things that no one else knows about.

But Harris, Daugherty added, must first study the story and become familiar "with my theory of it." He became more adamant about beginning the work after reading William Allen White's Puritan in

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26 Daugherty to Harris, May 24, 1934, Harris Deposit, Box 9/3.

27 Ibid., September 11, 1934, Harris Deposit, Box 9/4.

28 Ibid., May 24, 1934, Harris Deposit, Box 9/3.

29 Ibid., January 3, 1939, Harris Deposit, Box 9/4.
Babylon, for the Coolidge biographer treated Daugherty in a critical fashion. In April 1939 Daugherty was shocked to hear that Samuel Hopkins Adams was also writing a book on the Harding period. He asked Harris to request that Adams' publisher, Houghton Mifflin, suspend publication. While Daugherty acknowledged that Adams had had a good reputation, he argued that Adams was trying to rehabilitate himself for the novel, *Revelry*. In any case, he felt that Adams would not write a favorable account.

Daugherty's last years, however, were not always consumed with his past. Even though he tried to suggest otherwise, he was a man of wealth. On his return to Columbus in 1925, he retained both his secretary and his chauffeur. In the winters he departed for Sarasota, Florida where he rested at the scenic Gulf Inn. There he enjoyed a wide circle of friends, including lawyer Clarence Darrow, former political enemy Charles Knight, and former president of the United Press Karl Bickel. In the summers Daugherty often shifted his home to the Grand Hotel on Mackinac Island in the Straits of 

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30 Daugherty to Harris, January 21, 1939, Harris Deposit, Box 9/4.


32 Columbus Citizen, January 29, 1939. Clipping in Harris Deposit, Box 4/6.
Mackinac. In the months that he stayed in the Columbus area, he frequently resided at the "Shack" on weekends where he cultivated a garden and relaxed. He seemed to have denied himself only one thing. To his friend Harry New he confessed that living without the companionship of a good woman was a hard life. He admitted that he should have remarried. But "having one who never had a fault," he "was afraid of the chance after she was called." Besides, he added, "I can't recommend myself."33

While his political withdrawal preceded his legal retirement by more than eight years, Daugherty retained an interest in the political game. In the 1930's he remained a staunch Republican. He privately criticized President Roosevelt's experimentation in unsound theories, dismissing the New Deal as a "quagmire of socialism."34 In 1936 his salvation was Alf Landon of Kansas who "is safe and has his feet on the ground." The fact that Al Smith and several other leading Democrats had opposed Roosevelt's renomination was a favorable sign to Daugherty. Landon's "considerable" appeal also

33 Daugherty to New, March 31, 1934, New Papers, Box 1/5.

34 Daugherty to Clemens, May 23, 1936, Clemens Papers, Box 1/12. See also Daugherty to Hilles, June 23, 1936, Hilles Papers, Box 223.
indicated that a Republican landslide was possible that November. In 1940 his choice for the Republican nomination was conservative Robert Taft. Daugherty commented that he had always espoused conservative Republicanism, because he had never been "nervous enough" to become a progressive. This was Daugherty's final public expression of his political creed.

Daugherty, never in good health, was hospitalized for shingles in November 1938. Upon his release five months later, Daugherty took an apartment at the Broadwin Hotel where he spent his last two years. There he worked on his memoirs, answered correspondence, and read the newspapers. On January 26, 1940 Daugherty permitted a rare interview in honor of his eightieth birthday. It was then that he announced that "given the same circumstances I would not change an official or personal act of mine while I was Attorney General. That's a clear conscience for you."

In June of the following year, a heart attack felled Daugherty. He remained in bed throughout the summer. That September he suffered

35 Daugherty to Hilles, June 23, 1936, Hilles Papers, Box 223. See also ibid., July 16, 1936, Hilles Papers, Box 224.

36 Columbus Citizen, January 26, 1940. Clipping in Clemens Papers, Box 1/4.

37 Columbus Dispatch, January 26, 1940.
a second seizure, and his condition gradually worsened until he went into a state of semi-consciousness a couple of days before his death. On October 13, 1941 his brother, daughter, and secretary sadly watched Daugherty expire. His body was returned to Washington Court House to be entombed in the family mausoleum.

Daugherty did not die impoverished. The gross value of his estate exceeded $364,000 and included a sizable amount of real estate in the Washington Court House area. He undoubtedly inherited some land from his mother. Even so, he did remarkably well after having suffered an alleged financial deficit in 1920. The subsequent depression appeared to have affected him little. Enough remained to take care of his diminished family and employees in fine fashion. Missing from Daugherty's estate were his uncompleted manuscript and correspondence. Although Daugherty willed his papers to his daughter Emily, he undoubtedly changed his mind and destroyed them prior to his death.

38Columbus Probate Court, File 94856, Harry M. Daugherty Estate.
39A True Copy of the Will of Harry Daugherty, Harris Deposit, Box 9/5.
40In 1937 Daugherty had bequeathed Emily Rarey his records, letters, copies of speeches, and statements. The Daugherty estate, however, did not list these as real property, although it included two empty filing cabinets.
CHAPTER XVI

IN CONCLUSION

Harry Daugherty represented one of the most controversial figures in recent American political history. In appraising his long career, some factors stand out in clear perspective. Daugherty was above all a Republican. He joined the party in 1881 and actively supported it in various capacities until his political retirement in 1924. He played a significant role in the Ohio party during the important William McKinley-Warren G. Harding period. More than any other Republican, his career bridged these two Administrations. His Republicanism comprised the shibboleths of the McKinley era which offered no solutions to the problems of the twentieth century. His antipathy toward progressivism, the League of Nations, and organized labor best exemplified his creed. Even more than Harding, he symbolized provincial, small-town America.

Daugherty considered himself a practical politician. He once remarked that he had learned his politics from Senator Matthew Quay, the notorious political boss of Pennsylvania. ¹ Introduced to Quay at

¹Daugherty to Harris, May 24, 1934, Harris Deposit, Box 9/3.
the 1892 Republican National Convention, Daugherty probably studied his methods secondhand, for there is no evidence that the two were associated closely. What is significant, however, was Daugherty's admiration for Old Guard politicians like Quay, Boies Penrose, and Mark Hanna. It was men of this stamp that influenced his politics. Their political success represented a goal for his own ambitions. Like these contemporaries, Daugherty sought to rule the state Republican organizations and to elevate himself to high public office in order to perpetuate a brand of Republicanism that profited by its association with the trusts, represented the well-to-do, and preached the status quo. Daugherty was never a politician of the people. He believed in the sanctity of the spoils system, the inviolability of the political convention, and the alliance of the special interests. Undoubtedly, if he had succeeded in his ultimate ambition—a seat in the United States Senate—he would have followed the lead of the senatorial Old Guard.

Significantly, Daugherty was never elected to high public office. After he had served two terms as state representative, he lost nominations for Congress, state attorney general, governor, and United States senator. Always a candidate throughout much of his career, Daugherty failed repeatedly. It is true that his political base partly explains this failure. His career began in Fayette, an insignificant rural county that lacked the influence and power to back its
candidates at district and state Republican conventions. Despite this handicap, however, the ambitious and capable Daugherty managed to impress party leaders with his qualifications. He appeared destined for higher public office. His own actions weakened his availability. In less than a decade he managed to alienate Joseph Foraker and Hanna--the two major factional leaders of the Ohio Republican party.

A born intriguer, Daugherty was too calculating and ambitious to stay in the good graces of the party leaders. They consequently refused to favor him for public office, causing Daugherty to challenge their leadership. Not able to muster the support to overthrow Foraker, Hanna, Boss George Cox, or Charles Dick, he suffered from a series of reverses at party conventions that relegated him to the political fringe. By the time his old antagonists had lost political influence, Daugherty found himself superseded by stronger and less controversial candidates. Congressman Theodore Burton secured the party's nomination for Foraker's senatorial seat in 1909, while Warren G. Harding replaced Burton six years later.

Daugherty's combative and vindictive nature also incurred him new enemies. In his efforts to hold the Republican party together as Taft's Ohio chairman in 1912, he antagonized both progressive and moderate Republicans alike. Daugherty then refused to step down in the next two years, obstructing any return of Progressives to the
Republican party. He elected to carry a personal vendetta against Walter Brown, James Garfield, and other Progressive leaders that remained strong through 1920. Believing in an exclusive party, he refused to permit their reinstatement in party organizations on the pretext that they were undeserving. No wonder the harmony-preaching Harding won the senatorial nomination in 1914, while Daugherty lost all but six counties in his senatorial bid two years later. Daugherty's differences with Hamilton County leader Rud Hynicka became just as intense after 1916. Angry because Hynicka did not back him for Senator in the Republican primary and failed to swing the county to Governor Frank Willis in the fall election, Daugherty used the prohibition cause in an attempt to remove Hynicka from party leadership and to reduce Hamilton County's influence in the party's councils. Daugherty's hatred of Hynicka, Brown, and Robert Wolfe not only contributed to his defeat as delegate-at-large in 1920 but almost cost Harding the support of his own state during his presidential primary campaign. Still, Daugherty retained this vengefulness while Attorney General, contributing to the chaotic state of the Ohio Republican party in that period.

Doubts about Daugherty's personal integrity further jeopardized his political ambitions. As early as 1892 he underwent the first of a series of investigations which could not help but damage his
reputation. Although an inquiry never proved that a bribe had in-
fluenced his vote for Senator John Sherman in the 1891 senatorial
contest, the charge was nevertheless incriminating. Similar in-
volvements added to assertions that Daugherty was a self-seeker.
His role in the 1911 Charles Morse case was particularly embar-
rassing, for he exploited his influence with President Taft in order
to secure a pardon for a "dying" convict who would outlive Taft.
Later evidence indicated that Morse's illness was self-imposed.
Daugherty's knack of combining his law practice with his politics
did not go unnoticed in the press and in political circles. Conse-
quently, critics expected the worst when Harding considered him
for Attorney General.

Daugherty was not without favorable qualities. He had an
out-going, friendly personality which disguised a scheming nature.
This made Daugherty not only a dangerous opponent but an even more
risky friend. But he was also loyal in his own way. Even the most
bitter critics could not deny his devotion to his wife who spent con-
siderable time in hospitals and at medical centers. No "woman
story" was ever associated with Daugherty. If it suited his ambitions,
he could display a similar fidelity to a political candidate or cam-
paign. He showed remarkable persistency of purpose in the Taft
and Harding presidential campaigns. Daugherty had political courage
as well. Few Republican politicians in his position dared challenge Hanna at a state party convention. As Taft's Ohio chairman in 1912, Daugherty again exhibited a degree of fearlessness when he purged the party unfaithfuls and made Republican state candidates endorse Taft. His actions naturally caused considerable resentment, but he never relented from his stand. Even his effort to defend himself against senatorial attacks just prior to his dismissal as Attorney General was not without courage.

Daugherty's organizational and campaign abilities sustained him as a political factor in Ohio. McKinley, Taft, Burton, and Harding all respected these attributes. He successfully managed McKinley's gubernatorial campaign in 1893; supervised the state campaigns of 1897, 1898, and 1912; served on Republican county and state organizations for almost forty consecutive years; and was a delegate to five Republican national conventions. Contrary to myth, Daugherty did not manage Harding's campaigns until 1920 and that came by self-appointment. His effort in that enterprise, however, has often been exaggerated. While he persistently pushed Harding's candidacy in Ohio and in national circles throughout the preconvention period, he was not responsible for Harding's nomination. In the Ohio phase, Daugherty hindered Harding's candidacy almost as much as he helped. On the national scene, he energetically lined up support from
national committeemen and delegates and proved a tireless publicist. By the time of the convention, however, other factors insured Harding's success. Harding's availability, his own political efforts, and the setbacks that General Leonard Wood and Frank Lowden received from the campaign-fund investigation were more significant.

The Daugherty-Harding association was not a brotherly one as Daugherty later stated. The two were never close politically until 1912 and even after that point differences sometimes set them apart. Although he found Daugherty helpful and friendly, Harding, while in the Senate, did not consider him always a dependable and loyal friend. As late as 1918 a bitter fight broke out between Daugherty and Harding over the nature of party control in Ohio. In the end, it was the plotting Daugherty who succumbed to Harding's desire to direct a reunited state party. Daugherty's duplicity in this dispute caused Harding to grow more suspicious of him. These suspicions seem to have lessened in early 1919 when Daugherty opportunistically pushed Harding for the Presidency. The relationship was much more significant to Daugherty than to Harding. Harding's election brought Daugherty notoriety and a cabinet position. It projected him into the national spotlight and gave his career a new dimension. Without Harding Daugherty would have remained an obscure politician in Ohio. Without Daugherty Harding might have had
a more successful Presidency. Even if he had not succeeded in obtaining the nomination, Harding would have returned to the honored confines of the Senate.

Due to Daugherty's work in the 1920 campaign, Harding appointed him Attorney General despite outcries from the party and the press. He acted out of an inflated sense of gratitude, for he thought it "unseemly" not to have honored the request of his campaign manager. If Daugherty were a friend, he would not have asked for such a favor. Daugherty was too anxious, however, to vindicate a career that suffered from criticism and lack of political attainment. To have acted otherwise would have been too much to expect of one who believed that fate had unfairly punished him throughout much of his political life.

Daugherty's years as Attorney General only brought him greater discredit. He failed to provide direction for the Department of Justice which quickly developed a reputation for poorly and slowly-handled cases. Handicapped by his own political appointments, Daugherty was not successful in supervising the important war fraud, prohibition, and anti-trust litigations. With Chief Justice Taft's help, he fared better in expanding the federal court structure but undermined this accomplishment by his abortive railroad strike injunction in 1922 which led to an impeachment attempt that same year.
From 1922 Daugherty was bothered additionally by a prolonged illness and a Senate investigation which interfered with his official functions. Daugherty had also proved an unreliable presidential adviser to Harding. His inexperience and poor judgment caused Harding to rely on him less and less after the latter's first year of office. Coolidge sought his advice even more infrequently. Considering Daugherty a burden, he dismissed him in April 1924.

More damning to Daugherty was the chicanery that was associated with his Department. He permitted close friends like Jesse Smith and Howard Mannington to use the government to further their illegal schemes. Lobbyists like Thomas Felder and John T. King further undermined his tenure. Daugherty himself appeared to have been illicitly involved in at least one transaction—the American Metal Company—which later dragged him into court on two occasions on a charge of defrauding the government. He did not help his cause by destroying important testimony and by refusing to testify. His action, however, possibly saved him from conviction, for one juror voted for acquittal because of the unavailability of pertinent financial records. Like his earlier involvements, Daugherty managed to avoid prosecution. A hung jury enabled him to say later that no court ever convicted him of any charge. The accumulation of investigations, charges, and exposes that had pursued Daugherty nevertheless casts a dark shadow upon his political career.
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