THE PUBLIC CAREER
OF
JUDSON HARMON

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

By
James L. Burke, B.S., A.M.

* * * * *

The Ohio State University
1969

Approved by

Francis P. Weissberger
Adviser
Department of History
VITA

November 8, 1935 . . . . Born - Columbus, Ohio
1957 . . . . . . . . . . B. S. in Ed., Capital University, Columbus, Ohio
1963 . . . . . . . . . . M. A., The Ohio State University, Columbus, Ohio
1957-1965. . . . . . Teacher, Upper Arlington Schools, Columbus, Ohio
1965 . . . . . . . . . . Instructor of History, Capital University, Columbus, Ohio
1966 . . . . . . . . . . Assistant Professor of History, Capital University, Columbus, Ohio
1969 . . . . . . . . . . Visiting Lecturer, Ohio University, Lancaster Branch, Lancaster, Ohio

FIELDS OF STUDY

United States, 1850-1900 Professor Francis P. Weisenburger
Colonial America . . . Professor Paul Bowers
United States, 1789-1828 Professor Harry C. Coles
Russian History . . . Professor Charles Morley
Middle East History . . Professor Sydney N. Fisher
Ohio Geography . . . Professor Henry Hunker
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>VITA</td>
<td>11</td>
</tr>
<tr>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td><strong>Chapter</strong></td>
<td></td>
</tr>
<tr>
<td>I. THE EARLY YEARS</td>
<td>2</td>
</tr>
<tr>
<td>II. UNITED STATES ATTORNEY GENERAL</td>
<td>33</td>
</tr>
<tr>
<td>III. RETURN TO PUBLIC LIFE</td>
<td>68</td>
</tr>
<tr>
<td>IV. THE 1908 ELECTION</td>
<td>102</td>
</tr>
<tr>
<td>V. HARMON'S FIRST ADMINISTRATION: BEGINNINGS</td>
<td>157</td>
</tr>
<tr>
<td>VI. HARMON'S FIRST ADMINISTRATION: LATER ASPECTS</td>
<td>201</td>
</tr>
<tr>
<td>VII. THE 1910 Gubernatorial Election</td>
<td>237</td>
</tr>
<tr>
<td>VIII. THE SECOND ADMINISTRATION: LEGISLATIVE MATTERS</td>
<td>282</td>
</tr>
<tr>
<td>IX. THE SECOND ADMINISTRATION: 1912 THE DECISIVE YEAR</td>
<td>322</td>
</tr>
<tr>
<td>X. LATER YEARS AND CONCLUSIONS</td>
<td>380</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>408</td>
</tr>
</tbody>
</table>
INTRODUCTION

On July 2, 1912, the Democratic National Convention, after forty-six ballots, associated with strenuous maneuvering, finally nominated Governor Woodrow Wilson of New Jersey as their presidential standard-bearer in the forthcoming November election. There were many disappointed "also-rans" at Baltimore that night, including Champ Clark, the man who had gained a majority of the delegate votes several times but never the two-thirds majority necessary for victory. Another of the extremely disappointed candidates was Judson Harmon, at that time serving his second two-year term as the Governor of Ohio. Governor Harmon had dreamed and planned for the presidential nomination for many years. But with the nomination of the Governor of New Jersey in 1912, Judson Harmon, a man who had served the people as a judge, a United States Attorney General, a two-term Governor of his native state, and a leader for many years in the Democratic party, saw his political star descend very rapidly. This is the story of that man, a political leader of conservative temperament and attitudes, whose misfortune it was to seek the presidency when progressive trends were at high tide in American history.
CHAPTER I

THE EARLY YEARS

On the third day of February, 1846, at Newton, Hamilton County, Ohio, a son was born to Benjamin Franklin Harmon and his wife Julia. This first born child was named Adoniram Judson Harmon in honor of the Reverend Adoniram Judson, the foremost American Baptist missionary. A magazine article written many years later said of Harmon's first name, "He lost the first name as soon as he could do so conveniently and he never advertised for its recovery."1 Young Judson was the eldest of eight children, two of whom died in infancy.

The paternal side of the Harmon family was English. Francis Harmon left England in 1635 and settled in Roxbury, Massachusetts. The family of three brothers separated: one west to Pennsylvania; one to Maine, and the third, John Harmon, to Springfield, Massachusetts. Benjamin Harmon was descended from John Harmon who was one of the original

founders of Springfield about 1640. The Harmon ancestors were "... men of iron constitution, big of brain and heart and brave and true to their convictions." David Harmon, Judson's grandfather, immigrated to Jefferson County, New York, in the early nineteenth century; and from there Benjamin Harmon moved to Ohio in 1840. It was in Ohio that Judson Harmon's father met and later married Julia Branson also of New York state, herself a descendant of early New England settlers.

Benjamin Harmon settled seven miles north of Cincinnati in the small community of Newton, where he followed the vocation of a school teacher and at the same time prepared to become an ordained minister in the Baptist Church. Young Judson was five years old when he was present at his father's ordination as the minister of the Duck Creek Baptist Church. For the next forty-two years the Reverend Benjamin Harmon served the church, many of these years as a circuit rider in Clermont County, until his death in 1893.

The future Governor of Ohio owed a tremendous debt to his father, for his father was responsible not only for his son's early academic education but also for his education in the Christian faith. Judson Harmon never lost the

\[2\text{Allen Johnson and Dumas Malone, (eds.), Dictionary of American Biography, VIII (New York, 1932), 277.}\]

\[3\text{Columbus Evening Dispatch, February 11, 1912.}\]
faith in Christ which his father imparted to him, although in his early years young Judson seemed to be a typical preacher's offspring. At first, he was the chief "cut-up" of Newton where he eventually made an attempt to prove an exception to the proverbial reputation of a minister's son. Eventually the minister's son turned his attention to reading Bunyan, Milton, Shakespeare, and daily selections from the Bible, at least when he was not hoeing potatoes, weeding onion patches, or picking blackberries at five cents a quart to get spending money.

Benjamin Harmon trained his son in preparation for college, and by the time Judson graduated from high school his family decided that Denison College, a Baptist related college at Granville, Ohio, was the college he would attend. But these were war years and the conflict which divided a nation almost postponed indefinitely Harmon's education at Denison.

As a boy, when his native state was threatened with invasion, he joined volunteer organizations hastily formed to defend Ohio. In 1861, when Harmon was fifteen years

---

4Ohio State Journal, February 4, 1912.


old, the Confederate General Kirby Smith invaded Kentucky and appeared to be heading for Cincinnati. Responding to Governor David Tod's call for sixty thousand volunteers to mobilize at Cincinnati, Harmon grabbed a shotgun and joined the Pleasant Ridge Home Guard. This conglomerate group of volunteers was called the "squirrel hunters." Merchants, clerks, working men, and boys dropped their labor and went to the front with all sorts of weapons "... from old-fashioned fowling pieces to squirrel guns." There in the hills back of Covington, Kentucky, earthworks were thrown up; and the untrained, motley little army, its members running all the way from boys of fourteen to gray-haired men, awaited the oncoming of Kirby Smith. Judson Harmon camped with the squirrel hunters for three weeks under a circus tent until his father found him and sent him off to Denison College. Fortunately the Confederate cavalry leader Colonel John Morgan did not join General Smith at this time, and Cincinnatians were able to breathe much more easily for awhile.

The thrill of the Civil War action was not yet ended for Harmon as he reported some years later:

Next to arms, law was my choice. The thought of being a preacher did not attract me .... But my military service was not over, even if I had been banished to a little hamlet among my father's good and watchful brethren, the Baptists. During

---

7Cincinnati Daily Star, November 10, 1909.
my first vacation General John Morgan, the famous cavalryman, came into Ohio and Kentucky, and I rode forth to meet him. We wore our horses out--Morgan had taken all the good ones--and that is all we accomplished. Fortunately we didn't catch up with the Confederate raiders. It can be said, nevertheless, that I am a veteran of two campaigns.8

Morgan's raid caused considerable consternation to the residents of Cincinnati and southern Ohio, but to a boy of sixteen it was one of the great thrills of his life.9 Harmon wanted to join the army, but his father and the family physician talked him out of it, and back to Granville he went for the fall term.

After such a thrilling adventure the normal routine of college life must have been very dull to Harmon; nevertheless, he appeared to have had some further exciting experiences at Denison. The young student maintained an outstanding academic rating even though he had to work most of the time to pay his way through college. While serving as governor he was asked if as a youth he had any particular ambition, he replied, "No, not until I went to Granville; and then I wished to become a good lawyer so that I could make an independent living. I had no money nor any


9For a good account of Morgan's Raid see Louis Tucker, Cincinnati During the Civil War. (Columbus, 1962).
particular prospects, and I knew I must work hard to help myself.\textsuperscript{10}

Harmon believed that he gained almost as much education while serving as president of the Calliopean Literary Society at Denison as he did from any of his academic subjects. It was in this society that Harmon began to reveal an ability as a speaker and offhand debater, although in later years he was not generally regarded as an exceptionally good speaker. The following is an account of his early speaking ability and an unknown prophecy of the future:

At the time of the surrender at Appomattox, a celebration was held in the college town at which young Harmon was called upon to make an address for the "boys." His address displayed so much wit and eloquence that he captured the crowd, and at the conclusion of his remarks, the president of the meeting said to him: 'My boy, if you are not spoiled while you are young, the country will hear from you.'\textsuperscript{11}

The future governor's college life and education was similar to that of most students of the nineteenth century except that he was in college during the Civil War, and he was old enough to understand the intensity of


\textsuperscript{11}Charles Theodore Greve, \textit{Centennial History of Cincinnati and Representative Citizens, II} (Chicago, 1904), 27.
the issues which precipitated that struggle.\textsuperscript{12} One of the most profound incidents in his college days was a trip to Columbus in 1865 where he saw President Lincoln's body lying in state at the capitol building. At this same spot, forty-four years later, he himself was to take the oath of office as governor. So impressed was he with Lincoln's face that after passing the coffin, he fell into line and returned to get a second view. The solemnity of the occasion and the great grief of the thousands who came to pay their respects to the fallen president made an impression which time would not efface upon the future chief executive of the state.\textsuperscript{13}

Judson Harmon compiled an outstanding academic record at Denison, but he almost did not receive his diploma on graduation day. One of the methods used by the students at Denison to let off steam was the giving of satirical programs or the publishing of anonymous papers, in which the freedom of expression approached vulgarity at times, about the idiosyncrasies of faculty and even fellow students. These presentations and publications became a source of annoyance and embarrassment for the ridiculed subjects; and those responsible for the productions, if they

\textsuperscript{12}James M. Cox, "Governor Judson Harmon," \textit{The Independent}, LXXI (November 2, 1911), 957.

\textsuperscript{13}\textit{Columbus Evening Dispatch}, February 15, 1912.
were discovered, were sharply disciplined or expelled. It was common practice for students who were aggrieved to send petitions to the Board of Trustees demanding prompt investigation and punishment of the offenders.\(^{14}\)

The most famous case of this type, at least in relation to future events, occurred in 1866. Harmon was the apparent author and supervisor of a mock scheme in which the typical ridicule of professors and students was presented at the Baptist Church in Granville just prior to graduation ceremonies. The Board of Trustees was so distraught over the report they received about the presentation that they passed a resolution supporting the Denison University president's action of withholding the conferring of Harmon's diploma at the June commencement exercises. The only way Harmon could gain his diploma was by submitting "... a satisfactory confession in writing of his sorrow for, and disapproval of, his participation in the said mock scheme."\(^ {15}\) Judson Harmon was extremely shaken, to say the least, as his classmates filed through the graduation line to receive their diplomas. Before the day was over, however, Harmon had made his apologies; and the Board of Trustees decided to give him his diploma the following day.


\(^{15}\) Ibid.
in a special graduation exercise. The next day the church was more crowded than on the previous day; and with the band leading, the procession escorted the single candidate to receive his degree. This incident was to be the center of many a joke when the offender returned to Granville many years later as Governor of Ohio, nor was it to be forgotten later when he became a candidate for the presidency of the United States.\(^\text{16}\)

After graduation from Denison Harmon accepted a teaching position in Licking County, Ohio, the county in which Granville is located. The following year he accepted a similar job in Columbia, a suburb of Cincinnati, a position for which he was paid seventy-five dollars a month. One of the reasons why Harmon accepted the position at Columbia was that he would be close to the University of Cincinnati Law School. Harmon liked to tell the story about how he worked so hard in the evenings preparing himself for law school that he had no time for social activities. It was believed by his friends that one of the reasons for his achievements was that he was twenty-one before he ever saw the lights of Cincinnati after sunset. William Hale in an article concerning Harmon in 1911 said, "He [Harmon] tells with much enjoyment of his first dance and his first visit

\(^{16}\text{Ibid.},\ p.\ 406.\)
to the theatre. He was twenty-one and a school teacher when he was persuaded first to stand up and try the Virginia reel.\(^{17}\)

Though like most young men he had saved very few dollars, Harmon married in June, 1870, at the age of twenty-six. His wife was the former Miss Clivia Scooby, the daughter of Dr. W. H. Scooby of Hamilton, Ohio. Three daughters resulted from this very happy marriage. In later years they married and became Mrs. Edmund Wright, Jr.; Mrs. George M. Cassatt of London, England; and Mrs. Alfred Cassatt, the wife of a Cincinnati lawyer. Mrs. Harmon was a very fine partner in life for Judson Harmon, and she was known to be a very gracious hostess as first lady of the state. She also took a very active interest in political affairs as first lady, especially regarding the women's penal system in Ohio.

After his graduation from the Cincinnati Law School in 1869, Harmon pursued his chosen career in law. The Cincinnati bar was made up of very keen people; and association with these trained legal minds, hard study, and careful attention to business quickly developed his legal skill. Then, too, his service as judge in the Queen City

courts gave him as thorough a knowledge of the law as any man in Cincinnati.

While Harmon was always keenly aware of an interested in politics, he was not known as an avowed politician. He did serve as a collector of taxes for the county treasurer, hardly an auspicious beginning for a future presidential candidate, and as mayor of the city of Wyoming from 1875 to 1877. By family training and tradition Harmon was a Democrat, but the environment during the Civil War tended to make him a Republican. However, he became increasingly dissatisfied with the harsh radical reconstruction program of the Republican party after the war; therefore, he turned to the Liberal Republican party movement in 1872.

The Liberal Republican Party national convention met in Cincinnati on May 1, 1872, under the leadership of Carl Schurz and B. Gratz Brown, of Missouri, Charles Francis Adams and Charles Sumner of Massachusetts and others. The Queen City was well represented by leaders such as Stanley Mathews, George Hoadly, Murat Halstead, and Judson Harmon.

Most of these men had been affiliated with the Democratic party before the war, and they believed that there was a need to substantially modify the tariff laws as well as to modify the reconstruction program. After a bitter struggle at the convention the nomination eventually went to Horace Greeley, editor of the New York Tribune. The choice of the erratic editor was received with dismay by many liberals for Greeley was a protectionist, was not liked by the Germans, and failed to have the confidence of the civil service reformers. Hoadly and Mathews refused to support the ticket, but others supported Greeley as a lesser evil than Grant who was to be the Republican candidate.

Harmon gained his first real political reputation by managing Greeley's Cincinnati campaign in 1872. Although Harmon was only twenty-six at the time, he was selected as the Chairman of the Hamilton County Liberal Republican Executive Committee shortly after Greeley's nomination. In

---

19 Joseph Benson Foraker, Notes of a Busy Life, I (Cincinnati, 1916), 89.


21 Eugene H. Roseboom, The Civil War Era (Carl Wittke, History of the State of Ohio, 6 vols., IV Columbus, 1944), 480-482.
this capacity Harmon was the person responsible for directing the Cincinnati campaign on Greeley's behalf. Harmon and his committee arranged speaking engagements, parades, campaigns; and oftentimes when a speaker could not meet his obligation to appear at a rally, Harmon would substitute for the absentee speaker. In October, Harmon, who was described as a "talented young liberal," substituted for John R. Cravens, one of the candidates for Lieutenant Governor, at a rally in Lawrenceburg, Indiana. It was described as the biggest political meeting in southeast Indiana, and the young campaign manager enthralled the crowd with his enthusiastic oratory in Greeley's behalf.²²

In August, 1872, the Hamilton County Liberal Republican convention met to draw up their slate of county candidates in the coming October state elections. Harmon called the meeting to order, and subsequently the county ticket was produced by the delegates. It was at this meeting that the Liberal Republicans endeavored to unite with the Cincinnati Democrats in an effort to defeat the Republican ticket in the forthcoming elections. The Democrats and the Liberal Republicans did eventually agree to support Horace Greeley in the national election, but the attempt to

²²*Cincinnati Enquirer*, October 5, 1872.
establish a common slate of county candidates was less successful as each party drew up its own individual ticket.\textsuperscript{23} On the eve of the November elections the Hamilton County Liberal Republican Executive Committee, in conjunction with the Democratic Executive Committee, sent out a letter to all of their friends urging them to get out and vote on election day, to bring their friends with them, to have challenge committees at the polls, and to convey the sick and indifferent to the polls in wagons if necessary.

It was this type of effort, managed by Judson Harmon, which was responsible for the Queen City reversing its traditional politics and giving Greeley a majority of 4,759 votes over President Grant in the November elections.\textsuperscript{24} After the election of 1872 Harmon joined the Democratic party as an ardent advocate of Samuel J. Tilden in 1876, and he remained (with one exception in 1896) a strong Democrat until his death.

Harmon's law practice was progressing very well when in 1876 he was persuaded by his fellow Democrats to

\textsuperscript{23}Ibid., August 15, 1872.

\textsuperscript{24}It must also be remembered that the Liberal Republican National Convention being held in Cincinnati created much of the enthusiasm in the Queen City for Greeley which was exhibited at the polls in November, 1872.
seek a term on the Common Pleas bench in Cincinnati. Throughout his career Harmon never seemed openly to pursue any public office until his friends urged him to do so. Whether he really had little ambition to seek public office or whether this was his subtle method of assuring himself sound support will probably never be known. Nevertheless, in 1876 at age thirty he did run as Judge of Common Pleas in Hamilton County and won, only to be unseated after four months in the position in a contested election case before a Republican dominated Ohio State Senate.

The 1876 October election in Ohio was very important because it seemed to be a good barometer to use in judging the possible results of the Hayes-Tilden election in November. As a result of the great prestige factor involved "... gangs of repeaters [those who voted as many times as they could] were brought into Cincinnati from larger cities. Negroes were imported from Kentucky and bummers from Chicago. Negroes were rounded up by the Democratic police force and roughs by the Republican marshalls."25

This situation might have been overlooked except that the Cincinnati Republican and Democratic newspapers were waging a political war.

_____________________
25Philip D. Jordan, Ohio Comes of Age (Carl Wittke, History of Ohio), 194.
The Gazette and the Commercial demanded an inquiry into what they claimed were frauds resulting from an excessively high number of Democratic votes in some wards. They compared lists of voters as they had registered at the polls with a city directory, and the Gazette found 1,766 excess voters in nine wards. It was determined that some of the voters were legal residents who had moved a short time earlier, but the great majority of the disputed votes were considered illegal. John R. McLean of the Cincinnati Enquirer was accused of spending unduly large amounts of money; twenty thousand dollars was allegedly sent in from New York, half of which was to be spent on the reelection of two local officials. Also, the inquiry might not have developed except that some of the Democratic leaders failed to pay off some of their voters, and in revenge they were willing to tell all.

On January 10, 1877, Joseph Cox filed a writ, contesting election procedures, with the Ohio Senate. Cox claimed among other things that: (1) persons entitled to be present were excluded from vote counting; (2) 1,750 voters were residents of other states; (3) the total vote in some wards was greater than the number of registered voters;

26 Ibid., p. 195.
27 Ibid.
and (4) some voted twenty times for Judson Harmon. On January 17, 1877, Harmon filed his answering motion in which he stated that: (1) this Senate did not have jurisdiction in this case because it would require the exercise of judicial power, which under the constitution of the state can not be committed to the Senate, (2) there was no jurisdiction in this case because the motion to contest, as required by Ohio law, had to be filed with the Clerk of the Senate between the sixth and tenth days of the commence- ment of the first General Assembly of the new session, "... which time had not yet arrived, such election having been held on October 10, 1876, and after the commencement of the General Assembly now in session." In other words Harmon's forces claimed that only the newly elected General Assembly had the constitutional right to hear this contested case, and the opposition claimed that the law meant only the first senate to meet after the election.

On February 1, 1877, the Senate voted twenty-four to twelve that it had jurisdiction to try this contested election case; the vote was almost purely partisan as only

---


29Ibid., p. 91.
two Democrats voted with the twenty-two Republican senators. Then the Senate voted on a motion to dismiss the case because the notice of contest was not filled at the time required by law. The vote was seventeen yes and nineteen no with the motion overruled; thus the Senate was sustained and the case would proceed.\textsuperscript{30} An editorial in the Republican \textit{Cincinnati Daily Gazette} chided the Democrats for claiming the vote was purely political by saying, "Some of the Democratic members of the body are slightly embarrassed, in consequence of having voted in a similar case, two or three years ago, to give the Senate jurisdiction. It was then in the interest of their party; but now the case wears a different aspect."\textsuperscript{31}

The \textit{Cox vs Harmon} case opened before the Ohio Senate on February 19, 1877, with an impressive array of lawyers representing each side. The principal attorney for Cox was Thomas C. Campbell, while George Hoadly was Harmon's main spokesman.\textsuperscript{32} Thomas C. Campbell was a criminal lawyer

\textsuperscript{30}\textit{Ibid.}, pp. 110-111. (Refer to the Cox-Harmon case as reported in the \textit{Ohio State Journal, Cincinnati Daily Gazette, Cincinnati Enquirer}, October 11, 1876, through March 28, 1877).

\textsuperscript{31}\textit{Cincinnati Daily Gazette}, February 1, 1877.

\textsuperscript{32}Hoadly was later to become Governor of Ohio. See Mary G. Roberts, "The Governorship of George Hoadly," (unpublished master's thesis, The Ohio State University, 1952).
of shady reputation who for a time co-operated with John R. McLean, son of the conservative Cincinnati boss, in political maneuvers. Campbell's career in Cincinnati came to an abrupt end in 1884. Campbell had a client, William Bernier who had confessed to a brutal murder, but Campbell was able to secure a verdict of manslaughter in the case. At the time twenty persons accused of murder in some degree were imprisoned without any attempt to bring them to trial. The Bernier verdict led to popular indignation which got out of hand and resulted in the Cincinnati Riot of 1884 in which the court house was burned, much property was destroyed, and forty-five lives were lost. Campbell found it expedient to move to New York City.33

The case would have gained much more state wide recognition than it did had it not been for the Hayes-Tilden contested presidential election which was in progress at the same time. Most of the early days of the trial were used for the reading of sworn depositions which had been taken before various judges in Cincinnati. For each Republican deposition there was a Democratic deposition

33Jordan, Ohio Comes of Age, pp. 198-199. A local historian states that the "... crime was so horrible, so indubitably proven ..." that a verdict of first degree murder seemed certain until it was learned "... that Thomas Campbell had been retained ..." as defense counsel. Reverend Charles F. Gross, Cincinnati-The Queen City, I (Cincinnati, 1912), 253-254, 255-261.
which sounded equally as convincing in trying to prove their respective points. Reporting on the fraud claims in the deposition, the Cincinnati Enquirer editor remarked sarcastically:

... the press of the country will please bear in mind that no illegal Republican votes were polled in October. No non-resident Negroes voted. The Republican angels only voted once a piece. The wicked Democrats did all the devilment. The Republicans are nice people and never cheat anybody.  

The early part of the trial must have been terribly boring because it was often difficult to have a quorum to conduct the trial. The newspapers reproached the Senate for the apparent lackadaisical attitude regarding the case by saying, "From present indications, the remnant of the term \( \text{judgeship} \) will hardly be worth fighting for by the time the contest is finished."  

The case perked up some when the two star witnesses, James White for the defense and Ephraim Holland for the plaintiff, gave their testimony before the Senate. Before these two men testified, a third man, George W. Ryan, a police detective in Cincinnati for three years, testified that he had been hired by the Republican Executive Committee to ferret out "... gangs of repeaters

\[34\text{Cincinnati Enquirer, January 30, 1877.}\]

\[35\text{Cincinnati Daily Gazette, March 22, 1877.}\]
organized to do work on that day for the Democratic party."\(^{36}\) He also said that there were thirty-five to forty men for the same purpose of organizing repeaters in the room of the detective agency of Jim White. He could not say White took the men to the polls, but he claimed White was the boss for the repeaters.\(^{37}\)

Ephraim Holland took the stand February 19, 1877, after his capture in New York City. No one was exactly certain why Holland decided to give evidence against himself. Some people believed that Joseph Cox had somehow ingratiated himself with Holland and this, coupled with a desire for revenge against his defaulting political henchman, caused Holland's defection.\(^{38}\) Holland testified that he had been summoned from New York by representatives of leading Democratic candidates and promised huge sums of money (he received only one thousand dollars and this probably was the cause for his defection) to gain voters for the Democrats in any way that he could. Holland commissioned Jim White to recruit local bammers, and both of them were responsible for repeaters putting in at least one thousand dishonest votes.\(^{39}\) In the cross-examination

\(^{36}\) *Senate Journal*, 62nd Assembly Appendix, p. 97.


\(^{38}\) *Cincinnati Daily Gazette*, March 16, 1877.

\(^{39}\) *Ibid.*, February 20, 1877.
Holland stated that he had met Judson Harmon, but that Harmon had not paid him any money to work for him. The following is a portion of that testimony conducted by M. F. Wilson, council for the contestee:

Q. Did you have any conversation with Judson Harmon in reference to working for the Democratic ticket?
A. I think I did not. I don't think I have ever talked to him about any illegal votes.

Q. Did he ever, at any time, ask you to work for the success of the Democratic ticket before the October election?
A. Yes, sir, he told me that he was a candidate, and liked for me to assist in his election. He never said anything of fraudulent votes, or having any thing wrong done.\footnote{Senate Journal, 62nd Assembly, Appendix, p. 124.}

Jim White, an ex-detective and organizer of a gang of repeaters, who was in jail in Cincinnati awaiting sentence claimed that much of the evidence against him was perjured. He claimed that T. C. Campbell, Cox's attorney, was the manipulator and boss of the whole case against him. The \textit{Cincinnati Enquirer} came to White's defense publicly by stating that it (the \textit{Enquirer}) had read the testimony against him and that there was not the slightest proof obtained to show that White had either voted illegally or caused anybody else to vote illegally. The \textit{Enquirer} claimed that he was convicted because his associations were bad and because he was charged with working for the Democratic
party. The Enquirer went on to say that White was offered his freedom if he would sign an affidavit implicating prominent Democrats in the alleged election frauds; but he declined to commit perjury and the wrath of the Republican party was visited upon him.

The attorneys for both sides gave brilliant closing remarks, but it was quite apparent before the case began what the result would be. Democratic Senator Robert E. Reese voted with the Republicans (the vote was twenty to fifteen with one abstention) to unseat Judson Harmon and seat Joseph Cox as Judge of the Common Pleas in the First Judicial District. The Enquirer said, "... nineteen Republicans came up with a solid front to the party call to oust a man from office to which he had been elected, simply because he was a Democrat." On the other hand the Republican Daily Gazette said, "... fraudulent voting was so notorious that it seems strange that any Senator could sustain it by voting against Cox. Yet every Democratic Senator who voted, voted to sustain this fraud, save one ... ." Judson Harmon was reluctant to give up his

---

\[41\] Cincinnati Enquirer, February 10, 1877.

\[42\] Ibid.

\[43\] Ibid., March 30, 1877.

\[44\] Cincinnati Daily Gazette, March 30, 1877.
judgeship, but this he did with no further appeals. Undoubtedly money was used on both sides in this election; but if the Senate had had a Democratic majority, the decision probably would have been reversed.

The unfortunate contested election for the judgeship did not dampen Harmon's enthusiasm for public office; and as a result he was a successful candidate, at the age of thirty-two, for a position as Superior Court Judge in Cincinnati in 1878. After seven years of private law practice Harmon was elected to a five-year term as Superior Court Judge (with a loss of income) at a salary of six thousand dollars a year. During his first term he was associated with Superior Court Judges Alfred Yaple and Manning Force. Harmon made an excellent reputation as Superior Court Judge, and as a result he was reelected in 1883 for a second five-year term.

The only major case during Judge Harmon's career on the Superior Court bench which created any great interest and public opposition concerned the Southern Railroad decision in 1878, his first year on the bench. A group of Cincinnati citizens filed a suit in the Cincinnati Superior Court asking for an injunction to restrain the city and the Southern Railroad trustees from issuing additional bonds, totaling two million dollars, in order to finish construc-
tion of the Southern Railroad which ran from Cincinnati to Chattanooga, Tennessee. Those citizens who supported the suit did not want to have to be burdened with additional taxes which would have been required to pay off the interest of these new bonds.

There was more public resentment, however, over the railroad not being completed than there was displeasure over the need to issue additional bonds. The newspaper editorials admonished the railroad trustees to proceed with the building of the railroad because "... the situation of the Southern Railroad question is perfectly plain, and the course of the trustees as honorable men, and as officers faithful to their trust, is plainly marked out by their own committals, by the voice of the citizens, and by the great end, the speedy completion of the road." 45 It was claimed that the Ohio General Assembly had already approved further issuance of new bonds, and the people had voted to complete the road, and then a group of citizens wanted to thwart this effort.

Judge Yaple delivered the opinion in the case with Judges Force and Harmon concurring. The opinion was exceedingly long covering over thirty-four pages. The

court reprimanded the plaintiffs for bringing suit at such a late date and denied the injunction. As the *Enquirer* said:

If the original law was constitutional and the sixteen million bonds issued were valid, there could be no reasonable question as to the power of the Legislature to authorize an additional loan for the purpose of completing the road . . . . Every loyal Cincinnati will rejoice at the decision of the court, and feel proud that repudiationists have no standing in the halls of justice in Cincinnati or the State of Ohio.  

The decision may have cost Judge Yaple his seat on the bench because he was defeated for reelection when his term expired. John McLean of the *Enquirer* said, " . . . there seems to be a determination on the part of a few hundred voters of Cincinnati to pester any candidate who has had anything to do with the Southern Railroad." The decision apparently had little effect on Harmon's position since he was reelected with a greater majority in 1883 than he had in 1878.

Judge Harmon resigned from his position on the bench in 1887 in order to join the very prominent Cincinnati law firm which had formerly been headed by George Hoadly and Colonel Edgar M. Johnson. Before he resigned, Harmon journeyed to Columbus to tell Governor

---

46 Cincinnati *Enquirer*, October 26, 1878. (See page 8 for synopsis of the decision).

Joseph Foraker about his plans. The two men talked about possible successors, and Harmon suggested William Howard Taft for the position. Agreeing with Harmon, Governor Foraker appointed Taft to fill the unexpired term.

Harmon must have been outstanding on the bench judging by some of the remarks concerning his nine years as judge. An article appearing in The North American Review said:

His popularity and brilliant qualities, and his eminent fitness for judicial office led to his election by very large majorities in 1878, and again in 1883, to the bench of the Superior Court of Cincinnati, a tribunal famous for the large number of distinguished men who have been among its members . . . . The reputation which Harmon made for himself as a judge . . . deprived the community of his judicial services. 48

Another writer had this to say about Harmon:

He was regarded as a jurist of excellent legal equipment and strong common sense. He was kind and considerate in his treatment of attorneys, and very fair in his conduct of causes. He was opposed to legal trickery or chicanery, and insisted on maintaining a high standard of dignity and professional courtesy in his court room. 49

Cincinnatians obviously lost a good judge when Judge Harmon resigned, but the Queen City would soon hear more about him in his legal career.

48 Edward B. Whitney, "Judson Harmon," The North American Review, CLXXXVII (June, 1908), 833. (The article referred to Harmon's being called to serve as United States Attorney General in 1895.)

49 Greve, Centennial History of Cincinnati, p. 31.
In 1887 Judge George Hoadly and Colonel Edgar M. Johnson resigned as partners in their Cincinnati law firm to become law partners with Edward Lauterbach of New York, a prominent member of the Manhattan bar. With that development Edward Colston, the senior member of the former law firm of Hoadly, Johnson, and Colston, invited Judge Harmon to become his law partner. Harmon accepted the offer and resigned his judgeship; for the next eight years he was one of the recognized leaders of the Cincinnati bar and head of a law firm having wide business connections. During this period Harmon refused to allow his name to be used in connection with public office, but he did participate rather actively in political campaigns.

The nearest Harmon came to engaging in public life again during this eight year period was by helping James E. Campbell, Democratic candidate for governor of Ohio in 1889, prove utterly false a malicious charge that Campbell was involved in a ballot box forgery. This accusation came right in the middle of the campaign, and it could have killed his chances of victory if not proven false. Lewis M. Hadden, a Cincinnati lawyer, told Joseph B. Foraker, the incumbent Republican candidate for governor, that he had seen a contract exhibited in Campbell's office, signed by Campbell and others "... showing that they were all interested in that proposed legislation and the
exploitations of that ballot box."\textsuperscript{50} It seemed that while serving as a Congressman James E. Campbell was very interested in a patented ballot box which a certain Richard G. Wood had invented. Campbell had introduced a bill in Congress which would have required the use of this ballot box at all Federal elections. If the bill had passed, it would have given Wood a monopoly in the production of the box; and all those sharing in the financial results of the product would have realized large profits from their investments. Hadden told Foraker that Wood would probably show the governor a copy of the contract with Campbell's signature on it because Wood was unhappy with the group of sponsors. According to Foraker, Wood delivered "... what purported to be a subscription paper which made reference on its face to 'Contract No. 1000.' ... A number of signatures were attached to the paper including Campbells."\textsuperscript{51} In return for this public service Wood asked Foraker to recommend him for a position as Smoke Inspector in Cincinnati, and Foraker agreed to do so.

Foraker turned the information over to Murat Halstead, publisher of the \textit{Cincinnati Commercial Gazette}; and Halstead exposed all of the alleged facts, including the

\textsuperscript{50}Foraker, \textit{Notes of a Busy Life}, I. 402.

\textsuperscript{51}\textit{Ibid.}, p. 404.
fact that Campbell had three-twentieths of a share in the Wood-Hall ballot box. The expose' created a sensation, and Campbell's chances of victory appeared to have been seriously injured. Campbell did not help his own cause by issuing a very mild, dignified denial of the allegation. Campbell's political advisers told him that something more than a mild denial was necessary unless he wanted to lose thousands of votes.

In the meantime Judson Harmon had been giving some attention to the case; he started to run down a clue here and there, relieving Campbell of the necessity of stopping his campaign work to unearth the fraud; and he discovered an amazing forgery. Harmon proved that Wood, the inventor of the box, had traced Campbell's signature on the contract, using Campbell's Congressional frank stamp as a model.

Wood eventually confessed the truth, and Harmon told Murat

52 The contract also revealed the signatures of other prominent Ohioans including Republican Congressmen John Sherman and William McKinley, but their names were not revealed by Halstead.

53 A somewhat partisan account is found in Thomas E. Powell, (ed.), The Democratic Party of the State of Ohio, II (Columbus, 1913), 318. (All of the signatures proved to be forgeries.) For a thorough discussion of the controversy, see the chapters on "The Ballot-Box Fraud" in Donald W. Curl, Murat Halstead, Editor and Politician (unpublished Ph.D. dissertation, The Ohio State University, 1964), pp. 361-384. See also the relation of James E. Campbell to the affair in James Doyle, James Edwin Campbell: Conservative Democratic Congressman, Governor, and Statesman (unpublished Ph.D. dissertation, The Ohio State University, 1967).
Halstead that he would instigate a libel suit against the Commercial Gazette unless Halstead printed a retraction and revealed the truth of the incident. Halstead published a retraction on October 11, 1889. The Ohio electorate was astonished at these disclosures and "... the active Democrats of the state were infuriated to the fighting point and exciting as the campaign had been before, it was mild compared with what followed."54 Campbell won the election of 1889 and became Governor of Ohio. Undoubtedly, the ballot box forgery was one of the most spectacular incidents in Judson Harmon's career; it not only endeared him to Governor Campbell but also focussed a degree of state and national attention on Harmon.

54 Ibid.
CHAPTER II

UNITED STATES ATTORNEY GENERAL

Judson Harmon's law partnership was prospering nicely by 1895, and it appeared to many of his intimate friends that the Judge would be perfectly content to remain a lawyer in Cincinnati. But on June 6, 1895, Harmon received a letter from Washington, D.C. bearing the presidential seal, and his relatively serene life as a Cincinnati lawyer was about to be disrupted. The handwritten letter was from President Grover Cleveland asking Harmon to accept the recently vacated position of Attorney General in the presidential cabinet. With Secretary of State Gresham's death in 1895 and Attorney General Richard Olney's subsequent transfer to the State Department, President Cleveland needed a qualified person to serve as Attorney General. President Cleveland wrote, "I am very clear in the opinion that your acceptance of the position would insure the best possible results to the public service, and be in every way a most desirable consumation. Will you join us?"\(^1\)

\(^1\)Cleveland to Harmon, June 5, 1895, Grover Cleveland Papers, Library of Congress.
President Cleveland also wrote, as an added inducement, that he could see no reason why Harmon could not keep his private practice somewhat in hand during the time that he would serve as Attorney General. The President asked Harmon to keep the correspondence in the strictest confidence; and if Harmon were willing to accept the position, then he was to wire a telegram saying, "Your information is correct."²

Harmon's reaction to the letter was one of great surprise. Apparently he had received no advanced information from anyone that the offer from President Cleveland was imminent. Harmon conferred with his partner, Edward Colston, and he also consulted his good friend William Howard Taft concerning the advisability of accepting the position. Without any reservations, both men advised Harmon to accept the offer. Harmon, however, would not have accepted the position without the approval of Mrs. Harmon. Harmon said later that he put the question to his wife stating if she wanted the job she could have it, and "... if she wants to go to Washington as the wife of a cabinet officer she may. If she elects to stay in Cincinnati, here we stay."³ Mrs. Harmon elected to go to Washington, and Harmon wired his acceptance to President

²Ibid.
³The American Review of Reviews, XLII (September, 1910), 360.
Cleveland.

The new Attorney General's appointment came as somewhat of a surprise to the nation in general. In a review of Harmon's life Harper's Weekly said that while Harmon had always been keenly interested in politics, he had never been known as a politician and because his professional and home interests had centered so closely about Cincinnati his name was even less widely known than many another even among his own associates at the bar.\(^4\) It is not difficult to understand the general surprise because Harmon's participation in national affairs had been very limited up to that time. Yet it is not true as some writers believe that President Cleveland "... seemed not to have known Harmon even by name."\(^5\) President Cleveland first heard of Harmon through James E. Campbell who had been governor of Ohio, 1884-1891; undoubtedly Campbell had told the President of the work that Harmon had done in uncovering the ballot box forgery incident. During Cleveland's first term he had sent Harmon word that he needed some unbiased information about a number of Ohio applicants for office and

\(^4\)Harper's Weekly, XXXLX (June 22, 1895), 594.

that Harmon had been recommended to him as the man best qualified for the necessary appraisal. Harmon told the President all that he knew about each man, sparing none and condemning none; he just stated the facts concerning the qualifications of each man. Later, Harmon answered still another inquiry from President Cleveland concerning an Ohio applicant for office.\footnote{Harmon to Cleveland, April 30, 1886, Cleveland Papers, Library of Congress.}\footnote{The American Review of Reviews, XLII, 300.} Shortly after these series of communications President Cleveland and Harmon were house guests of James E. Campbell; and afterwards Cleveland told Campbell that he considered \textquotedblleft . . . that fellow Harmon a mighty fine man.\textquotedblright

Why did President Cleveland appoint a rather obscure lawyer from the Midwest to the position of United States Attorney General? Harmon was not Cleveland's first choice for the position, which was offered to Campbell, but he declined the office and suggested Harmon instead. Cleveland was seeking a man who had approximately the same conservative views about government that he had, and Harmon had developed a reputation as a conservative lawyer. It is also probable that Cleveland was searching for an appointee from the Midwest as a political move aimed at offsetting opposition from this section due to his stand in opposition
to free silver. Another contributing factor in considering Harmon's appointment was that Edward R. Bacon, the President of the Baltimore and Ohio Railroad Company, for whom Harmon was an attorney, and William L. Wilson, Cleveland's Postmaster General, recommended Harmon as a qualified and reliable Democrat for the office. President Cleveland accepted these recommendations and then offered the position to Harmon. President Cleveland referring to the somewhat surprising appointment said that the appointment was only made after the maturest deliberation, and with never an outside influence of any kind having been brought to bear upon him.8

The reaction to Harmon's appointment in Cincinnati was overwhelming. The news reached the street in Cincinnati by five o'clock, and by six o'clock his office was besieged by callers. Harmon humbly accepted the congratulations of his friends and told them that he was honored to accept the call to duty:

I consider the offer as a call to duty. I am a Democrat; and if I can be of service to the party by becoming the Attorney General, it is my duty to do so. It was with such a conception of my duty that I responded favorably.9

The Hamilton County Bar Association gave a banquet to honor the new Attorney General before he left for Washington. During the banquet many of Harmon's associates praised him,

---

8James M. Cox in The Independent, LXXI, 957.
9New York Daily Tribune, June 8, 1895.
but William Howard Taft summed up the feelings best when he said:

We are here because we know he is eminently qualified to discharge the duties of his office with unbounded credit to his country, the administration, to us his friends, and to himself. . . . Judson Harmon has moved onward and upward with no man to grudge him a single honor which he has won.10

Attorney General Harmon took his oath of office from an old friend, Supreme Court Justice John M. Harlan; and then he walked immediately to the White House for a cabinet meeting. Thus, Harmon began a two year term as United States Attorney General, a term from which he would emerge as a well respected national figure. Harmon seemed to adjust well to his new position in Washington, and the capital seemed to adjust well to him. From the very outset of his term the new Attorney General developed a rapport with the press. At his first press conference Attorney General Harmon endeared himself to the reporters present by his refreshing frankness, honesty, and his manner of answering questions directly. In answer to an inquiry about what he was going to do as Attorney General, Harmon made a big hit with the reporters when he answered:

How the devil do I know? What would you do? I don't know any more about this job yet than a pig does of Sanscrit. But I'm going to try to

10Ohio State Journal, May 6, 1908.
find out about it, and then do the best I can. I wish you boys would help me. You know more about the duties right now than I do.\textsuperscript{11}

Harmon made such a favorable impression on the reporters because he said what he thought and because he was not trying to impress someone with his own importance. He may have sounded as if he knew nothing about the office of Attorney General, but the reporters present at that first press conference knew they had just heard from a most remarkable man.

In 1895 Harmon had an acquaintance with only one other cabinet officer, Secretary of Treasury John G. Carlisle of Kentucky, but he soon fit comfortably into the group. William L. Wilson, the Postmaster General, remarked that the more he saw of Harmon the better he liked him because he "... is a simple-hearted, absurdly inquisitive, an able lawyer, and a most likeable man."\textsuperscript{12} Harmon soon became an active, vital member of Cleveland's cabinet and he seemed to develop a special relationship with the President. Wilson remembered how he and Harmon often were

\textsuperscript{11} The American Review of Reviews, XLII, 300.

\textsuperscript{12} Festus P. Summers (ed.), The Cabinet Diary of William L. Wilson, 1896-97 (Chapel Hill, 1957), p. 90. Wilson remembered that he and Harmon were the chief smokers in the cabinet and that Harmon had a fine sense of humor as he would enter into the general exchange of anecdotes when the cabinet meetings were generally free from the press of public matters.
called to the White House in the evenings to confer with the
President about impending legislation before Congress.

The cabinet of which Harmon became a member contain-
ed men of genuine ability; but the Secretary of the
Treasury, John Carlisle, three times Speaker of the House of
Representatives and then senator from Kentucky, was the only
distinguished one.¹³ The Secretary of War, Daniel S.
Lamont, had been Cleveland's private secretary and had been
closely associated with Wall Street financial activities.
Two representatives of the resurgent South were Hoke Smith,
proprietor of the Atlanta Journal who served as Secretary of
the Interior, and Hilary A. Herbert of Alabama, a Confede-
rate veteran who was Secretary of the Navy. J. Sterling
Morton of Nebraska, Father of Arbor Day, was Secretary of
Agriculture.¹⁴ William L. Wilson of West Virginia, who had
fought for a lower tariff with little success in the
previous Congress, had been made Postmaster General in the
previous March.

There were those who thought that Cleveland was too
conservative, especially concerning economic issues, and
that his cabinet was not representative of the American

¹³James A. Barnes, John G. Carlisle (New York,
1931). For further discussion of the cabinet, see Harold U.
Faulkner, Politics, Reform, and Expansion 1890-1900 (New
York, 1959), pp. 137-139.

¹⁴James C. Olson, J. Sterling Morton (Lincoln,
Nebraska, 1942), p. 317.
people. W. A. Taylor made a rather pungent statement concerning Cleveland's cabinet:

What chiefly distinguished Cleveland's cabinet . . . was . . . an unbending conservatism on economic issues. No representative of the agrarian wing of the party gained admittance to the select circle of Cleveland's advisers . . . . No representative of labor sat in the cabinet. . . . The cabinet, whatever its other merits, could hardly be said to represent the American people.15

Cleveland's cabinet had a definitely conservative flavor, but this did not deter Attorney General Harmon's "trust-busting" efforts.

President Cleveland revealed an apparent change in attitude toward some issues when he returned to the presidency in 1893. Whether there was an actual change in his attitude toward trusts by 1893 or whether he never looked upon trusts unfavorably in the first place is a matter of conjecture among historians. The prevailing mood of American politics during the last quarter of the nineteenth century was one of laissez-faire conservatism, although discontent in agrarian and labor circles was widespread. Cleveland had no quarrel with a basic conservatism, but Allan Nevins has vividly presented him as a "man of courage" who stood out against demands of special privilege in " . . . his tariff message of 1887, his silver letter of

15W. A. Taylor, Centennial History of Columbus and Franklin County, I (Chicago-Columbus, 1909), 159.
1892, his refusal to accept a compromise on the repeal of the silver purchase clause, his utter defiance of Tammany and all other unprincipled politicians, his scathing contempt of the jingo who tried to exploit the Cuban rebellion.  

Another historian, Horace S. Merrill, however, has presented Cleveland's career as that of a "Bourbon leader," a "reluctant reformer," and one "more successful as a defender of the status quo than as a crusader for change." Merrill points to Cleveland's lack of concern for the mounting problems of labor and agricultural interests. Hans Thorelli views Cleveland in the same vein as Merrill when Thorelli wrote, "It can hardly be said that Grover Cleveland displayed a more active interest in the enforcement of the antitrust policy than Benjamin Harrison." Thorelli believed that Cleveland was forced into cooperation with big business due to his states' rights leanings, the depression of 1893, and the Populist attacks on him.

Harmon was a younger contemporary of Cleveland and perhaps less inflexible in his conservatism. Yet, the Democratic and Republican parties in his home state of Ohio from 1885 to 1900 were dominated by conservative interests.

---


17 Merrill, Bourbon Leader: Grover Cleveland and the Democratic Party (Boston, 1957).

18 Thorelli, Federal Antitrust Policy, p. 590.
Mark Hanna and Joseph B. Foraker effectively controlled the Republican party, and the two Democratic senators during this time from Ohio were extremely wealthy financial leaders, Henry B. Payne and Calvin Brice. As Attorney General Harmon's attitude toward the enforcement of antitrust legislation was in harmony with Cleveland's political philosophy. Neither wished to quarrel with the status quo, but each believed that the law should be enforced in impartial fashion even when large business interests were effected.

Attorney General Harmon inherited an unenviable position as the government official chiefly responsible for the prosecution of trusts. Harmon's predecessor as Attorney General, Richard E. Olney, had not prosecuted alleged trusts and monopolistic business tendencies with a great degree of enthusiasm. Why Olney acted as he did is open to debate. The answer may be that either he did not believe, as he said repeatedly, that the Sherman Antitrust Act as it stood was enforceable or that he did not want to offend his very close private business associates. Concerning the latter possibility, Allan Nevins wrote, "As Attorney General, consciously or unconsciously biased by his corporation

---

leanings, Olney had shown a distinct lack of vigor in this field.\textsuperscript{20}

Actually, Olney had been Cleveland's second choice to head the Justice Department. But Olney did have his choice of becoming either Secretary of Navy or Attorney General, and he chose the Justice Department because, according to Thorelli, "... he did not want to risk breaking his business connections to serve as Secretary of Navy."\textsuperscript{21} The solution to the question of why Olney was not very active in prosecuting trusts is probably a combination of both answers. Olney's attitudes could have been open to suspicion also because during the year prior to his appointment to the Justice Department, he had served as counsel for the Whiskey Trust in a federal government antitrust suit.

Undoubtedly, the attitude of the lower courts in maintaining a strict construction interpretation of the Sherman Act hindered the government's prosecution of trusts; but Olney's careless preparation of antitrust suits did not help the situation either. It appears that Olney prosecuted the Sugar Trust case (United States v. E.C. Knight Co., 1895) only because he inherited it from his predecessor.\textsuperscript{22} Then

\begin{itemize}
\item \textsuperscript{20}Nevins, \textit{Cleveland}, p. 722.
\item \textsuperscript{21}Thorelli, \textit{Federal Antitrust Policy}, p. 590.
\item \textsuperscript{22}Faulkner, \textit{Politics, Reform, and Expansion}, p. 139.
\end{itemize}
the government case was allowed to go to court in such a terribly weak form as to discard practically any chance of conviction for restraint of trade. 23

The attitude concerning the effectiveness of the Sherman Antitrust Act by many officials who wanted to prosecute trust and monopolies was one of anger, despair, hopelessness, and frustration. Harmon was quite pessimistic about his chances for successful prosecution under the Sherman Act of suits against trusts and monopolies, but this pessimism did not deter him from proceeding with the cases. Historians have recognized that the replacement of Olney by Harmon brought a change in antitrust enforcement. Harmon gave evidence to Congress as to strengthening legislation, recommended further appropriations to help with enforcement, and stimulated United States attorneys to make the law more effective. 24 In 1910 a leading journal of American opinion went so far as to express the view, "No more vigorous Attorney General has ever filled that position." 25

In December, 1895, shortly after he had become Attorney General, Harmon submitted the Attorney General's

23 Nevins, Cleveland, p. 722.

24 Carl B. Swisher, American Constitutional Development (Boston, 1954), p. 430.

25 The American Review of Reviews, XLII, 300.
annual report to Congress. In this report Harmon said that he felt that it would not be compatible with his official position to make legislative recommendations of a political nature, but he set forth in detail what he considered major deficiencies in existing legislation and other obstacles to effective enforcement of antitrust policy including proposals to remedy these shortcomings.  

Referring to the adverse decision in the Knight Case, Harmon said:

Combinations and monopolies, therefore, although they may unlawfully control production and prices of articles in general use, can not be reached under this law (Sherman Act) merely because they are combinations and monopolies, nor because they may engage in interstate commerce as one of the incidents of their business.

Harmon realized that the Sherman Act was defective in at least four main areas: (1) it was based on the interstate commerce clause of the constitution forbidding any combination or conspiracy in restraint of trade or commerce--yet it did not prohibit interstate commerce on articles produced, owned, or controlled by monopolies; (2) the act was worded vaguely and lacked adequate definitions; (3) there was no provision to prevent the refusal of witnesses to testify on the grounds of self incrimination; and (4) there were no

26Thorelli, Federal Antitrust Policy, p. 394.

appropriations enabling the Justice Department to accumulate evidence and investigate violations of the law. He also believed that many questionable combinations escaped control because of divided jurisdiction between federal and state governments, and he suggested that Congress might make it illegal to transport in interstate commerce any commodities owned, produced, or controlled by trusts. Harmon continued, "By supplementary state action in the way just suggested Congress can, in my opinion, accomplish the professed object of the present law." Harmon also suggested that the Department of Justice needed a better library. He said:

This department is not only charged with the preparation and argument of cases in court at Washington, but the Attorney General is continually called upon for opinions . . . from many sources . . . . It is manifest that this work can not be done properly without access to a comprehensive library.

These suggestions were referred to the House Judiciary Committee; however, this committee took no action to implement Harmon's recommendations.

Once again Harmon had the opportunity to express his opinions and offer suggestions to improve the Sherman Act when " . . . as a result of popular discontent at the non-enforcement of the antitrust law, the House of

---

28 Nevins, Grover Cleveland, p. 722.
29 Morelli, Federal Antitrust Policy, p. 395.
Representatives called upon him to state what he had done in that direction and to give recommendations for further legislation.\textsuperscript{31} The Attorney General reported to the House that the Justice Department had investigated many complaints; furthermore, he told them that there were two suits in the courts at that time. Harmon reiterated the suggestions that he had made earlier, on which Congress had taken no action; and he went on to say that if the Department of Justice were to conduct investigations under the law, then he needed more liberal appropriations to develop a force properly selected and organized to investigate the numerous complaints.\textsuperscript{32} Actually Harmon believed that the Justice Department should do the court work in the antitrust suits and that some other department should do the detective work; but if the Department had to do the detective work, Harmon wanted to be able to do it properly.\textsuperscript{33}

Judson Harmon was responsible for a big breakthrough in the federal prosecution and conviction of antitrust


\textsuperscript{33}Hoyt Landon Warner, \textit{Progressivism in Ohio, 1897-1917} (Columbus, 1964), p. 373.
violators during his term as Attorney General. Harmon's efforts in three important cases provided "... a signal victory and laid the foundation for the successful action under President Roosevelt and Attorney General Philander C. Knox against the Northern Securities merger."34 The first of these three important cases was United States v. Trans-Missouri Freight Associations.35 Harmon had become interested in this case while he was still a private citizen practicing law in Cincinnati. He had followed the progress of the case, and he was very unhappy with the decision which had gone against the government in the lower courts. One of his first acts on becoming Attorney General was to look over the list of cases before the Supreme Court which he could argue himself, and this was the case he chose to argue.36

The Trans-Missouri case, involving eighteen railways west of the Missouri River, was brought in the district of Kansas in 1892 to prohibit the contract and combination among these companies which had been formed in order to maintain the same rates on freight. This group had formed a committee to hold monthly meetings to determine rates and

34Nevins, Grover Cleveland, p. 723.

35See U.S. v. Trans-Missouri Freight Association, 53 Fed. 440 (1892), and 58 Fed. 58 (1893).

36Harmon to McFarlane, June 2, 1896, Justice Department Instruction Book, No. 60, p. 448.
rules, and they subsequently established a system of fines for failure to meet these regulations. They claimed that this action was necessary for them if they were to avoid ruinous competition among themselves. The case was lost in both the federal circuit court and federal circuit court of appeals, as two government attorneys faced twenty corporation lawyers. The courts ruled that railroads, as subject to the interstate commerce law of 1887, were beyond the scope of the Sherman Act; and even if the government's proposition that railroads were subject to the antitrust law was accepted, no violation of that statute had occurred in this instance.\(^\text{37}\)

Harmon decided to argue the case himself before the United States Supreme Court in the fall of 1896. He realized that he needed to have an exceptionally strong and well-prepared case for a conviction in this first real test, before the Supreme Court, of the efficiency of the Sherman Act as it applied to the prevention of illegal railroad combinations. Harmon realized that one of the great weaknesses of his predecessor, Richard Olney, was a lack of thorough preparation of government cases; and Harmon was determined that he was not going to make that same error. He knew that he could not afford to take a poorly prepared

\(^{37}\text{The Federal Antitrust Laws (Washington, D.C., 1938), p. 81.}\)
case before the Supreme Court especially when he was opposed by such able lawyers as Senator George F. Edmunds, Edward J. Phelps, and James G. Carter, besides a host of other counsel.\textsuperscript{38}

The principal questions before the court were: Did the Sherman Act apply to railroads, and did the Trans-Missouri agreement constitute a violation of that act? Quite obviously Harmon believed the Sherman Act did apply and that the Trans-Missouri agreement was a violation of the act. Harmon argued that the purpose of the statute was to attach a penalty to agreements in restraint of trade, which the courts held to be invalid at common law. He admitted that the statute did not apply when contracts were held valid at common law, but by the Sherman Act no persons were permitted to make an agreement in restraint of trade at all, unless their relation to each other justified such a contract.\textsuperscript{39} The main point of the defense was that "... the mere existence of the Interstate Commerce Act was indication that the railroads were beyond the scope of the antitrust statutes, and, furthermore, that the commerce act sanctioned agreements of the type at hand."\textsuperscript{40} The defense further

\textsuperscript{38}Inglis, Harper's Weekly, LI, 979.

\textsuperscript{39}Harmon to Willis J. Abbot, May 27, 1911, Harmon Papers, Cincinnati Historical Society.

\textsuperscript{40}Thorelli, Federal Antitrust Policy, p. 456.
argued that Congress had intended to legislate against unreasonable contracts only.

The decision (this time in favor of the United States by a vote of five to four) was handed down June 7, 1897, after the expiration of Harmon's term in office. Nevertheless, the credit for the victory in bringing the dissolution of the Trans-Missouri Association belonged entirely to efforts directed by Harmon. In the majority decision prepared by Justice Peckham the court ruled that the Sherman Act applied to all contracts in restraint of trade, and not merely to contracts making unreasonable restraints, and that the effect in restraining trade rather than the purpose of the contract is what should be inquired into. This decision determining the constitutionality of the Sherman Antitrust Act and its application to the operation of railroads established an important principle into the jurisprudence of American law.

Reminiscing about this case some years later, Harmon said that the Trans-Missouri case was:

... the first the government ever won under the anti-trust law, and which I argued alone on behalf of the Government against a tremendous array of counsel ... There was such a demand for my brief that more than one edition of it was printed, and then they all disappeared, so that I have none for myself.\textsuperscript{41}

\textsuperscript{41} Harmon to Abbott, May 27, 1911, Harmon Papers, Cincinnati Historical Society.
Another of the cases for which Attorney General Harmon became noted in his fight against the trusts was United States v. Joint Traffic Association. Unlike the Trans-Missouri case, which was handed down from the Harrison administration, Harmon himself instigated this suit in January, 1896. This association of more than thirty railroads, which was engaged in interstate transportation between the East coast and Chicago and the Mississippi Valley, was charged not only with violation of section one of the Sherman Antitrust Act but also with violation of section five of the Interstate Commerce Act.

In 1895 the United States Senate apparently called this alleged trust to Harmon's attention, but Harmon was hesitant to proceed against the Association due to the lower court's adverse decision in the Trans-Missouri case. This was prior to the Supreme Court's decision in the Trans-Missouri case in which there seemed to be a similar arrangement as that found in the Joint Traffic Association. William R. Morrison, Chairman of the Interstate Commerce Commission, wrote a letter to Harmon requesting him, in accordance with section twelve of the Interstate Commerce Act, to institute proceedings against the Association. Morrison said in the letter that the Association had filed a petition for approval, intending to become effective January 1, 1896, with the I.C.C.; and on subsequent investigation the I.C.C. had
found the Association to be in violation of the Interstate Commerce Act.\textsuperscript{42} Harmon then asked District Attorney Wallace Macfarlane in New York City, where the case would be prosecuted if there were a violation, for his opinion concerning the situation. When Macfarlane replied that the Association was a clear violation of the Interstate Commerce Act and a possible violation of the Sherman Act, Harmon instructed Macfarlane to proceed with the suit.

The circuit court dismissed the government's case on May 28, 1896, because the court ruled that the Association was not a violation of either the Interstate Commerce Act or the Sherman Act.\textsuperscript{43} Harmon was disappointed with the decision, but in a letter to Morrison he said that the Justice Department would carry the case to the Supreme Court, where the justices seemed to be more sympathetic with these suits than the lower courts, if the Department had to do so.\textsuperscript{44} On March 19, 1897, the decision of the circuit court was upheld by the Circuit Court of Appeals for the Second Circuit; and then the government appealed the case to the United States Supreme Court.

\textsuperscript{42}\textit{Morrison to Harmon, December 26, 1895, Justice Department Year File 759-1887.}\textsuperscript{43}\textit{U.S. v. Joint Traffic Association, 76 Fed. 895 (1896).}\textsuperscript{44}\textit{Harmon to Morrison, May 28, 1896 (Executive and Congressional Letter Book, Department of Justice).}
The Joint Traffic Association case reached the Supreme Court in 1898 after Harmon had retired as Attorney General. The case was argued at some length before the Supreme Court with Solicitor General William Richards representing the Government and George F. Edmunds the chief counsel for the Association. Richards based his argument almost solely on the decision of the Trans-Missouri Freight case, while Edmunds argued that the cases were different in several aspects. The point on which Edmunds attached the most importance was the constitutional issue involved. Edmunds did not question the constitutionality of the Sherman Act in general, only "... whether the agreement here under consideration is one that may be prohibited by legislation, without infringing the freedom of contract and the right of property, which the Constitution declares and protects." Edmunds claimed that the Supreme Court's interpretation of the Sherman Act in the Trans-Missouri case had deprived the defendants in error of their liberty and property without the due process of law and had deprived them likewise of the equal protection of the law.

Justice Peckham on October 24, 1898, delivered the opinion of the court, with the same five to four opinion as

---


46 Ibid.
that of the Trans-Missouri case, which reversed the decision of the two lower courts stating that the great similarity between the two cases suggested a similar result should be reached. The court ruled that the Joint Traffic Association had entered into its agreement in order to regulate rates and fares in attempt to prevent any competition whatever between the parties to it for the whole time of its existence.\footnote{Ibid.} The Supreme Court then issued a decree which perpetually enjoined the activities complained of in the petition; and Judson Harmon, although retired from the Department of Justice, had won another signal case in the struggle against trusts and monopolies.

The other famous antitrust case for which Judson Harmon gained a degree of fame was \textit{United States v. Addyston Pipe and Steel Co.}\footnote{48U.S. Circuit Court 78 Fed. 712; U.S. Circuit Court of Appeals 85 Fed. 271; U.S. Supreme Court 175 U.S. 211.} This case was also decided in the Supreme Court in 1899 after Harmon had retired as Attorney General, but due to the work of Harmon and his associates the case was in shape for argument in the lower courts within three months after the Cleveland administration ended. Moreover, the principles upon which Harmon brought suit in the lower courts were sustained in the United States
Supreme Court.

It cannot be said that Harmon was overzealous in having new antitrust suits begun, for at times even he wavered in a utilization of the Sherman Act. Thus, when District Attorney James Bible of Tennessee first informed Harmon that he wanted to institute a suit against the Addyston Pipe combination, he received no answer of any kind. Only after renewed and insistent request did Harmon authorize proceedings against the Addyston company, a case which was to prove to be of such great significance in the development of antitrust interpretation. Bible had gained access to some very crucial evidence in the form of minutes of meeting and records of correspondence between the participants in the pipe combination. Bible's evidence seemed to prove that the Addyston company was part of the Associated Pipe Works pool, a combination of six pipe manufacturers in Ohio, Kentucky, Tennessee, and Alabama, which was allegedly organized to enhance prices by eliminating competitive bidding in the sale of cast iron pipe. 49

From the outset of this case in the courts Harmon and Bible based their prosecution on the principle that the constitutional guaranty of freedom of contracts did not limit the power of Congress to prevent legislating on

49 Federal Antitrust Laws, p. 87.
contracts in restraint of trade. Counsel for the defense claimed that "... the purpose of giving Congress power to regulate interstate commerce was to secure uniformity and prevent conflicting and discriminatory state regulations, and that the constitutional guaranty of liberty of private contract operated as a limit upon Congress." The position of the counsel for the pool seemed to be illogical "... for if Congress had the power to reach contracts in restraint of interstate commerce embodied in state legislation, why ... should this same power not apply to private contracts?" The circuit court dismissed Bible's case on February 5, 1897; but the Sixth Circuit Court of Appeals on February 8, 1898, Judge William Howard Taft presiding, reversed the decree of dismissal and entered a decree perpetually enjoining the further operation of conspiracy. On December 4, 1899, the Supreme Court unanimously upheld Judge Taft's decree. This case marked the beginning of a line of decisions lifting the restrictions of the sugar trust opinion of three years earlier; and this decision, coupled

50 H. L. Nichols, "Judson Harmon," *The Ohio Archæological and Historical Quarterly*, XLI (April, 1932), 141.


52 Ibid., p. 384.
with the Trans-Missouri decision, gave promise that the Sherman Act could be made effective in future use. 53

Although Judson Harmon was best known for his efforts in the three previously cited cases, he also was responsible for some lesser accomplishments during his term as United States Attorney General. One area of success was the working relations between Harmon and his district attorneys throughout the land. Whereas Olney had curbed their activities to a great extent and had made abrupt demands for explanation of conduct, Harmon worked to develop a feeling of mutual respect and confidence with his associates. For instance, Harmon and District Attorney Macfarlane displayed an excellent cooperative effort in the Trans-Missouri case. Harmon encouraged the kind of initiative James Bible revealed in the Addyston Pipe case by "... such phrases as 'consider this your authority with no further correspondence,' 'I leave the whole matter to your judgment, with full authority and discretion,' and 'I expect you brilliantly to redeem the pledge I have given on your behalf.'" 54 This feeling of mutual respect and confidence undoubtedly developed a greater spirit of unity and pride among the

53 Cummings and McFarland, Federal Justice, p. 327.
54 Ibid., p. 325.
members of the Justice Department, and as a result the
total accomplishments of the Department improved visibly
during Harmon's administration.

Harmon was responsible for several significant
administrative changes in the handling of business in the
Justice Department. In 1896 the Attorney General displayed
his desire for greater efficiency in business methods by
abolishing the old fee system which was used to pay United
States marshalls and attorneys. These people were put on
salaries so that they would know each month what their in-
come would be; another reason Harmon did this was to elimi-
nate some of the abuses of the system. Harmon said:

... in the districts where abuses of the fee
system have flourished without interruption for a
generation fewer persons are called for their
daily pursuit; private business suffers less inter-
ruptions; the tranquility of families and communi-
ties is less frequently disturbed by groundless
prosecution and the dread of them; the number of
persons who, as informers, professional witnesses,
etc. seek to gain a livelihood by methods which
often cause and always threaten prostitution of
judicial proceedings is largely diminished; and
the general morale of the public service is
raised.55

After this innovation the salary scale, both in the field
and at the seat of government, required only ordinary
adjustment from time to time to be acceptable to all those
involved.

Harmon was Attorney General when a suit was decided concerning the Union Pacific Railroad. The federal government was having a difficult problem trying to collect debts owed it by the stockholders of the Union Pacific Railroad. The Railroad had been organized under California laws which made stockholders liable for their proportion of the debts of the corporations; therefore, in the 1890's, after the death of three of the major stockholders, Leland Stanford, C. P. Huntington, and Charles Crocker, the government began to think about litigation against the stockholders to recover the government money. The sympathies of the courts and many prominent lawyers seemed to be on the side of Mrs. Stanford, the executrix of her husband's estate, because of her husband's efforts in developing the country's first transcontinental railroad. The government's position was complicated more by Stanford's endowing a university in his dead son's name, and it seemed to many that any attempt to collect these debts would have robbed a young educational institution of very needed revenue. Attorney General Olney reluctantly instituted action when the House Judiciary Committee reported that it was not customary to surrender government property into private hands no matter how laudable the purposes to which it would be devoted.56 Harmon succeeded Olney while the case was

pending in the courts; but he was not much more enthusiastic than Olney in prosecuting the case. The government lost the case in the two lower courts, basically due to the interjection of the university issue into the case. The case finally reached the Supreme Court where the court ruled that federal, not California laws, governed in this case. The Supreme Court also ruled that Congress had intended liability for the government loan to be the same liability for the loan to the Union Pacific, which was chartered by Congress, and that "... it was clear that stockholders were not responsible for the payment of the Union Pacific debt and therefore that the Central Pacific stockholders were similarly free from liability."57 Thus ended the money obligations of the Union Pacific and the Central Pacific Railroad to the United States.

Another action taken by Attorney General Harmon was his effort through the Justice Department in preventing illegal filibustering expeditions against the Spanish in Cuba during the revolution there in 1895. During the Cuban revolution the Spanish government was very insistent that the United States government should take the necessary steps needed to stop the flow of arms and other supplies from the United States to the revolutionaries in Cuba. The Spanish were equally concerned about the number of irregular

military expeditions outfitted in the United States which then invaded Cuba to help the revolutionaries. Spanish officials claimed that the United States was violating international law by refusing to take positive action to stop these hostile expeditions. The United States government did arrest certain persons allegedly involved in these expeditions, but they were usually acquitted of the charges. Whether the acquittals were due to a feeling of sympathy for the Cuban revolutionaries or whether there was no actual violation of law is open to debate, but the question of the legality of aid to the Cubans had to be clarified.

In 1895 Attorney General Harmon rendered his official opinion regarding the Cuban insurrection. Harmon said, "... international law takes no account of a mere insurrection confined within the limits of a country, which has not been protracted or successful enough to secure those engaged in it recognition as belligerents by their own government or by foreign governments."

Answering the question about the legality of the sale of arms to the Cubans, Harmon said:


The mere sale or shipment of arms and munitions of war by people in the United States to persons in Cuba is not a violation of international law, however strong a suspicion there may be that they are to be used in an insurrection against the Spanish Government. The right of individuals in the United States to sell such articles and ship them to whoever may choose to buy has always been maintained. Harmon believed that if this were against the Spanish law, then Spain should enforce her laws against smuggling. Concerning the apparent lack of diligence in stopping the hostile expeditions to Cuba, Harmon said that the United States had an obligation of diligence but not one of absolute responsibility to stop persons from undertaking actions from within United States borders. But whether such diligence must operate in the case of a mere insurrection, Harmon was by no means certain. Nevertheless, in spite of Harmon's uncertainty in this area, the Justice Department did take careful efforts to stop these expeditions to Cuba in an attempt to prevent a serious international incident.

Olney, whose place as Attorney General Harmon had taken and who was now Secretary of State, was a forbidding personality whose brusque temperament sought no social intimacies. Harmon of course was present at cabinet meetings when these characteristics of Olney found

---

60 Ibid.
61 Ibid., p. 353.
expression in rather bellicose aggressiveness. The more
moderate Secretary of State, Walter A. Gresham, had hesita-
ted to make an issue of the long standing boundary dispute
between Venezuela and Great Britain; but this was done by
Olney, at Cleveland's prompting, in July, 1895. The
famous communication about to be sent to Great Britain, at
the President's suggestion was read to the cabinet members
then in Washington, Secretaries Carlisle, Herbert, Lamont,
and Harmon. Lord Salisbury, Prime Minister of Great
Britain and also Foreign Minister, waited some months to
reply. When Salisbury did reply in December, he denied the
applicability of the Monroe Doctrine as Olney had claimed
and asserted anew Britain's claim to the disputed terri-
tory. On December 17, 1895, a cabinet meeting was held.
Harmon later recalled that this was the one exception he
could recall to Cleveland's practice of asking the cabinet

---

63 See discussion in Samuel F. Bemis, A Diplomatic
Thomas A. Bailey says Olney was "... an aggressive rail-
road attorney, and this experience had not been the best
training for conducting delicate diplomatic correspondence,"
A Diplomatic History of the American People (New York,
1964), p. 440. See also Montgomery Schuyler, "Richard
Olney" in Samuel Bemis (ed.), The American Secretaries of

64 Letter from Harmon to Henry James cited in James,
Richard Olney and His Public Service (Boston, 1923), III note.

65 Foreign Relations of the United States, 1895,
pp. 563-576.
their views before acting. Cleveland merely stated what he was about to say in his message to Congress later that day. Harmon indicated, however, that consultation was hardly necessary, for the President already knew the views of the cabinet members. The message asserted that it was now incumbent upon the United States to fix the boundary and asked Congress to provide for the expenses of a commission which he would appoint, looking to that end. An international crisis developed, but the dispute was later settled peacefully,

Harmon's term as United States Attorney General expired March 4, 1897, when the new administration under President William McKinley assumed office. President Cleveland and Attorney General Harmon had worked together in harmony, and each had developed a feeling of mutual respect and loyalty for the other. It is true that Harmon had to be prodded at times to institute litigation against alleged violators of the antitrust laws, but once he did move he prepared the cases so thoroughly that conviction was almost a certainty. Undoubtedly, the greatest achievement of Harmon's short term as Attorney General was in the area of antitrust prosecutions. There were innumerable obstacles

66James, Richard Olney, p. 119 note.
in the path to successful antitrust prosecutions, but as Allan Nevins remarked, "... the Cleveland Administration left office in 1897 with a far better record against monopolies than had seemed possible when Judson Harmon assumed his duties in June, 1895." 67

67 Nevins, Grover Cleveland, p. 724.
CHAPTER III

RETURN TO PUBLIC LIFE

After the McKinley administration was inaugurated in March, 1897, Judson Harmon returned to Cincinnati to resume his law practice. Even though Harmon left the prestigious position of United States Attorney General, he was not destined to disappear completely from national attention in the years preceding his election as Governor of Ohio in 1908. Harmon's great abilities were exerted in a political power struggle in Cincinnati with the George B. Cox machine; he became embroiled in a political controversy with William Jennings Bryan; he gained national recognition when he accused President Theodore Roosevelt of shielding an acknowledged rebater in his presidential cabinet;¹ and Harmon became well known as a receiver in reorganizing three railroads and nursing them back to health.

"Jud" Harmon, as most of his close friends referred

¹A rebater was a railroad official who gave secret, unofficial reductions below the published rates to large shippers in order to gain their business.
to him, resumed his law practice in full in 1897 although he had never completely lost touch with it during his term as Attorney General. In the latter part of the nineteenth century Cincinnati was a thriving center for lawyers due to the abundance of litigation which had accompanied the steady commercial progress and development of the city. Huge legal fees were available for those who had the ability, the respect, and the confidence of the people to do outstanding work in this area; and probably the most renowned firm was Harmon's law partnership. The partnership proved to be a very rewarding financial venture, but pecuniary gain was not the only object in which Harmon had an active interest. More as a public service and a feeling of loyalty than for any other reason Harmon taught on the staff of the University of Cincinnati Law School, a position which he was to hold intermittently for over thirty years. The former Attorney General accepted the position to teach constitutional law, a position for which he was eminently well qualified, partially because his close friend William Howard Taft was Dean of the Law School. Harmon always cherished the time he gave in training prospective lawyers in his chosen profession, and

---


he always believed that this teaching experience was one of the most rewarding efforts of his life. Although Judge Harmon was relatively inactive politically, at least in regard to holding a public office, after his retirement from the Justice Department, he never lost contact or interest in the political arena. Locally Harmon became interested, although not as active or interested as his critics believed he should have been, in attempting to overthrow the George B. Cox political machine which seemed to dominate Cincinnati at the turn of the century. For nearly a quarter of a century "... Cincinnati, the home of the President of the United States, the commercial center for a territory greater than many empires, the 'Queen City of the West,' has been in the hands of the most highly developed type of political boss the American system of government has produced."\(^4\) The position of strength that Cox and his chief lieutenant, Lewis Bernard, developed came from their control of the judiciary and the prosecuting

attorneys; and it was in this area of control that a group of interested, decent citizens of Cincinnati concentrated their attack in an effort to break the Cox machine.

In 1903 a committee of twenty-six men organized a nonpartisan political ticket headed by Melville E. Ingalls, the President of the Big Four Railroad, called the Citizen's Municipal Party. The Citizen's Municipal Party was not as successful as it might have been due to factions which developed in the organization between the conservative and radical wings. Herbert S. Bigelow and Daniel Kiefer led the Vine Street radicals but they "... lacked the stuff that makes great leaders." The Vine Street Radicals were so closely tied with the political ideas of the single-tax, municipal ownership of public utilities, and the radical innovation of the initiative and referendum that they could not gain the necessary support of the conservative element within the Democratic party. Judson Harmon, Ingalls, Judge Hiram Peck, a corporation lawyer, and his son John Weld Peck, a street railway attorney, were the leaders of the conservative element; and they regarded the Vine Street Radicals

as a "lunatic fringe" within the Democratic party. It appeared that the only thing these two groups had in common was a mutual opposition to George Cox and a desire to see Cox's hold in Cincinnati politics broken. Holding the balance of power were the professional Cincinnati politicians Tom Noctor and Henry Heilker who seemed to be interested in patronage, not principle. They most often gave their support to whatever group appeared to have the strength to win.

Harmon delivered the keynote address before the Cincinnati Democratic city convention in 1905. In the speech Harmon emphasized the needs for a thorough-going reform movement in the city; and he earnestly implored all of the decent, democratic minded citizens of Cincinnati to support the reform minded Citizen's Municipal candidates in their attempt to oust the Cox machine from office. Through a valiant effort of "stumping," advertising, and meeting personally with the people the reform group was successful in overthrowing Cox by a seven thousand vote majority in the election. Even though he did announce his retirement from active political life after the election, Cox's hold on Cincinnati was not completely shattered because some of his

---

political friends still held some nonelective positions. This group of Cox holdovers could have been eliminated had not the reform element lost its cohesiveness after the election with each group going its own way. George Cox, however, did not remain in political retirement long because in 1907 he was back in the saddle again after his machine's victory in that election.

One Harmon critic said of the Judge's role in Cincinnati civic reform that at that time he was at the height of his power and had he really been interested in reform he could have become another Tom L. Johnson or "Golden Rule" Jones in Cincinnati, but it seemed that Harmon was more interested in his law practice and his receivership of various railroads than in actual civic reform.7 This criticism is too severe because Harmon did play a very prominent role in the election of 1905, the election which led to Cox's temporary downfall. Daniel Kiefer claimed some years later that Harmon was the person responsible for persuading Edward Dempsey to run for mayor in 1905 and that Harmon was the principal architect of Dempsey's winning campaign.8 Perhaps Harmon sensed that Cincinnati ethnically, socially, and economically was so


8 Ibid.
lacking in homogeneity as to invite chaos. A recent historian asserts that Cox and his allies "... were able to bring positive government to Cincinnati and to mitigate the chaos which accompanied the emergence of the new city." It is true that Harmon did not continue active political leadership in Cincinnati after the election of 1905. This, however, does not mean to say that he lost interest in the reform movement; but Harmon just did not have a great desire to seek political office. Even in 1908 his friends had to use tremendous persuasion before he would accept the Democratic nomination for the governorship of Ohio.

In the arena of national politics Harmon became embroiled in a controversy with William Jennings Bryan, the Democratic standard bearer in 1896. This controversy with Bryan over the failure of the Grover Cleveland administration to support Bryan's candidacy in 1896 would have serious repercussions in Harmon's future political life. Bryan's bitterness over this situation and his refusal to support Harmon when Harmon needed "the commoner's" support were

---

9Zane L. Miller, Boss Cox's Cincinnati: Urban Politics in the Progressive Era, (New York, 1968), p. 239. The author adds: "But the machine was a mediator, feeding on the discord it sought to dispel. Its development and the feeling of social and political security it fostered eased the sense of crisis which made it so attractive. Continued success left it increasingly vulnerable."
important reasons for Harmon's failure to secure the presidential nomination in 1912. Since this incident was to be of such momentous importance in Harmon's later years, some rather significant questions should be examined at this point. What caused this split between Cleveland and Bryan in 1896? Was it a difference in political philosophy, a personal antagonism, or a power struggle to see who would control the party? And lastly, what was Harmon's role in this great controversy?

One of William Jennings Bryan's most appealing political issues was his stand favoring the free and unlimited coinage of both silver and gold at a ratio of sixteen to one. In the 1890's this issue was particularly pleasing to the debtor group of people while at the same time it was most appalling to creditors. The Democratic party was as greatly divided on the issue of free silver as the people of the United States seemed to be. Those who supported Bryan's stand were the Silverites while those sound-money men within the Democratic party who opposed Bryan were called the Gold Democrats. President Grover Cleveland and most of his administration fell into the latter category. In 1893 President Cleveland was responsible for the repeal of the inflationary Sherman Silver Purchase Act of 1890 because he thought the act was principally responsible for
the 1893 depression. Cleveland was extremely unhappy with Bryan's radical free silver speeches as well as with Bryan's attempt to gain control of the party machinery; therefore, the President sent word, which Bryan later found out about, to Nebraska that Bryan was not to be returned to Washington in the next election.

Judson Harmon's stand on the currency question was unequivocal; he was in complete agreement with sound money ideas and unalterably opposed to the free-silver movement. In an interview in 1895 Harmon said concerning the free silver issue:

I have a negative belief, rather than a positive one. I want the American dollar to be just as good as anybody else's dollar, and with that qualification I do not care what is made of it. But in the present situation it seems to me mere folly to talk about the free coinage of silver . . . . If there was free and unlimited coinage of silver the Government could not keep the two metals on a parity very long, and the result would be, by the very law of money that had been settled from the time that man has had money, the gold would all disappear and there would be only a silver basis.11

Many members of Cleveland's staff were afraid that the free

10 Paul W. Glad, The Trumpet Soundeth (Lincoln, Nebraska, 1960), p. 141. The Sherman Act required the government to buy 4.5 million ounces of silver monthly and the government paid for the silver in certificates which could be redeemed in either gold or silver. Since gold was more valuable than silver on the open market the certificates were redeemed for gold and this caused a gold drain which contributed to the panic.

11 New York Daily Tribune, June 12, 1895.
silverites might gain control of the Democratic National Convention in 1896 and thereby destroy many of the policies for which Cleveland stood. William Wilson recounted in his diary how a very despondent Judson Harmon had driven to see him one day to talk about the consequences of the position that the administration had taken on the Silver issue. Wilson wrote that Harmon expressed the fear that the Democratic party might very possibly turn its back to the Cleveland followers in 1896 because of their stand in support of gold rather than silver. Harmon was very loyal to Cleveland, and he did not want to see the President rebuked by the party which he had so faithfully served. Wilson expressed the same fear when he told Harmon that the Cleveland administration "... has been the bulwark of the people against financial error and disorder, and it has been a patriotic, clean, able administration. But it looks as if its own party would abandon it, and even turn violently against it." How prophetic these words would be!

A more serious cause for the bitterness between the Cleveland administration and William Jennings Bryan was

---

12Summers (ed.), Cabinet Diary, p. 83. The standard history of American labor is J. R. Commons et al., History of Labour in the United States (New York, 1926-1935). For detailed information of the Pullman strike see Almont Lindsey, The Pullman Strike (Chicago, 1942).
Bryan's vitriolic attacks on President Cleveland when the President sent troops, over Governor John P. Altgeld's strident protests, into Chicago in 1894 during the Pullman strike. Bryan was equally as vehement in assailing Attorney General Olney's suggestion that government lawyers should obtain from a federal court an injunction restraining the strikers from interfering with the interstate transportation of the mails. The strikers ignored the injunction and were arrested; eventually with the leaders removed from the scene this action broke the strike. Bryan's attacks were considered an attack on the entire administration, and Cleveland's cabinet members rose to defend their actions, especially when the 1896 Democratic platform assailed those actions.

Although Harmon was not a member of the cabinet when the Pullman strike decision was made, he believed it was his duty as Attorney General to defend President Cleveland in an open letter to the public explaining the legal and constitutional grounds involved in the dispute. Harmon attempted to be as judicious as possible in his remarks concerning Bryan's assaults, but a subtle, biting sarcasm was easily apparent when he said concerning Bryan's protests:

... They were intended and are understood to be directed against the recent action of the President in forcibly *sie* suppressing riotous
disturbances which had stopped the carriage of
the mails . . . . It must be Mr. Bryan amid the
many demands of his time and attention had fal-
len into an inadvertence. I cannot believe that
he really thinks the President has no power under
the Constitution and laws to maintain the Govern-
ment intrusted to his charge . . . . Certainly
his letter is generally misunderstood, unless it
means either that Mr. Bryan thinks the President
has no power, or that he would himself not use
it if he were elected.13

Bryan was beside himself with rage when Harmon's letter
was printed in the nation's newspapers. Bryan considered
the letter to be a campaign document which would certainly
be used to his disadvantage; and although Bryan dropped
the Pullman strike subject after the letter was published,
he never forgave Harmon for writing it. As for Harmon's
reaction to Bryan's rage over the letter the Attorney
General responded, "This, however, was not, properly
speaking, a campaign document, but merely a semi-official
utterance on a legal subject."14 Harmon would have good
reason later to question the wisdom of releasing this open
letter; however, it is very doubtful, had he known the
future consequences, that he would have acted any different-
ly especially when he believed that he had an obligation to
defend a close friend who he believed had been unjustly
wronged.

14 Harmon to Gruenther, March 4, 1912, Cincinnati
Historical Society.
With Bryan's nomination in 1896 the Cleveland Democrats had a rather unenviable situation facing them. They were faced with the disagreeable alternatives of returning to the party and supporting the Nebraskan or of maintaining their independence and voting for either McKinley or a third candidate.\textsuperscript{15} Cleveland and his intimates decided to remain silent, and no amount of persuasion could force Cleveland to take the campaign trail in Bryan's behalf. President Cleveland did not like Bryan in 1896, and his degree of distaste for "the Commoner" increased as the years progressed. Several years later Cleveland made the following very critical remarks about Bryan:

\begin{quote}
He is not satisfied with the constitutional method of appointing our federal judges; our monetary laws are wrong; the gold standard is to be exterminated; men who were Democrats before he was born are now "traitors" because they will not condone populism and socialism. All in all considering Bryan's solemn avowals of his fixed purpose to demolish and destroy whatever does not satisfy him--and I know of nothing that does from the constitution down--his vain assumptions, his appeals to passion and to prejudice, his arrogance in his new self--constituted role of leader of Democracy, his nostrums, his quacks and his demagogism, I regard him as quite as dangerous an enemy to our country as was Aaron Burr.\textsuperscript{16}
\end{quote}

Harmon was also in a quandary when it came to voting in 1896. He took no active role in support of the Gold

\begin{flushright}
\textsuperscript{15}\textit{Glad, The Trumpet Sounceth}, p. 146. \\
\textsuperscript{16}\textit{Ohio State Journal}, October 27, 1908.
\end{flushright}
Democratic ticket of John M. Palmer and S. B. Buckner, but he did vote for them. Harmon explained his actions thusly: "When it came to voting, I would not vote for McKinley, and could not vote for Bryan, since he was assailing the personal integrity of members of the administration of which I was a member, so I did vote for Palmer and Buckner as the only way open to me."\textsuperscript{17}\ Harmon did not actively work against Bryan in 1896, but it was fairly obvious that he was not too unhappy when McKinley was elected president. Many of Harmon's enemies within the Democratic party never let Harmon forget this action in 1896; and some of the so-called liberals, like Cincinnatian Peter Witt, said that they could never forgive Harmon for leading cheers over Bryan's defeat at an election night party in the office of Charles P. Taft's \textit{Times-Star} in Cincinnati.\textsuperscript{18} There is little doubt that the antagonism of the Cleveland Democrats helped to bring about Bryan's defeat in 1896, but by 1900 all but the most irreconcilable were back in the party fold supporting Bryan's second candidacy.

By 1900 Harmon had apparently reconciled his

\textsuperscript{17}\textit{Harmon to Gruenther, March 4, 1912, Cincinnati Historical Society.}

\textsuperscript{18}\textit{Carl Wittke, "Peter Witt, Tribune of the People," Ohio State Archaeological and Historical Quarterly, LVIII (Columbus, 1949), 366.}
differences with the Bryan forces and rejoined the ranks of the Democratic party in support of Bryan's bid for the presidency. This reconciliation with the Bryan forces proved to be somewhat superficial as the results of the 1901 Democratic State Convention later proved. Two hostile camps developed among the Ohio Democrats in that convention. Tom L. Johnson of Cleveland was the leader of the liberal element while Harmon appeared to be one of the leaders of the conservative group. The conservative forces seemed to be determined to prevent the endorsement of William Jennings Bryan and his Kansas City platform of 1900 because of the abundance of (at least to the conservatives) radical proposals included in it.¹⁹ A compromise was finally reached in the resolutions committee in an effort to prevent complete disunity within the party whereby the conservatives drafted statements on national issues and the Johnson radicals incorporated their favorite state planks. Probably part of the reason for Harmon's opposition to the Kansas City platform was his lingering animosity toward Bryan, but a more likely basis for his resistance was his belief that he could not sincerely reconcile his conservative philosophies with the more radical planks of the platform.²⁰ By

¹⁹Warner, Progressivism in Ohio, p. 94.

²⁰Harmon opposed such planks as statewide referendum and initiative, the support of free silver, and certain proposed tax changes.
1908 Harmon was actively supporting Bryan's third candidacy for president although his support of Bryan was probably due to his need for all the Democratic votes he could gain if he hoped to be elected Governor of Ohio in that year.

The event which propelled Judson Harmon into the national spotlight more than any other between 1897 and 1908 was a well publicized disagreement with President Theodore Roosevelt over the Santa Fe Railroad rebate case in which Roosevelt's Secretary of Navy, Paul Morton, was the principal suspect. In December, 1904, the Interstate Commerce Commission charged the Atcheson, Topeka and Santa Fe Railroad with violation of federal statutes prohibiting rebating, the returning of a certain percentage of freight rates to the shipper. The I.C.C. asked the federal courts for an injunction restraining the Santa Fe Railroad from rebating with the Colorado Fuel and Iron Company. In February, 1905, the I.C.C. asked United States Attorney General William F. Moody to discover whether there was a basis for prosecution of the Santa Fe officials for violation of the injunction which prohibited further rebating between the two companies.

Attorney General Moody, in an effort to avoid possible partisan political accusations, requested the aid of two well respected attorneys, Judson Harmon, a Democrat, and Frederick N. Judson, a St. Louis Republican, as special
counsel to examine carefully the report of the I.C.C. in the
matter of unlawful rates and practices in the transporta-
tion of coal and mine supplies by the Santa Fe—and to
"... recommend what character of proceedings the evidence
justifies, and against whom the same should be taken to
secure vindication of the law."21 Harmon and Judson who
were appointed by President Roosevelt dug into the case and
the following is a summary of their report to Attorney
General Moody. They discovered that the Santa Fe Railroad
was on the verge of economic collapse in 1889 and that it
was not until 1896 that the company began to revive under
the reorganization of John Pierpont Morgan. Under Morgan's
management E.P. Ripley became president of the company and
Paul W. Morton, who from 1890 to December 24, 1895, had been
vice-president and traffic manager of the Colorado Fuel and
Iron Company, became second vice-president and traffic
manager of the Santa Fe Company.22 The bankrupt Santa Fe
needed business, and the Colorado Fuel and Iron Company had
that traffic to offer for a consideration since it was one
of the largest shippers in Colorado. The two companies
entered into an agreement, which must have been made easier

21"The President, Mr. Morton and the Railroads," The Arena, XXXIV (August, 1905), 190.

22Roland Thomas, "The Railroads and the Square Deal," The World's Work, X (September, 1905), 6623.
due to Morton's intimate relations with both parties involved. It "... provided for a merely nominal rental, with a royalty on the tonnage of coal actually mined, so that the income of the Santa Fe from these mines thereafter depended solely on the amount of coal the Fuel and Iron Company chose to take out."²³

Harmon and Judson also revealed that the railroad had continued the practice of rebating in favor of the Colorado Fuel Company even after the injunction had been issued prohibiting this practice. The two lawyers pointed out that the secret arrangement between the two companies involved the carriage of hundreds of cars per month and that the concessions from the established rates must have amounted to about a million dollars for the two and one-half years during which they were granted. Harmon and Judson said that it was incredible that this scheme was devised and carried out by any authority but that of the chief officers of the railroad company who were in control of its traffic department and, furthermore, that it was the duty of each and all of the officers to see that the injunction was obeyed.²⁴ The two attorneys recommended that the Justice Department petition the courts to rule against the officers

²³Ibid., 6624.
²⁴The Arena, XXXIV, 190.
to show cause why they should not be punished for contempt of the injunction. Harmon and Judson did not recommend action against Morton alone or any individual officer of the railroad, but against all of them alike.

The appointment of Harmon and Judson as special counsel had been accepted with general acclaim because they were both recognized as men of eminent legal ability and a reputation for integrity that would give weight to their findings all over the country. It was assumed from the character of their instructions and wide discretion allowed them that whatever recommendations they made would be put into effect by the Department of Justice, but this was not to be the case. The following was the main cause for general concern as The Arena saw it:

When the news leaked out that the two special counsel had reached certain conclusions, which were not shared in by the attorney general, the assumption became prevalent that the point of disagreement was whether or not proceedings should be brought against Mr. Morton, at that time Secretary of the Navy . . . . It was known that the hitch concerned Paul Morton and much curiosity was felt to see how the administration would devise a plan for the further proceedings which would give assurance to the critical public that a "square deal" was as much in favor when it struck at friends as when it proved to their advantage. 25

25 Ibid.
Attorney General Moody, after reviewing all of the evidence, came to the conclusion that Harmon and Judson had not submitted enough evidence to prove Morton's guilt; and he rendered the official opinion that Morton was not guilty as charged although he did state that action would be taken against the company. President Roosevelt agreed completely with Moody's action. In a letter to Moody, Roosevelt said:

In my opinion you would be wholly without justification in proceeding individually against the officers of the Atchison, Topeka and Santa Fe Railways for contempt when neither the Interstate Commerce Commission nor the special counsel you have employed have developed a single fact of any kind beyond the holding of their offices tending to implicate any one of these officers . . . . If it were not for Mr. Morton's being in my cabinet, neither you nor I would dream of following such a course in this instance.26

Harmon and Judson immediately resigned in disgust as special counsel to Attorney General Moody on the ground that the Government was attempting to shield Secretary of Navy Morton. In his letter of resignation, June 5, 1905, Harmon made a statement for which he would become well known later when he commented on the responsibility of guilt in this type of situation by saying:

What we have said is peculiarly true of the great corporations of our day. They can not be imprisoned, and punishment by fine is not only inadequate but reaches the real culprits.

only lightly if at all. The evils with which we are now confronted are corporate in name but individual in fact. Guilt is always personal. So long as officials can hide behind their corporations no remedy can be effective. When the government searches out the guilty men and makes corporate wrong-doing mean personal punishment and dishonor the laws will be obeyed.²⁷

The case involving charges against the Santa Fe Railroad was carried into the United States Circuit Court for the Western District of Missouri; Judge John L. Phillips, a Democrat, presided. Regarding the question of Morton's personal guilt, Judge Phillips ruled that in this case "... the pleadings and exhibits of evidence taken before the Interstate Commerce Commission, fails to furnish any foundation for imputing ... any personal responsibility for the alleged violation of the Interstate Commerce Law."²⁸

This decision was considered a very curious one indeed, especially since Morton had testified before the I.C.C. on December 19, 1901, that he knew rebating was illegal when he engaged in the practice.

Paul Morton had apparently been vindicated of any personal guilt by the courts, but the decision of a single judge did not mean that Morton was innocent in the eyes of many people. The political issue in the case reared its head with Roosevelt supporters claiming that the special


²⁸The Outlook, XCVI (October 8, 1910), 295.
investigation report had been devised to embarrass the administration. At the same time Roosevelt critics claimed that the President was shielding a cabinet member who was a violator of the law. The Democratic newspapers were highly critical of Roosevelt for keeping Morton in the cabinet in spite of his involvement in the case. The critics also wondered why Roosevelt had appointed Morton to the cabinet in the first place. Morton had told Roosevelt before accepting the office that he, like everyone else, had been guilty of rebating in the Santa Fe affair but that when the injunction was issued specifically forbidding any further rebates, he ordered the practice stopped.\footnote{Morison (ed.), \textit{The Letters of Theodore Roosevelt}, IV, 1180.} In a letter to Henry Cabot Lodge, Roosevelt said:

"I am convinced that he [Morton] knew nothing of it [the continued rebating], and therefore will not allow him to be prosecuted in accordance with the general demand . . . . Morton is an awfully good fellow and the whole attack upon him is in reality due to his having yielded to my wishes and come into the cabinet . . . ."\footnote{\textit{Ibid.}, 1192.}

The Outlook, Roosevelt's personal editorial periodical, defended the President's actions; "Judge Phillip's opinion in this case must be accepted as conclusive that there was no evidence to connect Mr. Morton with the acts complained of, for his opinion has never been questioned in
any higher court.\footnote{31}

Roosevelt's opponents were not as kind in their remarks concerning his actions in the Paul Morton case. One writer revealed that Roosevelt directed the Attorney General to act against the corporation alone and not the individual officers of the Santa Fe Railroad. He wrote:

\ldots a subordinate in the department of Justice was sent to meet the formidable array of counsel which such a company always put forward. Not a particle of evidence was taken, yet the judge went out of his way to whitewash Paul Morton \ldots. As soon as he dealt out justice after this fashion the judge went off to Florida in the private car of the attorney of the railroad company.\footnote{32}

Another writer was equally as critical of the Morton affair, although he realized that much of the attack on Roosevelt and Morton was of a political nature rather than of a high-minded devotion to abstract morality, when he wrote:

\ldots to claim that he \textit{Morton} did not know what his road was doing is to make him out a very inefficient traffic man, whereas he has been an unusually successful one \ldots. In the freight department that authority centers wholly in the vice-president in charge of traffic. To say that Mr. Morton is a bad man because of the unlawful transactions of his department is absurd; but to hold him up as an innocent sort of person who for years was duped by his perverted subordinates is even more unkind. That his transactions as a railroad man \ldots have been brought

\footnote{31}The Outlook, XXXIV, 295.

\footnote{32}James K. Mercer, Ohio Legislative History, 1909-1913 (Columbus, 1913), p. 124.
into contrast with his activity as a member of an Administration that is trying to abolish such transactions is a bit of irony most unfortunate for him.33

A belief as to whether Morton was guilty of wilful violation of the court injunction in this case depended on whether a person was a friend or foe of Roosevelt, but it would appear that the latter group had more evidence to support their view. The result of the whole affair was that Judson Harmon was once again before the nation's eyes in 1905 as a man of unquestioned integrity who would proceed to secure the truth when the truth was needed no matter who suffered. Furthermore, Theodore Roosevelt would not soon forget the role Harmon played in placing the President in a rather embarrassing political situation, and Roosevelt tried to repay the debt during Harmon's second campaign for Governor of Ohio in 1910.

Another of Judson Harmon's activities which brought him some degree of national recognition after he retired as Attorney General was his service as a receiver for several railroad companies which were moving rapidly on their way to bankruptcy. Harmon's first appointment as a railroad receiver came in 1898 when Federal Judge Howard C. Hollister appointed Harmon and an associate, Rufus B. Smith, dual

receivers for the Baltimore and Ohio Southwestern Railroad. The period of receivership in which Smith and Harmon were responsible for the entire management of the railroad operation lasted for approximately one year. At the end of that one year receivership the properties of the railroad were restored to the stockholders without a loss of money sustained by either them, the creditors, or the employees. Harmon and Smith were praised for their businesslike management of the railroad operations, and it would seem likely that it was during this first receivership that Harmon learned the efficient, highly capable manner of economy for which he would become especially famous as Governor of Ohio.

In December, 1905, Judge Horace H. Lurton of the United States Court at Cincinnati appointed Judson Harmon to serve as the receiver for the nearly bankrupt Cincinnati, Hamilton, and Dayton Railroad, the Pere Marquette Railroad, and the Toledo Terminal Railroad. These railroads comprised twenty-five hundred miles of railroad track in four states and Canada. The Canadian courts bestowed a singular honor on Harmon by naming him receiver for the Pere

---


35 A Story of Progress in Ohio During Governor Judson Harmon's Administration (Columbus, 1912), p. 2
Marquette Railroad branches in Canada. This was the first time that a United States citizen was so honored by the Canadian courts.36

Harmon found the railroads in a wretched condition when he assumed control of them. The C.H. and D. Railroad had been mismanaged and thrown into the courts; and there was discontent all along the line. The employers were dissatisfied, the stockholders had been defrauded, the bonds had been defaulted, and the rolling stock of the railroad had disintegrated. James M. Cox summarized the condition of the C.H. and D. when he said, "It was the traditional 'streak of rust' that the receivers took hold of, instead of a railroad."37 The first step Harmon took in restoring the railroad to normal practice was to borrow eight-hundred thousand dollars to meet the overdue payroll. Harmon knew that the railroad could not be expected to run efficiently if the employees were disgruntled and unwilling to work to rebuild the railroad, and from that moment on he built up the system on a paying basis.38 Harmon trimmed expenses where it was needed, eliminated useless positions, and demanded a more efficient time schedule. Yet, while he

36Mercer, Ohio Legislative History, 125.
37Cox, The Independent, LXXI, 958.
38Inglis, Harper's Weekly, LI, 979.
was operating the management of the railroad like a dictator, he was able to develop a feeling of mutual respect and sincere friendship with the people associated with the railroads.

One good example of the special interest that Harmon had for the workingmen of the Pere Marquette was a development which resulted from a terrible train wreck. The Pere Marquette management had a custom of inviting its employees and their families on an annual summer excursion and picnic. On July 20, 1907, the train on which the excursion was riding collided with a freight train near Salem, Michigan, and a number of persons were killed or injured. An investigation revealed that the accident occurred due to the negligence of one of the men in charge of the trains. In those days there was no legal way by which the employees of the Pere Marquette could collect damages from the railroad which was at fault for the accident. The Supreme Court had just recently declared an employer's liability law unconstitutional, and it appeared as if the survivors of the wreck would have to suffer the loss, both physically and financially, without any compensation from the railroad. Then Judson Harmon stepped into the picture and "although as receiver he was serving as an officer of the court, Mr. Harmon did not permit official red tape nor legal technicalities to interfere with the prompt discharge of a
humane duty to the victims of the wreck." Harmon authorized payment from company funds of the hospital bills of the injured and compensation to the bereaved families of those who had been killed.

Many people realized that Judson Harmon had no obligation to do as he did in this disaster; and in recognition of what he did the Locomotive Fireman and Engineer's Magazine in a February, 1908, editorial had this to say:

The action of the Supreme Court of the United States in declaring the employer's liability law unconstitutional, suggests the idea that if all transportation employers cared as little to take advantage of the old "fellow servant doctrine" as does Hon. Judson Harmon receiver for the Cincinnati, Hamilton and Dayton Railroad, there would be no chance for such action, as there would be no occasion for testing that law.

The excursion was given by the management pursuant to a custom of the road to treat its employees and their families to an annual outing. The horrors of the awful disaster were intensified by the fact that a large percentage of the injured and killed were women and children—families of faithful employees, making a pleasure trip to which they had looked forward in happy anticipation.

Receiver Harmon at once, with full concurrence of his officials, ordered that no attempt be made to take advantage of the fact that the injured persons were invited guests, or on account of their relationship as fellow servants of the employees who were to blame for the collision or on any other grounds, but that fair settlements should be made with the persons injured and the

---

39Mercer, Ohio Legislative History, p. 127.
survivors of those killed, without regard to whether a legal defense could be made or not, and that course was pursued, with the result that settlements satisfactory to all parties were made in nearly all instances.\footnote{Ibid., p. 128.}

His friends on the railroads did not forget this example of Harmon's humanity. Harmon apparently enjoyed his work, and work it was because the receivership demanded a great amount of his time. He said, "I'd rather run a railroad than be a lawyer. You're not bothered by precedents, and original work counts for more."\footnote{Inglis, Harper's Weekly, LI, 979.} Even though the position of receiver was a very demanding one Harmon was rewarded amply with an annual salary of about twenty-five thousand dollars.

The position as receiver of the C.H. and D. was going to cause Harmon serious problems later in his political career. These problems centered around the ownership of the C.H. and D. and who was paying Harmon's salary. In 1905, before Harmon was appointed receiver, Frederick D. Underwood, the President of the Erie Railroad, became very interested in purchasing the C.H. and D. He thought that the railroad would prove to be a great convenience in the operation of the Erie. In pursuance of this desire Underwood had a preliminary investigation made of the financial
soundness of the C.H. and D. The subsequent report which Underwood received somehow inaccurately reflected, whether out of design or not is not known, that the C.H. and D. was operating at a profit. Underwood then mentioned to his friend, J. P. Morgan, that the Erie Railroad was interested in purchasing the C.H. and D. Morgan was never known to have denied an opportunity to make a dollar on a business deal so he agreed to purchase the C.H. and D. from a syndicate headed by his friend Harry Hollins, and in turn Morgan would resell the railroad to Underwood. Evidently Underwood believed that he could obtain a better deal from J. P. Morgan, even after Morgan had taken his share as the middleman, then he could have from the Hollins' syndicate. Morgan agreed to purchase 74,059 shares of the C.H. and D. for one-hundred and sixty dollars a share.\textsuperscript{42} This purchase carried with it not only the C.H. and D. but also the Pere Marquette, the Chicago, Cincinnati, and St. Louis Railroad, and the Toledo Railway and Terminal companies.

After the Erie Railroad purchased the lines from Morgan, Underwood made a more thorough and exhaustive investigation of the financial condition of the C.H. and D., and this subsequent investigation proved that the original information he had received was entirely false. Underwood

discovered that the C.H. and D. had a huge amount of outstanding obligations and that the railroad was not earning its fixed charges. Underwood believed that he had been defrauded and that the Erie was going to be saddled with a huge loss on the deal. J. P. Morgan then decided that in fairness to all of those involved that he would repurchase the railroad from the Erie for eight million dollars, thus clearing a profit of several million dollars if the C.H. and D. could become profitable once again, and Underwood agreed. The main point of interest in this story is that now Judson Harmon became an employee of John Pierpont Morgan, a fact which Harmon's political enemies never permitted the voting public to forget.

The Pere Marquette receivership was closed in two years; and in August, 1909, Judson Harmon finished four years of service as receiver of the C.H. and D. Though his receivership included the panic of 1907, the railroad made a good showing in earnings and in physical betterment under his direction. Over nine million dollars passed through his hands, he was responsible for the welfare of over eight thousand employees, and yet he restored the railroad and transferred the railroad to its owners without a loss of a dollar by creditor, stockholder, or employee. "This is a

43 Ibid., p. 424.
44 Ohio State Journal, August 19, 1909.
record unparalleled in the history of railroad receiverships. Instead of being a wrecker, he made a record," said the somewhat biased James Mercer in 1913. 45 Four years of responsibility for the railroad must have taken its toll on Harmon for when he resigned his receivership he said, "I hate to part with the boys who have been helping me run the C.H. and D. for the last four years, but I am glad to be relieved of the responsibility." 46

Political enemies attempted to embarrass Harmon during and after the gubernatorial election of 1908 by leveling criticism at Harmon for being a receiver and a candidate for governor at the same time. Then the critics really became vociferous when Governor Harmon kept the receivership and the salary which accompanied it for eight months after he was elected Governor of Ohio. The political criticism leveled by Harmon's opponents backfired when it was proven that the courts would not release Harmon from the receivership until August of 1909. Harmon had forwarded his resignation of the receivership before his inauguration even though there was still some railroad business pending for which he was responsible. Judge Lurton refused to release Harmon "... on the ground that he could discharge the

45Mercer, Ohio Legislative History, p. 125.
46Ohio State Journal, August 19, 1909.
few remaining duties without conflicting with his duties as Governor.\textsuperscript{47} Evidently the court did not wish to complicate the negotiations for settlement and transfer to the original owners by appointing a new receiver. In a letter to Myron Herrick in 1909, Harmon explained that he resigned not for constitutional reasons but because he did not want to give anybody occasion to say that he was not giving his duties the attention they required. He continued that he remained on for a short while after he became governor in order to finish some ordinary routine matters and that he did not want a co-receivership appointed which would have complicated matters.\textsuperscript{48}

Quite obviously Judson Harmon had done an excellent job as receiver for the various railroads, but his employment by J. P. Morgan was going to hurt Harmon’s political career. Harmon’s employment by Morgan bolstered the critics’ charges that he was allied with the Morgan interest and that he could never be a candidate of the people, but would always be a tool of the interests.\textsuperscript{49} However, at the same time there were many voters who appreciated Harmon’s

\textsuperscript{47}Mercer, Ohio Legislative History, p. 126.

\textsuperscript{48}Harmon to Herrick, April 12, 1909, Harmon Papers, Ohio Historical Society.

\textsuperscript{49}This was to be a charge that William Jennings Bryan used over and over again, with some degree of success, from 1908 to 1912 in blocking Harmon’s presidential hopes.
skillful management and rigid application of the business methods which he applied in liquidating the railroads' indebtedness; and they hoped that he might apply these same methods to the public affairs of Ohio and the nation.
CHAPTER IV

THE 1908 ELECTION

In the Ohio elections of 1908 a rather unusual outcome developed. William Howard Taft, the Republican presidential candidate, carried his home state by a plurality of seventy-thousand votes, while the Democrats elected their candidate for Governor of Ohio, Judson Harmon, by a majority of about twenty-thousand votes. The remainder of the Republican slate was elected with the exception of the State Treasurer, and the Republicans also retained control of the State Legislature. Harmon's election in 1908 was the first significant break in seventeen years of Republican control in Ohio, and his election marked the beginning of real opposition to the Republican gubernatorial domination in Ohio which began before the Civil War, with an exception of eight and one-half years, and had continued through the Hanna-Foraker era.¹ Harmon's victory was significant, also, because he and the Democrats had to overcome a well-

¹Harlow Lindley (ed.), Ohio in the Twentieth Century, 1900-1938 (Columbus, 1941-1944), p. 9.

President Roosevelt had hand picked his successor, William Howard Taft, and Roosevelt's blessing was alone worth several million votes in the Republican column.

The first decade and a half of the twentieth century witnessed what is referred to by historians as the Progressive Years. This was a period in which more individuals seemed to be interested in reform in all areas and levels of government than at practically any other time in American history. Advocates of honest, efficient government in Ohio as elsewhere, felt the desire for reform in government, and a desire to rid the state of bossism, graft, fraud, corruption, and negligence in office. By 1905 fourteen years of Republican rule had created a desire for change. Republican Governor Myron T. Herrick had antagonized the Anti-Saloon League and other interests, and there was a hint of graft in the state house.\footnote{Ophie D. Smith, "John M. Pattison," The Governors of Ohio (Columbus, 1954), p. 145.} In the election of 1905 the Democrat, John M. Pattison, defeated Governor Herrick in what was clearly a personal victory because all other
Democrats on the state ticket went down to defeat. Pattison, however, was forced to leave the capital shortly after his inauguration due to a serious illness, and he died within six months. Pattison's death elevated the Republican Lieutenant Governor Andrew L. Harris, who seemed to represent the attitudes and sentiments of rural Ohio, to the governorship; and the Democratic party reverted to its familiar position of "also-rans."^4

The leaders of the Democratic party realized that if an entire ticket was to be elected they would have to reorganize their party and eliminate most of their inherent weaknesses. The Democratic party seemed to be beset with factionalism, bereft of any inspiring program, and weighted with liabilities out of the past. They carried the taint of disloyalty from the Copperhead movement of the Civil War period, they had taken the unpopular side on the tariff issue in opposing protection, they had been branded with radicalism since Bryan campaigned for free silver in 1896.\(^5\) One of the biggest weaknesses, if not the major one, of the

^4Pattison was a known advocate of strict observance of the Sabbath and an ardent temperance supporter. He had the support of a large part of Democrats, both urban and rural, plus the support of the powerful Anti-Saloon League. For a recent study of Harris' career see Karen A. Bainsberg, "The Public Career of Andrew L. Harris," (unpublished Master's thesis, The Ohio State University, 1968).

*Warner, Progressivism in Ohio*, p. 5.
Democratic party was the practice of choosing a new head of the State Executive Committee every year. This new man then had to perfect an organization and familiarize himself with conducting the state campaign in a short space of two or three months and "the result was inevitable--an imperfect organization and defeat at the polls." This problem was eliminated in January, 1902, when William J. Frey of Findlay, a member of the Democratic State Central Committee, called for a meeting which resulted in the election of a permanent committee composed of Charles W. Baker, William R. Burnett, Frey, Charles F. Salen, and the permanent chairman Harvey C. Garber. Garber revealed a special talent for organization, but he was extremely controversial because some Democrats claimed that he had little, if any principle. It was Garber's alleged lack of principle which alienated Tom L. Johnson and eventually Judson Harmon, although Harmon's alienation may have been due more to a power struggle to control the party than a disagreement over principle. Garber served as chairman of the State Democratic Central Committee.

---


7In 1908 Johnson charged Garber with being a traitor to the party by his manipulation of party organization and by his helping defeat legislation pledged in the Democratic platform.
Committee for six years, and his organizational ability was a major reason for Pattison's victory in 1905.

The possibilities of a Democratic victory in 1908 began to appear somewhat encouraging as the election approached. The chance of Democratic success is one of the reasons why the Republican dominated State Legislature ended the odd year election in 1905 by proposing a constitutional amendment, which was approved by the voters, to hold elections in even numbered years. The Republican's purpose in this move was to combine state and county tickets with the national ticket, thereby making a ballot so long that few voters would read it carefully. The belief was the longer ballot would help the stronger party because the voters would then normally vote a straight ticket. As a result of the passage of the amendment, the State Legislature was authorized to extend the terms of the incumbent officials one year.

The Democrats in an attempt to win in 1908 began to appeal to organized labor by advocating ideas which were once considered Populist goals. They began to attack the discriminatory rates and rebating of the railroads, and they generally opposed the recently enacted Rose County Option law which permitted the voters of individual counties

---

to prohibit the sale of intoxicating liquor within their boundaries. Negley Cochran, the firebrand editor of the Toledo News-Bee, wrote from a rather biased view concerning the Republican chances for victory in 1908, "The people of Ohio, at the last state election, repudiated the Republicanism of Foraker, Dick, and Hanna and elected a Democratic governor. The only reason Ohio has a Republican governor now is because the Democratic governor elected by the people died."

9 And even the Republican-oriented periodical, The Outlook, revealed a guarded pessimism for continued Republican control in Ohio in the following statement:

The truth is that the Republican party in Ohio was in a very hard way indeed, and there was great danger that Mr. Taft's State might go over to the Democrats. The anti-saloon movement in the country and the reform movement in the cities, particularly Tom Johnson's influence in Cleveland, have been steadily winning over the Republican votes, and something had to be done. 10

Even though the Democrats appeared to have their best opportunity in many years to elect their ticket for state offices, the Republicans could feel a degree of reassurance because Ohio was traditionally a Republican state. The election of 1908 seemed to be developing as a very interesting election indeed.

9Toledo News-Bee, February 17, 1908.
10The Outlook, LXXXVII (November 2, 1907), 500.
The Republican party held its state convention in Columbus on March 3, 1908. On the surface the convention seemed to be very calm and serene to the casual observer, but this was not the true picture, for behind the scenes at the Columbus convention a real struggle for power was taking place. The struggle was between the forces of William Howard Taft, the certain Republican candidate for the presidency in 1908, and the presidential supporters of Joseph Benson Foraker, the man who along with Marcus A. Hanna (until Hanna's death in 1904) had controlled Ohio politics since the 1880's. Through federal patronage Taft had gained control of the state committeemen, and they issued a call on January 2, 1908, for state primaries. The delegates who were elected in the state primaries were pledged to support a particular presidential candidate at the state convention.\textsuperscript{11} Arthur Vorys, Taft's manager, had advocated this plan to hold county primaries to select delegates to the state convention, and then the state convention was to select four delegates-at-large for the National Convention. By this means Vorys hoped that the Taft-Foraker dispute would be settled before the National Convention was held.\textsuperscript{12} Foraker did not like the plan; and

\textsuperscript{11} Warner, \textit{Progressivism in Ohio}, p. 219.

\textsuperscript{12} \textit{Ohio State Journal}, January 3, 1908.
he and his United States Senate colleague, Charles Dick, presented a different plan; but it was voted down by the State Central Committee. Taft's forces swept the February primaries and appeared in Columbus in full force; Vorys hoped that the dispute had been settled; but Foraker was not yet finished.

Eight hundred and fifteen delegates met in Columbus to select a slate of state officials, to draw up a party platform, to indorse a candidate for the United States Senate, and to indorse William Howard Taft for the presidency. The Taft forces won another victory when Secretary of the Interior James R. Garfield, the son of the late President and a rising figure in the Progressive movement, was selected over Harry Daugherty as convention chairman. After this development Foraker and Dick refused to have anything to do with the proceedings, and they withdrew from the convention. This defeat did not end Foraker's effective participation in the Republican circles, but as Warren Harding, a Foraker supporter, said in an editorial in his Marion Star, "... Senator Foraker's leadership is necessarily ended, but he is not eliminated. A statesman of his stripe never is eliminated and he will be in triumph in years to come." The entire national election

13Marion Star, January 22, 1906.
year of 1908 was influenced by Theodore Roosevelt, and the Ohio election was to be no different. Roosevelt had personally picked Taft as his successor, and Roosevelt did everything that he could to offset Foraker's influence in Ohio. Roosevelt's interference in Ohio was not appreciated by many, to whom it appeared that the National Administration was trying to control Ohio politics. This issue was to become an important underlying issue of the 1908 election, and Judson Harmon was going to emphasize the state-home-rule issue quite frequently.14

The proceedings of the convention moved very smoothly, probably due to the absence of Foraker and Dick, with Garfield delivering the keynote address in which he enthusiastically praised President Roosevelt's policies. The convention then proceeded to indorse Taft for the presidency and Theodore Burton for the United States Senate. The important party leaders were then given the opportunity to select the candidates for the state ticket. There had been no apparent plan to predetermine a slate of candidates. Walter F. Brown of Toledo and State Auditor Walter D. Guilbert made an attempt at slate-making at the convention, but they met with little success.15 Andrew

14Simon Fess, Ohio, II (Chicago, 1937), 104.
L. Harris was renominated for governor unanimously; Burton nominated Francis W. Treadway as lieutenant governor; Walter Brown selected Ulysses G. Denman as attorney general; Guibert and George Cox nominated Edward M. Fullington for state auditor and Charles G. Green for state treasurer.16 Myron T. Herrick, Arthur Vorys, Charles P. Taft, and Andrew L. Harris were elected delegates-at-large to the Republican National Convention.

Theodore Burton was the chairman of the resolutions committee which was responsible for drafting the platform. The platform was about evenly divided between an emphasis on national issues and one on state issues. The more important planks recommended: extension of the merit system; limiting the use of injunctions in labor disputes; abolition of child labor; honesty and economy in public office; protection of employees against loss from injury; competitive bidding for state purchases; an effective primary law; referendum on franchises; taxation of franchises, stocks, bonds, and other intangibles; protection of civil and political rights of Negroes; and local option as applied to the liquor question for the people.17 There were some

16 Warner, Progressivism in Ohio, p. 219. See Ohio State Journal, March 4, 1908, for the entire slate.

17 See the Ohio State Journal, March 4, 1908, for the entire platform.
obvious attempts in the platform to appeal to certain voting groups and to gloss over certain unfavorable incidents which could hurt the Republican chances for victory. For example, the plank concerning Negro rights attempted to minimize the Brownsville incident;\(^{18}\) the state issues such as internal improvements appealed to the farmers; and to detract from the disclosures of alleged graft, the Republicans keyed their campaign fight to the temperance question.\(^{19}\) The platform and the convention seemed to satisfy everyone with the exception of Senators Dick and Foraker who had been ignored by the party regulars.

The struggle within the Republican party convention was relatively peaceful in comparison to the furor which hit the Democratic State Convention held at the Goodale Street Auditorium on the fifth and sixth of May, 1906. The major reason for the difference between the two party

\(^{18}\)Negro soldiers at Brownsville, Texas, had been accused of engaging in a riot in the streets of that city in 1906. There was a very serious question as to whether the Negroes were responsible for the rioting, but President Roosevelt, since no individual offenders could be discovered, ordered three companies of Negroes to be dishonorably discharged. See Eugene H. Roseboom and Francis P. Weisenburger, *A History of Ohio* (Columbus, 1964), pp. 321-322.

conventions was that the Republicans had settled most of their major arguments at the primaries while the Democratic primary was not nearly as conclusive because the delegates were not pledged to support any particular candidate. Most of the county conventions favored Judson Harmon as their gubernatorial candidate; but a small group, probably no more than five districts, supported Tom L. Johnson's candidacy. It was reported that Johnson, in an effort to gain the nomination, was going to attempt to stampede the convention and wrest control of the Democratic party from Harvey Garber and his successor William L. Finley.\textsuperscript{20} With a potentially explosive situation such as this the political eyes of the state were focused on Columbus in May.

There is no doubt that Tom L. Johnson, the reform-minded Mayor of Cleveland, was the single most conspicuous person at the Democratic convention. Tom Johnson was in many ways the foremost opponent of the "Interests" in the nation. He had gained as a benefactor from tariffs and franchises, a fortune that ran into millions; but that was before he began to fight on the side of reform.\textsuperscript{21} Many people openly sought Johnson's candidacy in 1908; and although Johnson himself claimed that he had the support of

\textsuperscript{20}Ohio State Journal, March 5, 1908.

\textsuperscript{21}Nichols, The Ohio Archaeological and Historical Quarterly, XLI, 120.
a majority of the nine hundred and forty-six delegates, he really knew better. It was obvious to some of the Democrats that Johnson had only one major goal in the convention and that was to tear down what he considered the reactionary Garber-Finley machine. He called Harvey Garber, who was the most powerful figure in the state hierarchy at that time, a traitor to the Democratic party. The Ohio State Journal reported, "He [Johnson] cares not if he goes down, if only he can take down with him the chiefs of the opposing faction . . . . If Garber and Finley and the whole Pattison outfit can be put out of business, he will be content [with] whoever succeeds to control." 22 Party leaders held a harmony meeting in Columbus on March 25, 1908, in attempt to stave off a floor fight, but Johnson was adamant on his stand opposing Garber and Finley, and the meeting proved to be a waste of time.

At the convention Johnson had a very difficult time recruiting an army to lead against Garber so he began to place greater emphasis on getting his ideas inserted in the party platform rather than on tearing down the Garber machine. The delegates must have seen the "handwriting on the wall" so Johnson changed his tactics and tried to align with the less radical candidates, although he did not give up easily.

on certain of his demands. Johnson's first choice for
governor was Brand Whitlock, the reform mayor of Toledo
and successor of Samuel "Golden Rule" Jones, but Whitlock
was considered by many as too radical. Johnson then
switched to Atlee Pomerene of Canton, a man who had little
state-wide reputation but who had supported many of Johnson's
tax reform programs for Canton in 1903. Johnson also wanted
the convention to nominate a United States Senator, a move
which Garber and Finley opposed. The Cleveland reformer
wanted an indorsement of William Jennings Bryan for
president or at the least he desired an uncommitted dele-
gation to the Democratic National Convention at Denver be-
cause he was afraid of the reactionaries at Columbus who were
opposed to Bryan's presidential nomination.23 Johnson also
wanted to be selected as one of the delegates-at-large for
the Denver convention.

The Garber faction had their sights set on several
possible candidates for governor. There was a report that
Garber's first choice was Isaac R. Sherwood of Toledo, but
Sherwood declined and Garber then turned to Judson Harmon.24

23Toledo News-Bee, May 1, 1908.

24Ibid., April 24, 1908. For an account of Sher-
wood's career, see Francis P. Weisenburger, "Isaac R.
Harmon, of course, had a national reputation, and he had been considered as a Democratic presidential candidate in 1904 when Alton B. Parker was nominated. Four years later he was mentioned more prominently as the Democratic choice but the campaign managers, realizing the necessity for a strong gubernatorial candidate, forced him rather reluctantly to permit his name to be used at the head of the state ticket. Harmon was a reluctant candidate; his personal choice for governor was Atlee Pomerene, the former secretary of the state tax commission; but he did permit his name to be used by Garber as a potential candidate. The name of the sixty-two year old former United States Attorney General began to attract people to his candidacy, especially the friends of former Governor Pattison. Why was Harmon so reluctant to become an avowed candidate for governor? In his own words he answered the question when he said:

I didn't want the nomination. I am not a man of large fortune, and I had a pretty good law practice, and wanted to keep it. I felt that I owed it to myself and my family to put them in as comfortable a situation as I could . . . . It was a Presidential year, with an Ohio man nominated by the Republicans, and it didn't look as if there was much chance to elect a Democratic Governor. Maybe that's why they came to me to run.

---


26 The Outlook, L, 177-78.
Whether Harmon really wanted to run is uncertain, but he had not firmly rejected the possibility and as Charles A. Kloeb, the chairman of the Democratic State Central Committee said, "I believe he [Harmon] will be nominated by acclamation. Harmon is a strong man and his nomination is assured."27

As soon as the convention opened the struggle between the Harmon forces and the Johnson forces broke into the open. A contest developed over which of two delegations from Toledo would be seated; and after some argument, followed by a compromise, the group which favored Harmon was seated rather than a progressive one led by Isaac R. Sherwood. In return the Johnson group was permitted to name Charles W. Stage as chairman of the important committee on rules and order of business.28 The great concession to Tom Johnson came when he and Newton D. Baker, Johnson's heir apparent in Cleveland and a man who would later cause Harmon tremendous consternation, were selected as part of the committee to write the platform.

Even though their members did not dominate the resolutions committee, Johnson and Baker proceeded to

27*Toledo News-Bee*, April 24, 1908.

28The position of chairman of the rules committee was important to Johnson because this committee would determine whether the convention would nominate or indorse a candidate for United States Senator or leave it vacant, and Johnson wanted a senatorial indorsement.
write the party platform, a platform which Harmon would probably have written a little differently. Harmon wrote to a Marion friend:

If I had the writing of the platform, I should have put things a little differently, but I find nothing in it on which I cannot as a candidate of the party conscientiously stand without regard to my individual views. The Democrats this year are hunting for things they agree on and not for those things they might differ about, and no great party could long hold together, especially in times of great activity of thought among the people, if each man insisted on his exact views, and no others, being adopted by his party when the vital principles of Democracy are not disregarded, the majority must rule and the minority submit on all subjects of detail as to their application.29

The major difference between the Republican platform and the Democratic one was that the latter placed much emphasis on state issues and relegated national issues to a lesser role. The platform included such major items as: municipal ownership of utilities; a franchise tax; home rule for cities; an employer's liability act; support of the initiative and referendum, a proposal Harmon would have been very reluctant to indorse; a dollar-a-day pension for surviving Civil War veterans; more stringent child labor laws; and a law limiting the use of injunction in labor disputes (organized labor was generally opposed to Harmon

29Harmon to M. B. Chase, May 16, 1908, Harmon Papers, Cincinnati Historical Society.
for his role in supporting Cleveland's actions in the Pullman strike). In addition Bryan was indorsed for President and the delegates to the Denver Convention were committed to his nomination. One of the most important planks claimed that there was graft within the state treasurer's and state auditor's offices. The Democratic plank claimed that these two offices had failed to use the state depository law thereby losing one hundred thousand dollars a year in interest returns. The plank also pointed out that the Republican list of candidates for these offices were men who would likely continue the existing situation. About the only matter on which the Johnson and Finley men really agreed was that the platform should be silent on the temperance question. They refused to indorse or reject the Rose Law, although it was generally believed that the Democrats opposed prohibition. The platform was adopted before the nominations for office; and it is highly unlikely that Harmon would have agreed to support all of the planks, especially the franchise tax and the initiative and referendum planks, if he had been nominated before the platform had been adopted.

30 Harmon said later that the 1908 campaign was associated with suspicion of graft, but correspondence was found later which proved that some Republican officials had increased their personal funds with state money. See also Hainsberg, "Andrew L. Harris."

31 See the Ohio State Journal, May 7, 1908, for the entire platform.
Harmon's disinclination to actively seek the nomination ended very abruptly on the first day of the convention when Tom L. Johnson openly attacked the Cincinnatian in an extremely antagonistic prepared statement which was printed for circulation and again in his speech nominating Pomerene for governor before the entire convention. There were warning signs that Johnson might take this action as a last attempt to block Harmon's nomination, but hardly anyone thought that Johnson would really go through with the attack. Johnson had gone to Cincinnati in an attempt to persuade Harmon to accept the nomination of United States Senator and to step aside and let Pomerene be nominated for governor. When Harmon refused, Johnson decided to open the assault on Harmon. For several days prior to the opening of the convention Johnson men kept hammering away that the only reason Harmon wanted the nomination was to boost himself for the presidential or vice presidential nomination at Denver. Johnson's printed statement accused Harmon of being a reactionary who was not in harmony with the spirit of progressive Democracy; he said Harmon's nomination was a trap by Bryan's enemies. Johnson was just warming up as he continued by saying:

The liquor interests are here in Columbus trying to control the Democratic convention and working by their side are the agents of Cox, Brown and Guilbert, and all of them are for Harmon . . . . I am opposed to his nomination because I do not believe he stands for the
principles for which up-to-date and progressive democracy stands and I don't believe any man can be elected governor as a Democrat unless he is in full sympathy with the Democratic spirit of today.32

Johnson continued the personal attack by accusing Harmon of being an attorney for brewing interests and the legal representative and railroad receiver in Ohio of J. P. Morgan's New York interests. He said that Harmon's nomination would be hailed by the public service corporations, the big interests of Wall Street and "... the country generally as an abject and unconditional surrender of the live principles of Democracy, and a notification to the country that Ohio had abandoned Bryan and the great principles for which he stands."33

On the next day another turmoil ensued when Johnson insulted Harmon by innuendo in his speech placing Pomerene in nomination for governor. He said, "I want to present the name of a man who stands on every plank of the Democratic platform. He is for direct legislation, spends his time in season and out for that, is for taxation of franchises, always was for Bryan and never rejoiced at the defeat of Bryan."34 When Harmon heard of this latest Johnson outburst he telephoned Michael DeVanney, his campaign manager, and

32Toledo News-Bee, May 5, 1908.
33Ibid.
34Ohio State Journal, May 6, 1908.
told Devanney that he was now definitely in the race and that he would permit his name to be placed in candidacy before the convention.\textsuperscript{35}

Why did Tom L. Johnson attack Judson Harmon with such virulence? Surely, he must have known that if Harmon won the nomination that he could not support the nominee in the fall campaign. The \textit{Ohio State Journal} believed that Johnson did it in order to stampede the convention for Pomerene and prevent Harmon's nomination on the first ballot.\textsuperscript{36} Hoyt Landon Warner believes that the tirade against Harmon was certainly not warranted when one looked at the character, honesty, and thriftiness of Harmon; and Harmon certainly was not a tool of the interests. Johnson's illness may have been a reason for the attack or the strain of a strike against the Municipal Traction Company in Cleveland might have caused the situation. Warner, on the other hand, believes that Johnson may have been led astray by the Vine Street Radicals as well as by members of his own circle, like Peter Witt, who were bitter in their denunciation of Harmon. It was hard for Johnson to support a member of his party who differed with him on principle, as did Harmon.\textsuperscript{37} The attack on Harmon was certainly unlike

\textsuperscript{35}Ibid.

\textsuperscript{36}Ibid.

\textsuperscript{37}Warner, \textit{Progressivism in Ohio}, p. 239.
Tom Johnson; and it did him more harm than good, especially since Harmon was nominated in spite of the Cleveland mayor's tirade.

Tom L. Johnson gambled, and he lost. Harmon led Atlee Pomerene on the first ballot 461 to 381, and he won the second ballot 512 to 363. The newly nominated candidate for governor accepted the nomination saying, "I regard the nomination as both a high honor and a call to duty. I thank you for the honor and with the help of God will perform the duty to the Democracy, as their candidate, to the people of Ohio as their governor. If they confirm your choice." 38 Garber and Finley purposefully had not indorsed an entire slate of candidates because they hoped to use the remaining positions on the state ticket in order to bargain with the Johnson forces. The Harmon forces in an effort to placate Johnson were willing to permit him to name the Lieutenant Governor and Secretary of State, but Johnson refused. When the roll call for nomination of the Lieutenant Governor was held, the Harmon men held back three times in an effort to allow the Johnson men to name their candidate; but Johnson just sat there smoking his briar pipe and sulking. 39 Garber suggested Senator Thomas Schmidt as Lieutenant Governor and Atlee Pomerene for Attorney General; but Johnson continued

38 Ohio State Journal, May 7, 1908.
39 Ibid.
to sulk as he ordered Schmidt, who wanted the position, to turn down the offer. Then Johnson in an attempt to discredit the Democratic ticket proposed that Boss Cox's henchman, Lewis Bernard, be nominated for Lieutenant Governor. Eventually David L. Rockwell, a neutral, was nominated as Lieutenant Governor; but the popular Clevelander was still not enthusiastic about any further participation in the proceedings of the convention.

Johnson was finally appeased when the Harmon forces agreed to indorse former Governor James E. Campbell as United States Senator, a man favored by the reformer; to elect Johnson as a delegate-at-large for the Denver Convention; and to name the Johnson men David S. Creamer and Timothy S. Hogan as Treasurer and Attorney General respectively. After these concessions Johnson arose, addressed the convention in a semi-conciliatory speech in which he praised the platform, which he had written, saying, "You have given the people the best platform ever adopted in Ohio"; but he left no doubt about his feelings for Harmon when he said, "I make my fights before the convention, not

40Cincinnati Commercial Tribune, May 7, 1908.

41Wilks, "The 1908 Campaign," p. 21. For the entire ticket see Powell, History of Democratic Party, 1, 420-21. For further material on Campbell, see James Doyle, "James E. Campbell."
after then. A week after the convention Harmon and Johnson met in Columbus where they settled their differences. Johnson promised to support Harmon in the campaign and Harmon promised to support the platform.

The reaction of the press to Harmon's nomination was naturally mixed depending on whether the publication had Republican or Democratic sympathies. The Ohio State Journal, a Republican oriented but fairly independent paper, believed that Harmon's nomination was an absolute victory for the Garber-Finley machine, but that Harmon was probably the strongest choice the Democrats could have made. The editorial writer said, "Mr. Harmon is a man of experience in public affairs, a gentleman and a scholar, who brings to the political conflict a spirit of sincerity and candor." The Journal also believed that Harmon's nomination for governor would accomplish a main objective of the Democratic party nationally, to put up a stiff fight in Ohio in the fall, whether they won or lost, and not to allow William Howard Taft to run away with the state without a contest. The Cincinnati Enquirer, John R. McLean's newspaper, considered the outcome of the Democratic Convention somewhat unique in that Bryan was indorsed for president and Harmon,

\[42\text{Ohio State Journal, May 7, 1908.}\]

\[43\text{Ibid.}\]
who had opposed Bryan in 1896 and supported Palmer and Buckner, was nominated for governor. The *Enquirer* also thought Harmon's nomination was different because Harmon in the past had trained with conservatives, and now he was placed upon a radical platform. At the same time the *Enquirer* believed Harmon would be able to bring unity among the divergent Democrats and make the party stronger in Ohio. 44

Negley Cochran of the *Toledo News-Bee*, was somewhat apprehensive over Harmon's nomination. Cochran believed that Harmon was not the man needed to bring about true reform because he was Harvey Garber's choice. Cochran wrote, "It is a significant fact that Standard Oil and other reactionary Democrats who fought for Parker's nomination at St. Louis four years ago, are lined up with the Garber-Finley reactionaries in Ohio now." 45

The *News-Bee* also was unhappy with reports that Harmon was backed by liquor interests. Cochran claimed that Harmon's law firm represented the Jung Brewing Company of Cincinnati and the English brewery syndicate and that the president of the Jung Brewery had led the fight against anti-saloon forces in Cincinnati with boycotts against all who signed

---

44 *Cincinnati Enquirer*, May 10, 1908.
45 *Toledo News-Bee*, May 1, 1908.
temperance petitions. Cochran was quite upset about the possibility of the liquor interest's influence in government if Harmon were to be elected. The Republican Cleveland Leader also believed that Harmon had been selected by interests especially the liquor interests. An editorial stated:

The nomination of Harmon was sought by these interests. The silly platform evasion of all mention of temperance legislation emphasized the patent effort to secure their support . . . . With their reactionary candidate for Governor, the initiative and referendum platform degenerates into a hopeless joke.47

James M. Cox's Dayton Daily News, a strong Democratic newspaper, was obviously very pleased with Harmon's nomination as revealed in the following extract of an editorial:

A lawyer, a judge, a gentleman. Clean in his personal habits; just in all of his decisions while on the bench; forceable when attorney general of the United States; resentful of the dictation of even a president when he knew he was doing his sworn duty—that is Judson Harmon of Ohio, if you please—the biggest and ablest man nominated for governor by any party in Ohio for a generation . . . . Judson Harmon does not need the office of governor half as badly as the office needs him. He could get along very well without it, and had intended to do so until he was called upon to make the race—a thing not of his own seeking.48

How many people felt like Cox, or Cochran, or McLean, or the others only time and what appeared to be the development

---

46Ibid., May 5, 1908.

47Cleveland Leader, May 8, 1908.

of a very rousing political campaign would tell.

The 1908 campaign in Ohio did prove to be an exciting campaign for the voting electorate to witness. Each party revealed some internal bickering which could have lost either group the election. Prominent figures, especially Republicans, poured into Ohio to give the election a great national appearance. The liquor question became increasingly important in the election, as did the Negro vote question; and the Democratic accusations about a treasury graft scandal by the Republican administration gave the voters some very interesting issues to consider in determining the candidate for whom they would cast their ballot. The Republicans were confident that their hold on Ohio politics would continue, and with Taft's leadership to enhance their cause they believed victory would be theirs in November. The Democrats believed they had the best opportunity in recent years to elect a governor and several other state officers if only they could work together and relegate national issues to a minor role.

The Democratic party had settled the Tom Johnson strife relatively well; but as the campaign neared, another internal struggle developed. Judson Harmon had always been an independent and as such he wanted to be able to run the campaign on his terms as much as possible; however, he realized the necessity of cooperating with the Garber-Finley
machine if he were to be elected in November. The first sign of the impending struggle to control the Democratic party machinery came over who was to manage Harmon's campaign. There was no doubt that Mayor Wallace D. Yaple of Chillicothe was Harmon's personal choice as chairman of the State Executive Committee, whose major responsibility would be the management of the campaign.\textsuperscript{49} The Garber-Finley men wanted William Finley in this position in order to maintain their control of the party, and they had the necessary support within the State Central Committee to accomplish their goal. Practically everyone outside of the party elite thought that Harmon would have his choice of men to manage the campaign, but this was not to be the case. The State Central Committee met at the Southern Hotel in Columbus on the twenty-seventh of May, and Harmon presented Yaples' name as the man he wanted to run the campaign. To Harmon's amazement his choice was not accepted by the committee, and Harmon began slowly to awaken to the reality that if he were to have any control in the party it would develop only after a long hard struggle.

Harmon gave in to the wishes of the Garber-Finley people and accepted Finley as his campaign manager, but he vowed to his intimates that he would break the Garber-Finley

\textsuperscript{49}Ohio State Journal, May 27, 1908.
machine eventually. The gubernatorial candidate had just had a rather rude awakening of what he had let himself in for when he accepted the nomination. He had been a reluctant candidate who had yielded to the persuasion of his friends that the nomination would be bestowed upon him by an overwhelming majority of the convention. The nomination finally had come to him only after a hard and bitter fight in which he had been attacked by the factional leader of Cleveland who had declared that Harmon could not be elected. In addition he had been nominated on a rather radical platform with which he was by no means in full sympathy. Then the State Central Committee, almost wholly without precedent, had refused to accept Yaple. Harmon learned later that the central committee was willing to accept Yaple, but that the revolt came from within the ranks of his associates on the state ticket who owed their allegiance to Garber-Finley.\textsuperscript{50} Finley had told his allies that he would refuse to serve as secretary of the executive committee under Yaple, and Harmon either had to accept the fact or cause a split within the party which would surely have led to his defeat in November. The reaction from the press was about as expected when the word of the meeting leaked out. The \textit{Cleveland Leader} best expressed the opposition sentiment when the editor wrote

\textsuperscript{50}\textit{Ibid.}, May 28, 1908.
very sarcastically, "Finley and the old organization are in the saddle, and there will not be a new deal in Democratic politics this year."\(^{51}\) Judson Harmon would not soon forget this humiliating experience.

Before the Democratic campaign opened, the National Convention met in Denver; and the results of the convention did not help smooth the ruffled feathers of some of the Ohio Democrats. Judson Harmon, even though he had been nominated by his party for Governor of Ohio, had quite a following of presidential supporters in Denver; and his old foe from the Cleveland Administration days, William Jennings Bryan, was rather concerned about Harmon as a competitor for the nomination. Harmon was one of four or five men who were being discussed throughout the country for the nomination because some people believed that Bryan was just too radical to attract enough winning votes. Charles P. Salen, an Ohioan and one of Harmon's boosters, said concerning Bryan's radicalism, "Aren't his issues . . . more likely to be victorious with another nominee, who will stand squarely on them but will not arouse the insane dread which the name of Bryan seems to engender in many minds?"\(^{52}\) Salen suggested either Judson Harmon or Governor James Johnson of

\(^{51}\)Cleveland Leader, May 28, 1908.

\(^{52}\)Salen, Ohio Magazine, IV, 227.
Minnesota for the nomination. Bryan must have believed Harmon was interested in the presidency because there had been rumors for several months that Bryan, while on a tour of some southern states with Harmon, had offered the vice presidential position to him as a means of keeping Harmon from seeking the presidency. A United Press story in April, 1908, confirmed this rumor and even stated that Bryan had promised Harmon that he would have Congress pass a bill making the vice president an ex-officio member of the cabinet. The story continued, reporting, "Harmon is looked on by his friends, who do not hope to see him nominated for president, as the ideal man to lend conservative balance to the radicalism represented by Bryan." 53 Many of the Garber-Finley men would probably have been happy to see Harmon accept the vice presidency, but Harmon declined the nomination declaring that he would be willing to be defeated for governor if it would help Bryan. Bryan in turn praised Harmon's efforts in his behalf and told many of his friends that he would offer Harmon a position in his cabinet if he were elected. 54 Apparently, time had certainly healed the wounds of 1896.

53 *Toledo News-Bee*, April 21, 1908.

54 *Harmon Replies to Bryan*, a campaign document published in Wooster, Ohio, May 13, 1912.
The event which stirred up bitter feelings among Ohioans at the Denver Convention was Harvey Garber's gaining his "pound of flesh" from Tom L. Johnson for all of the trouble Johnson had caused him during the State Convention. Johnson wanted to be selected as Ohio's national committee man; but in a caucus taken on their train between Colorado Springs and Denver, the Ohio delegation elected Garber over Johnson by a vote of twenty-six to six. Johnson's influence in Ohio circles seemed to end that day, but as an editorial in the Ohio State Journal said:

The mayor is a great jolly bundle of designs, and has been using the Democratic party to promote them. Outside of Cleveland he has not been very successful in his ventures, and has sometimes detracted from the high and holy name of the Democratic party . . . and one day he will be strut ting over the gay young Jeffersonians who think they have buried him too deep for him ever to hope of a resurrection.55

Then on the convention floor the factionalism within the Ohio Democrats was revealed publicly when Charles P. Salen and several other outspoken opponents of Garber-Finley attempted to repudiate the Ohio national convention organization in a minority report condemning the tactics in the ouster of Johnson as a national committeeman. Salen could not gain the necessary majority of delegate votes to reinstate Johnson, but at least he had tried. Ohio Democracy

55Ohio State Journal, July 8, 1908.
was obviously not as united as they tried to appear, and
this division within the party could have proven disastrous
in the Ohio election of 1908.

The members of the Republican party were overjoyed
to learn of the rift within the Democratic ranks, but they
realized that they would have to present a very enticing
program if they were to sweep the state in November. The
Republican strategists at first decided that their best
opportunity for victory would be to conduct their campaign
on national issues and thereby benefit from William Howard
Taft's leadership and his expected victory in Ohio. With
this strategy in mind the State Executive Committee decided
to stage their campaign opening at Youngstown on the fifth
of September appear as national as possible by having all
Republican candidates for state office, Republican members
of Congress, the eighty-eight Republican county chairmen,
Governor Charles Evans Hughes of New York, and Senator
Albert Beveridge of Indiana present.\textsuperscript{56} Senators Dick and
Foraker were not asked to speak although Senator Dick said
that he would be happy to help. Senator Foraker was not
asked to speak because the Republican leaders were afraid
that he would say something to embarrass Theodore Roosevelt

\textsuperscript{56} Wilks, "The 1908 Campaign", p. 29.
and the Republican party. Joseph Foraker was still bitterly opposed to Roosevelt because of the President's role in the Brownsville affair and because of Roosevelt's choice of Taft as his successor since Foraker himself had designs on the presidential nomination. Senator Foraker said that he would accept campaign speaking invitations only from the national campaign committee, a statement which the Ohio Republican leaders seemed to be relieved to hear.57

The Republicans' opening of their campaign in Youngstown was deemed by some observers the greatest opening rally in Ohio history. The mills in Youngstown closed at ten o'clock to allow men to march in the gigantic parade which must have included fifteen thousand people.58

In the several months between the convention and the campaign opening the Republicans had discovered that their strategy to tie national and state issues together was not as sound as they had anticipated because state issues seemed to be more important to Ohioans than national ones. With this reevaluation of strategy in mind Governor Harris maintained in his speech that once again the temperance question was


58Youngstown Vindicator, September 6, 1908.
the main issue in this election. Harris indorsed the existing temperance laws. He also advocated local option for the people and a higher tax of one hundred dollars on saloons, but he opposed the Anti-Saloon League's goal of state wide prohibition. Harris said that he was under no obligation to any one, implying that Harmon was obligated to the liquor interests, and that the "... chief reason for accepting the nomination was to carry on the moral reformation of the Pattison administration for the benefit of all the people of Ohio."59

Senator Beveridge and Governor Hughes spoke, giving the campaign a national character. They praised Roosevelt's national administration and assured the people that Taft would continue in Roosevelt's footsteps. The Republican appeal to the Negro vote came when President William S. Scarborough of Wilberforce College spoke reminding the Negroes who their friends had been since the Civil War days, and he implored them not to leave the Republican ranks just because of the Brownsville incident. President Scarborough defended Harris against recent charges that Harris had discriminated against the all Negro Ohio Ninth National Guard Battalion when Harris refused to permit that unit to join the remainder of the Ohio National Guard on maneuvers at

59 Ibid.
Indianapolis. Scarborough revealed that after an investigation by Harris it was determined that several white regiments were to be left behind as well as the Ninth because they were too inexperienced to participate in the maneuvers.60

The Democrats officially opened their campaign at Mansfield on September twenty-seventh, but there had been many political salvos fired and answered before that date. The Republican candidates immediately brought up the liquor issue, for it was on this point more than any other that they thought they could politically embarrass Harmon. The liquor question boiled down to the point that generally the liberals were for Harmon and the temperance people were for Harris. Two important organizations, the Personal Liberty League, which was originally called the National Protection Association, and the Anti-Saloon League, had been formed in 1882 and 1893 respectively in an effort to make the state either wet or dry.61 The wets found their greatest support in the cities and towns, while the drys


61 The Anti-Saloon League Superintendent, Wayne B. Wheeler, became a very important force in supporting Harris' campaign for reelection.
were more powerful in the rural areas where the church
groups were very strong in opposing liquor on religious and
moral grounds. With the enactment of the Rose County
Option Law in 1908 it became even easier to determine what
areas were wet or dry. The law provided that thirty-five
per cent of the qualified voters of a county could petition
their commissioners or any judge of such county for a local
election to determine whether or not intoxicating liquor
should be sold within that county. By the end of 1908 sixty-
two of the eighty-eight counties were dry and nearly two
thousand saloons had closed.62 On the surface the Rose Law
represented home rule; but the provisions were unfair to
the wets because the towns which voted dry in wet counties
could remain dry, but towns which voted wet in dry counties
had to become dry also.63 The biggest point of disagreement
in the campaign came between those who favored the repeal
of the county option law as opposed to those who wanted to
extend the Rose Law to provide for possible state wide
prohibition. Many liberal people who had supported the
various option measures on the principle of home rule became
alarmed at the strong possibility of state wide prohibition
and turned completely about and worked for the repeal of

62 Lindley, Ohio, 1900-1938, p. 9.
63 Pess, Ohio, I, 344.
the Rose County Option Law. 64

The Republicans, or at least Governor Harris, had on August twenty-seventh said that liquor was the main issue of the campaign; and gradually they began to permit the temperance question to overshadow the national aspects of their campaign. Harris permitted himself to be pictured as a close friend of Superintendent Wayne B. Wheeler of the Anti-Saloon League; and this relationship, whether it was true or not, was going to cost Harris some very important votes. Superintendent Wheeler realized that the main obstacle to be overcome if Harris were to be elected was to make the people believe that it was not hopeless to resist the power of breweries, distillers, and wholesale liquor stores. 65 The plan of the League seemed to be to gain control of the assembly rather than the state ticket, although Wheeler did not surrender the latter idea completely. The members of the League were determined to do their best to elect state legislators who favored their cause for, as Wheeler said, "We will go into every district where we are satisfied that one candidate represents the temperance element and the other brewers. Unless we are satisfied beyond a reasonable doubt as to where a man


65 Annie W. Clark, "Local Option and Its Results in Ohio and Georgia," The Annals of the American Academy of Political and Social Science, XXXII (November, 1908), 476.
stands we will convince ourselves by a personal interview." The Anti-Saloon League poured thousands of dollars into the campaign to elect Harris governor, and people wondered what the origin of this money was.

The liquor interests were just as active as the dry group in the election. The Personal Liberty League and the German-American Alliance worked strenuously for Harmon's election because they believed their personal liberties were endangered by the Rose Law and other temperance laws. At the German-American Alliance State Convention the delegates indorsed Harmon and Rockwell, and they asked German-Americans to cross party lines and vote Democratic. On the other hand, the Central German Methodist Church Conference indorsed Harris and pledged him their votes. Of all the issues in the election the liquor question was the one which seemed to develop the most personal interest.

Where did Harmon stand on the temperance issue? This was the question that both friend and foe wanted to know. Harmon was no one's candidate for governor, except the Democrats, and he told people this in no uncertain terms. In a September speech Harmon said:

Those very same Republicans were for years allied with the liquor interests, but the parties to this alliance have recently fallen out and the

---

66 Toledo News-Bee, April 13, 1908.
67 Ohio State Journal, August 3, 1908.
liquor interests to get revenge for broken promises, decided to stifle Harris by supporting me. I am not their candidate nor the candidate for anybody but the Democrats. If I am elected all laws of the state will be enforced while I am Governor. If any question of further legislation should come before me I shall carry out the will of the people, if I can ascertain it . . . .

As everybody knows, I did not seek the nomination, did not wish to run for Governor, but now that I have been nominated, I hope to give the people the best government I can, if elected. But I do not care to be Governor if the Anti-Saloon League or the Personal Liberty League is to dictate my policy or my appointments.68

Others who were inclined toward Harmon did not care what he thought about local option, for they said that just to look at the man's life would bring the answer to questions about his position. The Dayton Daily News, which was under attack for not printing Harmon's views on the issue, said, "He was the son of a preacher, reared in a Christian family, educated at a religious school, and for sixty-four years had been an upright, honest, temperate man . . . and this was quite enough for any disinterested newspaper to know of a man when it wants to form an opinion of him."69 Harmon's opponents, however, were not so kind. Peter Witt, the Cleveland reformer said, "With the stamp of Clevelandism on his back, sitting astride a barrel of

68Ibid., September 5, 1908.

whiskey Judson Harmon is the candidate of the system for Governor of Ohio yelling like a Comanche Indian \textit{sic}\footnote{Wittke, "Peter Witt," \textit{Ohio State Archaeological and Historical Quarterly}, LVIII, 366.} for 'personal liberty'; an agent of booze, the product of bosses, the representative of predatory wealth."\footnote{Ohio State Journal, September 24, 1908.}

In a speech at North Fairfield on September twenty-third, just four days prior to the formal Democratic opening of their campaign, Harris attacked Harmon as the Personal Liberty League’s candidate, claiming that the League had raised large sums to aid his candidacy. Harris said:

The saloon keepers are to contribute $900,000 to the campaign fund and the Personal Liberty League is to raise several hundred thousand dollars more . . . . The temperance question is an issue in this campaign. It is rapidly becoming the issue . . . . Why is the Personal Liberty League for him? Why are the liquor interests supporting him and the Democratic ticket? Why is this monster campaign fund raised and expended by the brewers and saloon keepers to bring about his election and gain control of the legislature?\footnote{Ohio State Journal, September 24, 1908.}
what he was saying. Ryan also predicted that if the Rose Law were sustained there would be state wide prohibition within five years. 72 Harmon did not answer these charges immediately, partly because he believed he had made his position clear on September fourth and partly because he discovered that if a candidate waited three or four days to answer an accusation the public interest in the issue would have subsided.

Harmon waited until the formal opening of the Democratic campaign at Mansfield on the twenty-sixth to answer Harris’ North Fairfield accusations. Campaign manager William Finley wanted the Democrats to stress state issues in the campaign; and with that idea in mind all of the speakers at the Mansfield opening were Ohio candidates with the exception of John W. Kern of Indiana, the Democratic Vice Presidential candidate. Finley’s desire to keep state issues foremost was so strong that only Harmon and ex-Governor James Campbell were permitted to write their own speeches. Harmon warmed up to his main remarks by talking about national issues and the high tariff as the causes for the last national depression, and then he strode into the fray in full force by calling Harris a "do nothing" governor for allowing scandals and misconduct in state

72 Fess, Ohio, I, 348.
affairs. In reference to the liquor question Harmon said, "I shall not let my opponent escape to other issues. The men of Ohio will vote the state house honest from top to bottom . . . . I believe the Governor to be perfectly honest and upright himself. But he has been misled." 73

It was at this point that Harmon delivered the indictment which had been incorporated as part of the Democratic platform and which he had been hinting at for several weeks but was saving for the opening. Harmon claimed that there was a great state treasury fraud that was costing Ohio one hundred thousand dollars a year in lost interest. Harmon claimed that the State House of Representatives had asked State Treasurer William McKinnon to ask the banks which were receivers for deposited treasury funds to send statements of the amount of state money and the interest accrued that they had on hand. McKinnon refused to accede to these demands until the State Senate finally decided to investigate the situation. The State Treasurer claimed that he could not give the Legislature any help because there were no books kept to record the deposits, and State Auditor Walter D. Guilbert refused to hand over to the House Investigating Committee certain checks which would have aided the committee's work.

73 See the Ohio State Journal, September 27, 1908, for Harmon's entire speech.
The Senate then sent letters to one hundred and forty-eight banks which were known receivers of state funds demanding an account of the state funds on hand. The answers received did not correspond with the statements of the state officials, and Harmon believed that some state officials were lining their own pockets with state funds. Harmon claimed that there was over two million dollars of state funds on deposit in banks for which the state was receiving no interest, and he also said that Harris had ignored the Senate probe and ordered his Attorney General not to proceed in the investigation. State Treasurer McKinnon had admitted on the witness stand that the State had lost nearly sixty-three thousand dollars in interest by keeping seven hundred and fifty thousand dollars on hand rather than depositing it in various banks. The gubernatorial candidate also claimed that tremendous mismanagement and waste within the state institutions resulted in a loss of thousands of dollars each year to the state taxpayers. The strategy of the Democratic campaign had become obvious; they were going to avoid or ignore the liquor question, especially the Repeal Law, and attack the alleged corruption and bossism of the incumbent Republicans.

---

74 Toledo News-Bee, April 9, 1908.
75 Wilks, "The 1908 Campaign," p. 43.
On September twenty-ninth at Medina Harris answered Harmon's Mansfield speech by saying that Harmon was overlooking the issues of the election on purpose and was attempting to sweep into office on "... a wave of immorality backed by opposers of the Rose Law." 76 Governor Harris interjected another issue, Harmon's receivership of Morgan railroads in Ohio. Harris claimed that Harmon was not only a Morgan tool, but that Harmon was the receiver of two railroads which were being sued by the State for the evasion of one hundred and twenty thousand dollars in back taxes. Harris said that Harmon evidenced a lack of moral fibre and that if Harmon were elected governor he could than decide whether the railroads would have to pay these taxes. An editorial in the Ohio State Journal supported Harris by saying that one word from Harmon and the railroads would pay, but now the state would have to sue:

The policy of deeds instead of the policy of words is what the people want. Governor Harris points out that his opponent, Mr. Harmon, is president of two railroads that refuse to pay the taxes that the law decrees they shall pay... If Mr. Harmon obeys only such laws as he thinks proper, will he not enforce only such laws as he thinks proper? 77

Harmon answered that the two railroads were paper corporations, that he had no stock in them, that he received no

---

76 See the Ohio State Journal, September 30, 1908, for Harris' entire speech.

77 Ohio State Journal, October 1, 1908.
salary from them, and that the best place for the entire question of whether or not a bankrupt railroad should pay taxes was in the courts. 78

Harmon’s campaign carried him into several of Ohio’s dry counties, and he began to ascertain that his noncommittal stand on the temperance issue was losing him votes so he finally said, in an attempt to appease the drys, that if he were elected governor he would do nothing to repeal the local option laws. This proclamation seemed to win over some drys who had been previously opposed to Harmon, but normally Harmon favored avoiding the temperance issue in favor of attacking graft and corruption. He even accused Governor Harris of gaining some money from the state depository system. Harmon stated that state funds had been deposited in a bank in Harris’ home town of Eaton, in which Harris had some shares of stock, at reduced rates of interest. This charge backfired on Harmon when Harris admitted that he had one hundred shares of stock in the Eaton bank and that the bank had twenty thousand dollars of state funds deposited there; but in the same breath he charged Harmon with owning seven hundred shares of stock in the Provident Savings Bank and Trust Company of Cincinnati which had state deposits amounting to fifty thousand dollars

78 Dayton Daily News, October 2, 1908.
on hand. Generally speaking the campaign did not often develop into this type of intensely personal accusations.

Although other issues appeared during the campaign, the liquor question and the graft charge were the two most important issues before the voters. On September 17, 1908, William Randolph Hearst, the owner and publisher of the New York Journal, spoke at the Memorial Hall in Columbus and gave an unexpected boost to the Democratic party. Hearst did not like William Jennings Bryan’s candidacy, for he could not tolerate Bryan’s radicalism, but he did not wish to see the Republican party in control of the nation. Indeed, Hearst was campaigning for a splinter party, the Independence League with Thomas L. Hisgen of Massachusetts for President and John T. Graves of Georgia for Vice President. Thus, it is not difficult to understand why Hearst embarrassed Senator Joseph B. Foraker and the Republican party by indicting Foraker as a tool of the Standard Oil interests. Hearst disclosed that Standard Oil had attempted a four hundred thousand dollar bribe of former Ohio Attorney General Frank S. Monnett in order to


80See the Ohio State Journal, September 18, 1908, for Hearst’s entire speech. The Independence League polled only 83,651 votes in the entire nation. For further details, see Mrs. Fremont Older, William Randolph Hearst (New York, 1936), pp. 322-332.
get Monnett to drop antitrust proceedings against that company. Hearst also read and made open to the public what he claimed were six letters between John D. Archbold, Vice President of Standard Oil, and Foraker in which the latter was given sums of money to influence certain legislation in which Standard Oil had a special interest before the United States Senate. Four of the letters reportedly related to legislation pending before the Senate, and three of the four letters had certificates of deposit of fifteen thousand, fourteen thousand five hundred, and twenty-nine thousand five hundred dollars enclosed.\footnote{For the entire letters involved see Harmon papers, Cincinnati Historical Society. Foraker's version of the matter is found in Joseph B. Foraker, \textit{Notes of A Busy Life}, II, 328-355.}

John Archbold claimed that the letters were stolen from company files by two thieves, that Hearst had purchased the letters from these thieves, and that Foraker was nothing more than an attorney for Standard Oil. Foraker said in his defense that all of the legislation referred to was pending legislation before the Ohio Legislature and not the United States Congress. This was a true statement, and it did seem true that Foraker had been retained by Standard Oil as its attorney in connection with the suits Attorney General Monnett had brought against the company. Then in St. Louis Hearst read two more letters, one of which referred to fifty
thousand dollars enclosed and the other one referred to Senate Bill 649, proposed by an Arkansas senator, which would have amended an act to protect trade and commerce against unlawful restraints and monopolies. Foraker claimed that he had borrowed the fifty thousand dollars from Standard Oil to finance a deal to purchase the Ohio State Journal for one hundred and thirty-five thousand dollars and when the deal fell through he returned the money. Foraker claimed that he was never anything more than an advisory counsel for Standard Oil at any time. The Republican State Executive Committee asked Foraker not to speak on the campaign trail after this time.

Was Foraker guilty of accepting bribes from Standard Oil to influence impending legislation? Many Ohioans thought so, and Foraker's repies left many questions unanswered. He admitted to being an employee of Standard Oil, but not as a lobbyist, yet Archbold gave Foraker specific instructions concerning certain specified bills as well as the appointment of certain judges to the Ohio Supreme Court. The Journal said, "Under the kindest interpretation possible, the fact can not be gainsaid that no man can serve the interests of a private monopoly and the public interest at the same time; and the people are wide awake to that fact."
Whether or not Foraker was technically guilty as charged could not alter the fact that this expose, in addition to the charges against the Republicans of misfeasance and corruption in local government units in Ohio, could not help but swing many independent votes to the Democratic state ticket. 84

Two issues of apparently lesser importance during the campaign were the attempts to gain the vote of the Negroes and the labor element. Due to the Brownsville incident and President Roosevelt's rather high-handed manner in resolving it Republicans were not certain whether they would continue to receive the almost unanimous Negro vote to which they had become accustomed. The Republicans had made a strong appeal to retain the Negro vote at their campaign opening in Youngstown, but the Negro vote was still very much in doubt as the campaign progressed. The belief of the professional politicians was that the ability of the Democrats to gain the Negro vote depended largely on the attitude of Joseph Benson Foraker, who was the Negro hero as a result of the Brownsville incident. If Foraker failed to support Taft, and that looked like a very good possibility after he was asked not to campaign, then the belief was that the Democrats would very likely gain a huge Negro vote.

84 Wilks, "The 1908 Campaign," p. 41.
Governor Harris appeared several times at Harris Club meetings of Negro organized groups, in Columbus and Cincinnati; and every time he was welcomed by huge crowds. The Democrats made no great effort to cultivate the Negro voter, for it was believed that the Negroes would not use the vote that the Republican party had given them in order to defeat that party.  

The vote of the labor element was equally as questionable as the Negro vote. Historically, Ohio labor was usually independent or inclined toward the Democrats; but Harmon's reputation as a representative of Morgan interests and his support of President Cleveland's use of the injunction made the labor vote very uncertain. Labor did not particularly feel attracted to Harmon, but they were far from happy about the lack of labor legislation, especially a workman's compensation act, on the part of the Harris administration. Labor seemed to be in a quandary over the warnings of President Samuel Gompers of the American Federation of Labor over the possibility of Republican injunctions and crushed unions in contrast with William Howard Taft's promises of prosperity and good times.  

It is really rather surprising that many people even bothered to look and listen to the issues between Harmon

---

85 Ohio State Journal, July 30, 1908.

and Harris because the national election seemed to overshadow the gubernatorial contest, a situation which the Republicans undoubtedly found gratifying. Much more ink was used in the newspapers in covering the national election; and whenever Bryan and Taft toured Ohio, the gubernatorial candidates received scanty press coverage. Governor Harris closed his campaign at Marysville on October thirty-first by reviewing all of his major charges against Harmon. Harris said Harmon had misrepresented him on the temperance question, that he as Governor stood for maintenance of and enforcement of the new temperance legislation, and that Harmon was backed by the liquor interests. Harris also claimed that he had attempted to get an impartial investigation into the treasury graft charges. Harris said that when Harmon was nominated he thought they would have a quiet and dignified campaign but that Harmon had stooped to conquer at any cost. Then in the next few sentences Harris proceeded to bring up the alleged use of voting repeaters when Harmon had run for common pleas judge in the election of 1876. Harmon closed his campaign on November second with an emphasis on the graft exposures. The voters would now decide who the next Governor of Ohio would be.

87 Dayton Daily News, November 1, 1908.
As the early results of the November third election were tabulated, it became increasingly apparent that Taft and Harmon were going to be the winners; and by late afternoon on November fourth Harmon was declared the winner. The Republican leaders blamed Harris who ran well behind every other Republican for the defeat, and Harris blamed the Personal Liberty League for his defeat. Governor Harris said in an interview that he was not unprepared for the result because he began to feel during the ten days preceding the election that he could not pull through. The defeated Governor said, "While we had good meetings with plenty of enthusiasm all over the state, I ran into the organization of the [Personal] Liberal league several times and realized at once that it was so perfect that it would be hard to overcome." 88 Wayne Wheeler of the Anti-Saloon League blamed Harris' defeat on the Republican newspapers who worked for Harmon and the one million dollar "corruption" fund of the Personal Liberty League. 89 Harmon's winning margin was 19,372 votes; Taft defeated Bryan by 69,591 votes; the Republicans had a substantial majority in the State Legislature; and they carried every office on the state ticket with the exception of State Treasurer for which office David S. Creamer defeated Charles Green by

---

88 Ohio State Journal, November 6, 1908.
89 Wilks, "The 1908 Campaign," p. 56.
1,431 votes. Harmon carried all eight of the large industrial counties, and this would seem to indicate that the labor element had voted for him.

Why had Harmon won in the face of what appeared to be overwhelming odds against him? The victory had to be a personal one for Harmon, especially since only one other Democrat was elected with him and since the Republican Taft had carried his home state by nearly seventy thousand votes. Governor Harris had incurred the wrath of the saloon element and with the commanding personality of his opponent, one of the most able and distinguished men of the State, this subtracted the remaining votes necessary to turn the scale. Undoubtedly, the liquor question was a very vital issue in the outcome of the election; and since thirty-seven counties had voted dry before the November election, it seemed that the dry candidate would have the advantage. This seeming inconsistency is explained by the political experts who believe that party lines were forgotten in the county option elections; but when the November elections were held, the voters revealed a tendency to scratch the ticket and vote independently. Unquestionably, the graft

---


91 Emilius O. Randall and Daniel J. Ryan, History of Ohio, IV (New York, 1912), 460.

92 Bowman, A Short History of Ohio, p. 338.
and corruption charges hurt the Republican chances for a clean sweep. The voters of Ohio must have believed that as long as the executive departments of the state remained in the hands of the Republican slate of candidates then corruption would continue in the State. The Cleveland Leader evaluated the Harmon victory as a demand by the voters to rid the State of corrupt officials. The Leader would not support Charles Green as State Treasurer (Green had been Charles McKinnon's chief deputy) because investigation had shown the state treasury lax in collecting interest for the State, and Green could make no possible good defense in the matter. The Marion Star believed that Governor Harris should have been reelected; but if he were not, Ohio should count upon a broad and conservative administration of the people's business by a man who would have the opportunity to correct the evils which he had so loudly proclaimed.

Judson Harmon, the man who was very aptly described as a "Tilden-Cleveland Democrat, established in the party as an intelligent conservative . . . standing somewhere between Tom L. Johnson, who had become an advocate of Bryan progressivism, and the old time boss of his party," was about to become Governor of Ohio.

---

93 Cleveland Leader, November 5, 1908.
94 Marion Star, November 4, 1908.
95 Lindley, Ohio, 1900-1938, p. 9.
CHAPTER V

HARMON'S FIRST ADMINISTRATION: BEGINNINGS

Judson Harmon had been elected Ohio's Governor. Now the voters of the State, especially his opponents, waited to see whether he could keep the campaign pledges to enact legislation. Many people had great expectations as witnessed in this extract from an editorial in the Columbus Evening Dispatch:

No Governor of Ohio in the last two decades has been better equipped than Judge Harmon. He brings to the governorship ability of rare order, the fruits of years of careful study of public affairs, and with these attainments the assurance of an efficient and wholly successful administration.\(^1\)

Whether the new governor could enact his pledges depended on many considerations. Would the Republicans maintain a degree of independence from the bosses and support the reform ideas of the Democratic governor-elect in cleaning out the state administration? Would the Republican dominated legislature enact reform measures which it had failed to pass in previous sessions? Would Governor Harmon

\(^1\)Columbus Evening Dispatch, November 5, 1908.
exert the type of leadership necessary to bring about these desired changes? Would Harmon meet the reform element part way in carrying forward their reform program? These were some of the questions that Ohioans were asking about their new governor, the man in whom many of the voters had placed their trust to bring a clean, honest, and progressive administration to Ohio.

The inauguration of the governor-elect was a very elaborately arranged spectacle. A huge crowd of nearly fifty thousand was expected in Columbus on January 11, 1909, to witness the great inaugural parade which would include most of the major civic and military leaders of Ohio. At first the inaugural committee planned for Governor-elect Harmon to ride horseback in the parade, but this idea was scrapped in favor of his riding in a carriage since no precedent could be discovered for a governor riding horseback in the inaugural parade. A blinding snow storm hit Columbus inauguration day, but it did not dampen the spirits or enthusiasm of an almost interminable line of old and young marchers that day.3

Harmon took the oath of office and then delivered his inaugural address. In his speech he emphasized the

---

3 *Ohio State Journal*, January 12, 1909.
need for the Governor to enforce the laws of the state and this called "... for only fairness, fidelity and sometimes courage, qualities which most men have ... "

The new Governor revealed his attitude toward state home rule when he said that he did not like the idea of federal control of state established corporations just because they were engaged in interstate commerce; he warned the people against federal interference in state affairs:

Why stand by and let the general government assume to regulate state corporations because they engage in interstate commerce? Citizens engage in that commerce, too, and Congress has the same right concerning their personal affairs as with those of state corporations, no more and no less. If Congress gets general jurisdiction over us if we engage in commerce outside the State, we may as well turn over the Capitol to a federal commission and go home.

Concerning the issue of graft Harmon said that purported grafters would be eliminated from state offices because:

It has become to be generally realized that betrayal of public confidence is the worst of all offenses in the broad sweep of harmful results. If not handled with prompt vigor it quickly spreads its poison and, by weakening respect for authority, encourages all whom that alone restrains from wrong ... The victims of public wrongs are the entire people ... So public sentiment will no longer permit

---

4Nichols, Ohio Archaeological and Historical Quarterly, XLI, 34. See the Ohio State Journal, January 12, 1909, for entire speech.

5Ibid., p. 36.
charges or suspicion of official misconduct to go unheeded.6

Harmon also emphasized that he wanted to rebuild the canals because Ohio's canal system was her most valuable public asset and that the State would be rewarded for its persistence in holding on to them. In regard to tax reform, he believed that Ohio needed fairer and more effective rules and methods for the taxation of both real and personal property, private and corporate, and he also wanted to tax more invisible and intangible holdings. Harmon pointed out the need to correct certain wastes in state institutions, especially wastes in costs resulting from mismanagement. In the area of agriculture, Harmon promised that the State would encourage more scientific studies and experiments as aids to Ohio's farm community. These were the main points of his first inaugural address; he closed his remarks on a humble note:

That I shall make mistakes I know already. All I can promise is that I will not consciously swerve from the true course as I see it. But I take up my task invoking the help of Him who governs all things well and the indulgence which the good people of Ohio never stint to those whom they believe to be faithful and sincere.7

The reaction of the press to Governor Harmon's inaugural address was quite favorable even among most of

6Mercer, Ohio Legislative History, p. 24.
7Ibid., p. 26.
the newspapers which had worked hard for his defeat during the campaign. The *Ohio State Journal* reported that Governor Harmon's purpose was to make his administration a business administration "... that is, [the principle that] the conduct of public affairs shall be the same that prevails between man and man, in honest business, will appeal to the people with special force, and bring to his administration the good will and hearty support of all good citizens without respect to party." 8 The radical Republican *Cleveland Leader* even had some good comments along with critical remarks. The *Leader* editor thought that the inaugural address was about what one would have expected of Judson Harmon since it was solid, devoid of fads, and full of old-fashioned Democracy. The *Leader* went on to say that it was unreasonable for Harmon to say that state expenditures ought not to increase in proportion to the increase in the population of Ohio because the public demanded more of the government than at any previous time. In conclusion the *Leader* reluctantly admitted, "At sixty-three years of age, in full vigor of body and mind, urbane and strong, universally respected for his attainments and his character, he is able and eager to give Ohio an administration worthy of the state

---

8*Ohio State Journal*, January 12, 1909.
and its history . . . .

James M. Cox's editorial writer, George Burba, commented that Harmon had the people with him and that the State could expect one of the best administrations that it had ever witnessed if the Governor could receive the cooperation of the State Legislature.  

Harmon had barely had the opportunity to move into the Governor's office before he became embroiled in the first of his many controversies with the Republican controlled Ohio General Assembly. In December of 1908 Governor Harris, in one of his last official acts, called for a special session of the Ohio General Assembly allegedly to discuss state finances and pass an appropriations bill, elect a United States Senator, and listen to a special report about the Ohio State penitentiary. Many political observers, or at least the Democrats, believed the real reason for the special session was that the Republicans were planning to save some political appointive plums before Harmon came into office. There were some rumors around Columbus that the General Assembly might create a special commission to protect those people who held public office or that the legislature might abridge

9 *Cleveland Leader*, January 12, 1909.

Harmon's power to remove officeholders.\textsuperscript{11} The plan seemed to be that a court or commission would be established before which the Governor would have to show just cause for the removal of a particular officeholder. Nothing of this nature was accomplished, probably because the Ohio courts had previously upheld the governor's power of removal of officeholders.

The special session did pass an appropriations bill to provide funds for the last half of the last session, and the members did elect a United States Senator. There were several candidates for the position: the incumbent, Joseph B. Foraker; Charles P. Taft, the half-brother of the president-elect; Theodore Burton of Cleveland; Warren G. Harding of Marion, who had formerly served as Lieutenant Governor of Ohio; and Governor Harris. Foraker wanted the position very much, but the Standard Oil scandal blocked his path. Harding and Harris did not have enough support; Taft dropped out of the race by his own decision; therefore, Burton, who was Theodore Roosevelt's personal choice, was elected. Then the Senate approved over a dozen of Governor Harris' appointments to state positions, among which were the important positions of fire marshall, insurance commissioner, labor commissioner, oil inspector, and

\textsuperscript{11}Ohio State Journal, December 1, 1908.
highway commissioner. This was the plan which the Republicans decided would be the best to safeguard certain key officeholders so when Governor Harmon would send his appointments to the Senate it could be in a position to say that the offices were already filled. The new terms of appointment were to last one year into Harmon's term, and there was now nothing that Harmon could do to replace these men before that time except to discharge them.\(^{12}\)

Naturally, Governor Harmon was very upset about this situation, and his very first official message as governor came the day after his inauguration when he sent a special message to the Senate relative to the appointments to office by his immediate predecessor. Harmon said:

My election as Governor plainly meant that the people want a change of administration. This can not be accomplished by changing the Chief Executive only, but he must be left free with respect to the other officials whose selection is left by law to him . . . . I ask, for the sake of good government, whose credit and benefits your honorable body will share with me, that you leave me free to choose my own associates in the administration and my successors free to choose theirs.\(^{13}\)

Governor Harmon received an inkling of what the next two

\(^{12}\)These new terms were in accordance with the law which changed the general elections from the odd to even year elections.

\(^{13}\)Special Message to Senate, January 12, 1909, Harmon Papers, Ohio Historical Society.
years in office might be like when the Senate, in complete disregard of the Governor's request, ignored the message by referring the request to their judiciary committee which did not recommend to the Senate reconsideration of its recent appointments. Thus, Harmon was saddled for at least a year with appointees whom he did not want in office. The *Dayton Daily News* believed Governor Harmon would be entirely justified in dismissing everyone of the Harris' appointees because Harris was the first outgoing governor ever to make such last minute appointments.\(^{14}\) Neither party took any further actions concerning Harris' appointees, but Governor Harmon did not forget this first confrontation with the hostile Republican Senate.

Governor Harmon's official papers reveal that he received hundreds of letters recommending men for certain official state positions. Indeed, it is a wonder that the Governor was able to accomplish anything else other than the reading of these applications and recommendations. Of course, Harmon's personal secretary, George S. Long, processed many of these, but Harmon carefully screened all applicants, and the final decision was always his. Harmon believed in giving positions to members of his party, but he refused to fire competent Republicans.

The merit principle in government was so important to Harmon that his eventual break with Harvey Garber came over the control of party patronage. Many times when Governor Harmon had the opportunity to make an appointment, he would ask the advice of his close friends rather than to ask for the preference of Harvey Garber or William Finley. Harmon was very partisan in his appointments of Democrats when there were several candidates of equal ability available for a position, but as time progressed the candidate he selected would be one of his choice and not that of Harvey Garber. Harmon had not forgotten Garber's domineering attitude in demanding Finley as campaign manager in 1908, and it became apparent early in Harmon's administration that he by controlling party patronage was trying to ease Garber out of his commanding position in the Ohio Democratic party.

One of the main reasons for Harmon's success in the 1908 election had been the suspicion that funds in the state treasury were being deposited in certain preferred banks and drawing lower rates of interest than normal deposits. Harmon had claimed that this action was costing the tax payers thousands of dollars a year in lost interest.

---

Two questions need to be answered before the story of what Governor Harmon did to solve the problems can be told. How had this deposit system come into existence in the first place and what was done during the Harris administration to correct the situation? During Governor Myron Herrick's administration in 1904 the General Assembly passed a state depository law which required the State to deposit money in various banks where the money would draw the prevailing interest rate. The purpose of the law was to get state funds out of the state treasury and into private banks where the funds could make money for the State. The lawmakers rejected the idea of competitive bidding to determine which bank would pay the highest interest rate because there was a fear that competitive bidding would encourage the speculators and because the cash would tend to congest in speculative centers.16

How the first suspicion of treasury graft developed is open to question. It may have been that the president of a bank which had not been a favored depositor began to accuse others of graft, or the situation may have been discovered by individuals searching for a campaign issue. Whatever the reason or reasons for the disclosures the press caught wind of the story, and they began to demand an

16Ohio State Journal, December 10, 1908.
investigation into the alleged treasury scandal. On February 17, 1908, State Representative John N. Stockwell, introduced two resolutions in the House: one was a request asking for a detailed report from Treasurer William S. McKinnon about state funds which had been deposited in private banks, and the other resolution was in the form of an order for McKinnon to give a full accounting of where and how the State's six million dollar treasury balance was being used. Both resolutions passed. McKinnon hesitantly complied with the requests after he had refused a similar request in January, but he gave just a little bit of information about the state deposits and even less about the six million dollars. McKinnon's hesitancy and the brief information that he did give aroused a demand for an investigation of the treasurer's office. The Dayton Daily News chided Treasurer McKinnon thus:

... but it is strange that the custodian of this vast amount of people's money, elected by the people to hold it in trust for them, should even hesitate for a moment to give a full account of his stewardship ... . Come McKinnon, step up to the captain's desk and tell the people of Ohio where their $6,000,000 is!17

The Senate did decide to investigate the treasurer's

17Dayton Daily News, February 18, 1908.
office, and on the witness stand McKinnon testified that there were no books or records of the deposits of state funds in private banks.\textsuperscript{18} The Senate investigating committee then sent letters to one hundred and forty-eight banks which were known to have been favored with deposits, and their replies did not correspond with the statements of state officials or McKinnon. No less than two million dollars of state funds were found on deposit in banks in which McKinnon, State Auditor Walter Guilbert, and other officials in the treasurer's office owned stocks.\textsuperscript{19} In March, 1908, Representative Stockwell had demanded that Attorney General Wade Ellis institute a suit against Secretary of Treasury McKinnon to recover money lost as interest on the people's money, but no suit was begun at that time because of a lack of conclusive evidence. In March the Senate probers paid an unexpected visit to McKinnon's office, and they found nearly five hundred thousand dollars on hand in the state treasury to pay current expenses. There was no need for this amount of money to pay current expenses; therefore, the State was losing money by not having the surplus deposited and drawing interest. The House also established an investigating

\textsuperscript{18}Mercer, \textit{Ohio Legislative History}, p. 20.

\textsuperscript{19}\textit{Ibid.}
committee, and these provers were outraged when State Auditor Guilbert refused to hand over to them a cashier's check issued by the Capital Trust and Savings Bank made out personally to Treasurer McKinnon in payment of excise taxes collected by McKinnon through this financial institution. The House committee also discovered that Guilbert had not cashed nearly one million dollars in checks from corporations for the payment of excise taxes. This action enabled the corporations to continue to use this money which should have been in the state treasury.

In April Governor Harris had finally stepped on to the scene and asked the General Assembly to pass the West Bill which would have given him permission to appoint a bipartisan commission of two to do the investigative work of the Senate provers. Harris' request had aroused the anger of the Senators, and Senator John O. Drake said, "It is not only an insult to the members of the committee, but it is an insult to the honesty of every member of the Senate." Others thought that this was simply Harris' way of thwarting the investigations.

\[20\] Cincinnati Enquirer, April 18, 1908.
\[21\] Toledo News-Bee, April 1, 1908.
\[22\] W. W. Durlein to Harmon, June 5, 1908, Harmon Papers, Cincinnati Historical Society.
died on November 17, 1908; and it now appeared that no prosecution would be possible to punish the person most people believed responsible for the fraud. This was the situation in the state treasury fraud investigation when Harmon became Governor of Ohio.

During the first year of his administration Harmon and Democratic Secretary of Treasury David Creamer quietly investigated various state departments including the offices of the Treasurer of State, the Auditor of State, the Secretary of State, the Railroad Commissioner, the State Fire Marshall, and the Public Printer. The investigation of the Treasurer's office was necessarily slow because McKinnon and his successor, the Republican candidate for treasurer in 1908, Charles C. Green, had not kept books or accounts showing fully and correctly the deposits and amounts of state funds in various banks around the State. The task was complicated even more because practically all correspondence relating to that subject was missing from the files of the Treasurer's office, the files having been destroyed or removed from that office prior to the

23 Governor Harmon vetoed a bill which would have established a two man bipartisan commission to investigate the state offices because the Governor would not have been able to appoint either member of the commission, nor could he participate in the investigation himself and he thought this favored the officials rather than the State.
commencement of Governor Harmon's term. Governor Harmon and Creamer had a very difficult time in gaining the cooperation of the Union National Bank of Columbus and other national banks in order to examine the banks' books. Since the Union Bank was under the jurisdiction of national bank examiners, the investigators needed the permission of the bank officers to check their books, and the bank officers refused to give the necessary permission. Harmon wrote Creamer, "I do not think you would be justified any longer keeping a deposit in that bank . . . . My advise therefore is promptly to close the account unless they promptly change their course and let you have the facts you want . . . ." Harmon also sent examiners to the Columbus Savings and Trust Company, whose president was I. B. Cameron, McKinnon's predecessor as State Treasurer, and to George B. Cox's Cincinnati Trust Company among other banks.

As a result of the investigation Harmon sent a letter to Attorney General U. G. Denman on December 6, 1909, asking Denman to institute suits against certain state officials to recover lost state funds. The first part of

---


26 Harmon to U. G. Denman, December 6, 1909, Harmon Papers, Cincinnati Historical Society.
the letter was a general summation of Creamer's findings of how certain state and bank officers had lined their own pockets with money from the state treasury. Harmon made the disclosure that a series of letters had been discovered which proved beyond a doubt that money from the state treasury had been deposited in favored banks around the State and that the accumulated interest had been kept by the bank officials. These letters had passed between the recently deceased State Treasurer William S. McKinnon and the officers of the Cincinnati Trust Company, of which George B. Cox had been and still was president. Approximately two hundred thousand dollars in state funds, drawing three per cent interest, had been deposited there by McKinnon. One of the letters from McKinnon asked the bank officers to return the money to the state vaults in order for it to be counted by the state examiner, but then McKinnon said that the bank could have the money back again after the state examiner had left. There was another letter acknowledging this request and saying that it would be done. Harmon also charged that there was a state operating fund of five hundred thousand dollars in two accounts in Columbus banks and that Creamer had discovered that only a thirty thousand dollar operating fund was needed. Harmon wrote:
... there was plainly something irregular in the apparent keeping of such enormous amounts.
... Either the officers were careless about complying with the deposit laws, thus losing large amounts of interest on the State's funds, or these amounts were not, in fact, in cash in the vaults.27

Harmon believed that the funds were in the bank accounts of state and bank officials drawing interest for them, and Harmon believed that there could be no question that the State was entitled to all profits made by its officers from its money thus employed. He then requested Attorney General Denman to bring suits on the bonds of such officials to recover what was lost to the State.

A subsequent investigation by the Attorney General, the disclosures of a former official of one of the favored banks, and the confession of Charles C. Green revealed to an astonished public the story of the treasury graft as reported by Governor Harmon. The following is a brief summation of the two ways in which the graft system worked. Each year Ohio had a balance of five or six million dollars after meeting its obligations. Then part of the money was deposited in favored banks at an unusually low rate of interest for several reasons. First, the individuals involved would split the profit between the interest rate paid to the State and the interest rate which the bank

27Ibid.
charged its customers. The second reason for favored depositing was out of sheer benevolence for friends. The other means of grafting from the state treasury was the use of money which was kept on hand at the capitol to meet current state expenses. This money drew interest at six per cent, but there were never any records of these banks paying interest charges to the State for the use of its money, and someone had to be getting the dividends.

In January, 1910, Harmon and Attorney General Denman decided to file civil suits to recover lost state funds amounting to $211,721 and $141,506 against former State Treasurer Cameron and the estate of former State Treasurer Mckinnon respectively. In most instances there was a delay of several years in recovering the sums because the money had to be recovered from the bondsman of the two treasurers. Eventually the Ohio Supreme Court upheld indictments against Cameron and Charles Green, Mckinnon's chief lieutenant, for lending state funds without following the prescribed procedure and ordered the money to be returned to the State. During the 1910 election campaign the Democrats accused former State Auditor Warren D. Guilbert,


29 Warner, Progressivism in Ohio, p. 224.
a Republican, of depositing tax collections in the Capital Trust Company of Columbus, rather than in the state treasury. As a result of this attack the bank in which Guilbert had placed these funds refunded to the State $5,747.39, and as a result the Democrats claimed their first fruits of victory in their campaign against graft.\textsuperscript{30}

Of course there were charges by Harmon's opponents that he was merely playing politics when he first made the accusations about the treasury scandal. Harmon laughed at those charges and said, "It would be very poor politics for me . . . to know as much as I do and not to insist that suits be brought. As to that \textsf{charge} if I find a Democrat who has gone wrong I will go after him harder than I would a Republican."\textsuperscript{31} Harmon's supporters revived again the old Paul Morton war cry of "Let not a guilty man escape" in reference to the treasury scandal. Attorney General Denman, a Republican, made approximately the same comments as Harmon in denying that partisan politics was being played in this investigation. Harmon in a special message to the State Legislature in January, 1910, recommended legislation which would prevent this type of graft from occurring again. The Governor's proposed legislation incorporated the reforms

\textsuperscript{30}\textit{Cincinnati Enquirer}, August 3, 1910.

\textsuperscript{31}\textit{Ohio State Journal}, December 7, 1909.
which State Treasurer Creamer had already introduced in his department such as: daily reports of cash in the treasury to the governor and state auditor; weekly collections of funds by all department heads and immediate payment to the state treasurer; and allotment of state funds to be deposited on a competitive basis. The resolution passed the Senate, but not the House; and it was not until the 1911 session that the proposed legislation passed.\textsuperscript{32} One tangible result of the new competitive bidding system was that the interest rate paid by banks on state funds rose from two per cent to three and one-half per cent; this earned for the State an increase of about fifty thousand dollars a year.

The storm which hit Ohio over the treasury scandal had no sooner begun than Harmon opened charges of graft in other state offices. Many people rationalized that the treasury scandal had developed due to the faulty system of handling the state funds rather than from the dishonesty of the people involved and that the depository scandal would never have happened if the State had remedied the system. This type of thinking was the worst type of rationalization possible because it tended to make grafters think that people would overlook their criminal acts. In a message to

\textsuperscript{32} Warner, \textit{Progressivism in Ohio}, p. 224.
the General Assembly in January, 1909, Harmon had attempted to awaken the people of Ohio to the fact that grafting was being done on a large scale; and he said that he wanted the opportunity to dig out the grafters from state offices. The Governor recommended to the General Assembly the following: there should be further probing of the state treasury; there should be appropriations made which would enable him to investigate all state offices and institutions; and there should be a complete inventory of all state property and institutions. Harmon implied by his speech that there was still much work to be done in order to bring honest government to Ohio, but the speech aroused practically no public enthusiasm for reform. The Ohio State Journal supported Harmon's position in an editorial stating:

It is time the people of Ohio were taking account of what is going on in the legislature. They will find a desperate conspiracy started against them, to overthrow every measure of political and civil reform which has been achieved, and to practically put the legislature of the state into the hands of a self-seeking ring.33

Apparently there were legislators who believed as Harmon did that a further probe was necessary because the Seventy-Eighth General Assembly passed a joint resolution in January, 1910, sponsored by Democratic Senator Richard Beatty, to conduct its own graft investigation. Lieutenant

33Ohio State Journal, January 16, 1909.
Governor Francis W. Treadway and Speaker of the House Granville Mooney appointed a bipartisan committee of four, two senators and two representatives, to conduct the investigation into state offices, departments, institutions, and the acquisition of canal land by corporations and individual squatters. Harmon was reported to be distressed because he could not appoint any members of the committee, but, he turned over all of his records and collected material to the Beatty committee. In March, 1909, Senator Frank Woods proposed a second bipartisan investigation to supplement the work of the Beatty probe. This committee was to be composed of two men, one appointed by Harmon and the other by Lieutenant Governor Treadway. Why Senator Woods wanted another investigating committee is difficult to understand except that perhaps not as much graft as he thought existed had been exposed up to that time, and he may have wanted to discover if any grafters were being shielded. Harmon set off much debate when he vetoed the bill. Harmon vetoed the bill because it gave the legislature, through the Lieutenant Governor, the unconstitutional power of appointment and because Harmon believed the bill provided for an inquiry by two men selected for the purpose of antagonizing each other. He felt this would undoubtedly result in the failure of the

34 Ibid., January 4, 1910.
probe. The *Columbus Evening Dispatch* supported Governor Harmon's veto because the *Dispatch* believed the committee was designed as a defense for the state officials whose books were to be investigated.\(^{35}\) The *Cleveland Leader* wrote that Harmon had made a terrible mistake because the veto implied that Harmon believed Treadway would have appointed an unworthy man to the committee. The *Leader* continued that Harmon's stand "... will weaken his hold upon public confidence because it will make him seem smaller and narrower than he has hither to appeared."\(^{36}\)

Within less than a month the first fruits of hard work from the Beatty committee appeared when the committee charged former State Printer, Mark Slater, with defrauding the State of thousands of dollars by padding printing bills. The Beatty probers had heard J. E. Brelsford, Slater's former business partner, confess under a grant of immunity from prosecution that the two had divided $13,700 drawn from the state treasury and that Slater had made nearly ten thousand dollars by padding and faking bills for supplies.\(^{37}\) Many of the politicians who had heaped derision on Governor Harmon for talking through his hat about graft became

\(^{35}\) *Columbus Evening Dispatch*, March 23, 1909.

\(^{36}\) *Cleveland Leader*, March 22, 1909.

apologetic as well as a little nervous. The people of the State were outraged to hear of the accusations. From a Cleveland Leader editorial came the following comment:

Either Mark Slater is grossly wronged and slandered or he is a thief. There can be no half-way ground. . . . The people of Ohio want exact justice done / for / every public official who is accused of misconduct. . . . Justice is one thing which must be sought, wholly without regard to personal or other interests. 38

From an editorial in the Ohio State Journal came the statement that Slater's crime was not an ordinary crime and " . . . there is a widespread feeling that it is not so criminal to plunder the people as it is to plunder just one of them. . . . This is the spirit out of which so much graft is born . . . it must be stopped." 39 The Franklin County Grand Jury indicted Slater on three counts, obtaining property by false pretenses, certifying to a false voucher, and receiving money thereon. Slater had quit his job in Detroit on the first of February and disappeared, but he was found and arrested in New York on the eighteenth and brought to Columbus to stand trial. The first trial ended in a mistrial; but the second trial in March, 1910, ended with a guilty conviction for thefts from the State totaling $38,954; and Slater was sentenced to four years in prison.

38 Cleveland Leader, February 15, 1910.
The sentence could have been as long as ten years imprisonment, but it was lightened when Slater testified against other grafters.

Others were implicated in the graft charges also as the practice appeared to be widespread among various state clerks in the offices of the fire marshall, the railroad commission, and the secretary of state. The Franklin County Grand Jury indicted two former state office and railroad commission clerks and their accomplices at the same time that Slater was indicted. The state fire marshall's office was the next state department investigated; no member of either party was permitted to hide from the investigators. A study of the fire marshall's records revealed that huge purchases had been made, but that there were few supplies on hand, and the investigators theorized that someone had been getting a "rake-off" in the form of commissions on orders for supplies. Harmon had earlier read reports about the fire marshalls, and then he asked State Fire Marshall W. S. Rogers for his resignation. When Rogers would not resign, Harmon discharged him for inefficiency and dereliction of duty in office.40

Lieutenant Governor Treadway accused Harmon of

40Cincinnati Daily Star, June 5, 1909. Rogers at first refused to give up the office and remained entrenched at his desk, but he eventually yielded his office.
playing politics in the investigation of state offices. Treadway claimed that the Governor was shielding Democratic grafters by permitting some Democrats accused of graft to refund certain money while other Democrats were not prosecuted at all. Treadway was referring to the disclosure that Democratic State Treasurer David Creamer, while serving as State Fire Marshall, had charged the State on two occasions for travel in both directions between Columbus and his home in St. Clairsville and for travel to two Democratic conventions. The trips were not official business, and technically Creamer had been guilty of grafting from the state treasury. Creamer confessed that he had acted wrongly, and he returned three hundred dollars to the state treasury. Harmon had already disclaimed any intention of shielding Democratic grafters, and he refused to dignify the critical attacks by making another statement. In a private letter to a Republican friend Harmon said:

... one has to recognize party considerations in many things, I have never considered that they applied where the public interest was involved. I think this fact is so well known that I have declined to make any reply ... I believe ... that graft is not confined to any party, but is sure to spring up in any party, especially if it is too long in power when the people are not vigilant, both in the selection of their officers

---

41 Ohio State Journal, October 8, 1910.
and also in keeping an eye on them and approving or criticising as occasion may require.\(^{42}\)

Harmon and the Beatty committee were responsible for several disclosures of graft and corruption in state affairs, but the most shocking disclosures of corruption were to come later during Harmon's second administration.

In his inaugural address Harmon advocated a need for reform in several areas of government including tax reform, a new depository system, centralization of the state institutions, registration of lobbyists, and regulation of public utilities. Many of the reformers were pessimistic about the possibilities of the enactment of these measures into law because of the division of the General Assembly. The House constituency was fairly progressive because the progressives controlled the appointive machinery. The House speaker, Granville Mooney, was an able, high-minded type of individual; and he appointed men of similar character as chairmen of the various House committees.\(^{43}\) Harmon was certain that the progressive House Democrats and Republicans would support his reform program; in fact the House progressives proposed some reform legislation which Harmon considered too radical for

---

\(^{42}\) Harmon to G. H. Foster, March 20, 1909, Harmon Papers, Ohio Historical Society.

\(^{43}\) Warner, Progressivism in Ohio, p. 226.
his tastes. The Senate revealed an almost entirely different attitude toward progressive reform legislation than the House. As Negley Cochran of the Toledo News-Bee said in reference to the Ohio Senate, "The spectacle afforded by the Democratic Senators at Columbus is one to make God weep and the decent people of Ohio hold their noses." 44

The areas of reform most dear to Harmon were those of the elimination of financial waste in government and tax reform. In 1906 the General Assembly had established a five-man tax commission to study the tax problem in Ohio and submit a report of their findings and recommendations for improvement to the State Legislature. The commission submitted its report January 10, 1908, in which the commission described the major evils of the existing tax system. The commission said that there were too many inequalities between the owners of real and personal property; between owners of real and personal property and owners of corporate property; and finally between corporations. The commission made the following recommendations: one, there should be a constitutional amendment giving the legislature a freer hand to deal with franchises, stocks, bonds, cash, mortgages, and other tangible property and

44 Ibid.
that the rule of uniformity should be abolished; two, that a state board of three members should be established to administer all laws for the collection of state revenues and to give recommendations on the general subject of taxation after investigation; three, that there should be a more frequent reappraisal of real estate; four, that the existing levy on real and personal property should be abolished and that a complete separation of state and local revenues should be accomplished as soon as possible; and five, that authority should be given to local communities to secure publicity in taxation.\textsuperscript{45} Governor Harmon incorporated these proposals in his administrative program; and within two years the General Assembly accepted four of the five proposals, but not without a tremendous struggle.\textsuperscript{46}

Harmon wanted reform quickly in the area of the tax system; and when the State Legislature showed no indication of legislative reform in this area, he sent a special message to the legislature on January 19, 1910, urging them to take action not only in tax reform but in the area of stopping graft as well. Harmon told the legislators that he wanted a single tax board of three members to replace all existing

\textsuperscript{45}Ernest L. Bogart, "Recent Tax Reforms in Ohio," \textit{The American Economic Review}, 1 (September, 1911), 508-509.

\textsuperscript{46}The proposed constitutional amendment was not adopted, but it was considered by the 1912 Constitutional Convention.
tax boards. He said, "I am generally opposed to creating new boards and officials. Their tendency always is to amplify and increase, especially in employees and expense. But the first principle of revenue is to get it, and the cost of the board will be the most profitable of investments."\(^47\) Harmon believed a single tax board would be more efficient and less expensive than all of the various state tax boards which existed at that time. Harmon's theory was that if such a State Commission were created at that time it would ascertain by experience under the laws governing the various boards in what respect the State's tax laws could be improved by legislation. Also there was a belief, but without any conclusive evidence, that it was the custom of many tax officials having custody of public funds in both state and municipal governmental areas to keep for themselves the interest allowance of such funds.\(^48\) Harmon also recommended a revaluation of all types of property because "... the greatest wrong that is done to the owners of visible property is from the general withholding from the duplicate of money, notes, stocks, bonds, and credits."\(^49\) Senator Walter A. Alsdorf introduced two bills

\(^{47}\)Special Message, January 19, 1910, Harmon Papers, Ohio Historical Society.

\(^{48}\)Lindley, Ohio in the Twentieth Century, p. 10.

\(^{49}\)Special Message, January 19, 1910, Harmon Papers, Ohio Historical Society.
in the Seventy-Eighth General Assembly to create a Tax Commission, but they were both smothered in the Senate's Committee on Taxation and a third Alsdorf bill was left on the calendar. A combination taxation and utilities bill passed the House, but it was pigeonholed in the Senate Judiciary Committee.\textsuperscript{50}

The Ohio General Assembly adjourned its regular session in 1909 without enacting any of the administration's desired tax reforms, except for the Quadrennial Assessment Act which became effective in 1910. This act passed in the Senate without one negative vote, and the House approved an even more radical version of the bill. This act provided that the period of time between appraisals be shortened from ten to four years in order to provide a more modern evaluation of property. The act also provided for nonpartisan elected assessment boards to conduct the valuation work, and for all valuation figures then to be printed in pamphlet form and distributed to each tax payer. This act did provide for more frequent appraisals, but it did not provide for a fairer revaluation of the property being taxed.

Harmon's message to the opening of the 1910 General Assembly again emphasized the need for a total tax reform

\textsuperscript{50} Mercer, \textit{Ohio Legislative History}, p. 80.
program. Harmon reemphasized the needs for a single state tax commission; he requested that the unit rule of the Nichols Law be applied to all utility corporations (this meant that the franchises of utility companies were to be taxable); he requested that cities be permitted to appoint their own boards of review; and he requested the abolition of the state tax on property and a one per cent maximum limitation on levies for all taxing districts. 51 The Ohio State Journal praised Harmon's message and in an editorial stated, "The message is really expressive of the spirit of reform that is in the hearts of the people . . . . The document is simply one of the signs of the times that portend a fairer and truer era in the management of the people's affairs." 52 Apparently Harmon's tax reform ideas had begun to appeal to the voters of Ohio, and with an election coming up in November the legislative opponents of the tax reform program began to reconsider their negative stand on the issues.

Two proposals for a single tax board for the creation of a State Tax Commission appeared before the General Assembly. Senator Alsdorf presented one bill, and Representative Lawrence K. Langdon presented an even more radical

51 Special Message, January 3, 1910, Harmon Papers, Ohio Historical Society.

52 Ohio State Journal, January 4, 1910.
bill in the House. The main difference between the two bills was that Langdon wanted to extend the basis of valuation of the Nichols Law to include all utilities, both public and private. The House passed the Langdon bill with but two dissenting votes; and the Senate, with an eye on the November election, passed the measure by a unanimous vote of seventy-nine to nothing.\textsuperscript{53} This act created a State Tax Commission of three men to assume the duties of dozens of state boards and boards of county auditors. The commission had broad powers such as: to assess all public utilities; to equalize taxes on the shares of bank stock; to sit as the State Board of Equalization for appraisement of real estate; to determine the amount upon which franchise and excise taxes should be paid directly to the State; and to act as a board of appeal from any local assessment of real estate which was then being made under the Quadrennial Assessment Act.\textsuperscript{54} The Langdon Act would not have been effective unless well qualified, nonpartisan members were appointed to the commission, and Harmon put to rest the fears of the reformers by his appointees. Harmon appointed Robert M. Ditty, an expert on legal aspects of taxation who had

\textsuperscript{53}Journal of the House of Representatives of the Seventy-Eighth General Assembly of the State of Ohio, CT (Columbus, 1910), 67.

\textsuperscript{54}Mercer, Ohio Legislative History, p. 233.
helped frame the tax commission bill; Francis E. Mann, a banker and farmer with wide experience in land appraisal, and Christian Pabst, a man who had served as auditor of Butler County and as a member of the Board of public service of the city of Hamilton.55

Governor Harmon did not appoint the members of the State Tax Board until July 1, 1910, so their first report did not appear until December 5, 1910, after Governor Harmon had been reelected. The tax commission required every utility and corporation to report its entire capitalization in detail; and then a tentative value was to be fixed, using among other guides the market value of their stocks. Each corporation was then notified of the amount of their assessment and then given an opportunity to be heard. Quite often the hearings were an education for both the commissioners and the companies. The commission worked on the basic theory, as provided in the state constitution, that all companies were required to pay an excise or franchise tax upon an equal basis. The report revealed that there were some forty-six thousand corporations in Ohio, and of the Ohio corporations less than one third reported or paid fees. By the end of 1909 revenue from excise taxes on state corporations realized a net increase of $517,139, and from

55 Warner, Progressivism in Ohio, p. 229.
foreign corporations there was an increase of $550,026.56
Harmon was extremely pleased with the work of the commission
and said that his only regret was "... that such constant
and systematic attention to the administration of our tax
laws was not brought to bear sooner, as was urgently
recommended at the special session two years ago."57 The
citizens of Ohio were equally as happy as Harmon over the
success of the State Tax Commission because this meant that
the increased revenue might lower their taxes or at least
provide for worth-while state projects.

The other important tax reform during Harmon's
first administration resulted from the Governor's desire to
have a one per cent tax limit set on the total amount of
taxes levied in one year above which the rate should not
be raised without a vote of the people. Harmon believed
that the proposed one per cent tax limit would draw
invisible property, which had almost entirely escaped
taxation; out of hiding; and it would also restore a strict-
er economy on the part of the State and cities. Harmon
and his financial advisers believed that taxpayers would
list their intangibles if they knew that they would not have
to pay a four or five per cent tax. The entire one per cent

56Mercer, Ohio Legislative History, p. 233.
57Ibid., p. 86.
tax limit was based on the idea that since the Ohio Tax Commission was in operation all property would be valued at its true value in money, and with this safeguard there could be a corresponding reduction in the tax rate in proportion to the increase on the tax duplicate.

In an interview Harmon expressed the view that everyone, individuals, cities, and states, had been living on too expensive a scale and the only way to really economize in government was to cut down on expenses and do without fads and fancies. No where can Harmon's conservative economic attitudes be observed better than in this proposed one per cent tax limit, and many people agreed with his views. Harmon said:

Well, now, so long as a man has his pockets full of cash, he is tempted to spend it. And so long as a city has a lot of money . . . it is tempted to go in for things it really can't afford . . . . The first object of the 10 mill tax-rate bill is to force extravagant officials to economize. The tax-rate in places in this state is five or six cents on the dollar . . . . Of course, property is assessed at a great deal less than its true value. One effect of the law would be to bring assessments up to actual value; another effect would be to drag property at present untaxed into the light, but the chief thing after all would be the rendering necessary of an economical administration. 58

Many people supported the ten mill tax limit proposal because they believed their local and state governments were

too extravagant, and they believed that the plan would get more property on the tax duplicate. Others, especially the big city representatives, however, believed that they would not be able to operate their cities on such a limited tax plan. Reformers who did not believe that more revenue would be gained by a lower tax rate opposed the proposal because they believed their reform program would suffer without the additional sums from a tax rate higher than one per cent.

Senator Walter A. Alsdorf presented the one per cent tax limit bill to the Senate and an immediate struggle for passage ensued. Opposition to the bill centered in the representatives from Cleveland and Cincinnati who believed their cities would go bankrupt trying to live within the proposed law. The Alsdorf bill passed in the Senate but only after a long and desperate filibuster by some Republican Senators.59 The House amended the bill by increasing the maximum rate to one and a half per cent or fifteen mills and by permitting a still further increase in the tax rate without a vote of the people. Harmon did not like the latter chance concerning an increase without a referendum vote, and he let it be known that he would veto such a bill rather than take away this protection from the people. In the combined House-Senate conference committee a compromise

59Mercer, Ohio Legislative History, p. 81.
bill was worked out which was substantially like the House measure. It provided for limiting the rate of taxes to be levied in any taxing district in the state to ten mills on the dollar, exclusive of levies for interest and sinking fund purposes and such additional taxes not to exceed five mills as might be voted by the people, the total of the levies, including the latter, being limited to fifteen mills in a taxing district.

Harmon did not like the final measure because he did not believe that there was enough protection against an increase in the maximum rate and because he did not like the fifteen mill limit. Harmon permitted the bill to become law without his signature because he thought that bill was probably the best that he could get from a Republican dominated legislature, and to have vetoed the bill would have resulted in leaving the taxpayers without such protection as was provided.

Harmon was very gratified with the results of his tax program. Between 1910 and 1911 the real estate duplicate increased 155.6 per cent, and it has already been noted that as a result of the State Tax Commission's efforts the State received an additional one million dollars plus in 1909 alone. Why was the administration's tax reform so successful? One of the reasons was that members of the
previous tax boards were not full time employees and they had to divide their attention between their regular means of livelihood and their work on the tax board. As a result of the creation of the State Tax Commission Ohio had three full time, skilled employees to assess property and administer the collection of taxes. Also, the virtual elimination of direct sales tax on real estate removed what had been before a source of competitive undervaluation by local governments.\textsuperscript{60} But the greatest good from the tax program, aside from the increased revenue, was the fact people were happy with the revision in the tax conditions. With the increased assessments, which were checked by the fifteen mill limit, they believed that there was a much fairer system of taxation for all taxpayers; and as a result they were more willing to pay their fair share of taxes. Governor Harmon's business and tax reforms were possibly not as spectacular as the political reforms, but to many Ohio taxpayers they were more important.

Another of Governor Harmon's economy and efficiency measures was the establishment of a central board of management for all of Ohio's state penal and charitable institutions. In his inaugural address Harmon had singled out the

\textsuperscript{60}Warner, \textit{Progressivism in Ohio}, p. 231.
management of the state institutions as an area in which greater economy should be developed. Harmon had heard rumors that there was much waste and incompetence in the management of these institutions, and it was widely recognized that the position of superintendent of one of the institutions was often gained as a result of some political favor. Harmon was also unhappy with the reports that merchants overcharged the institutions for supplies and then split the profits with the stewards.\(^61\) Governor Harmon wrote that he always thought the benevolent institutions should be kept free from politics, though, he said, unfortunately the "... Republicans have used many, if not all of them, as political agencies. However, I do not propose to be led away by a bad example, and have no idea of making changes except for cause."\(^62\)

Harmon sent letters to the superintendents of each institution warning them that it was their duty to examine very carefully their purchases to be certain that they were following the strictest economy possible. Then in 1909 the Governor began to make unannounced inspection trips to the various institutions to determine for himself what measures could be taken in an effort to provide better management.

\(^{61}\)Harmon to E. M. Gallaudet, June 1, 1909, Harmon Papers, Ohio Historical Society.

\(^{62}\)Ohio State Journal, November 9, 1909.
As a result of his investigations Harmon was certain that more efficiency could be attained if only the administration of state institutions could be centralized. Harmon proposed that there should be a single board of management of five trustees rather than the existing nineteen boards and fifty-seven trustees to supervise the benevolent and penal institutions. The three major advantages to this system were the following: one, there would be only a superintendent and a storekeeper required at each institution, and this would realize a savings of thirty-five thousand dollars in salaries; two, there would be one fiscal agent responsible for purchases rather than nineteen; and three, there would no longer be competition by nineteen boards for appropriations, but there would be a single appropriation for all divided among each institution after a careful examination of individual needs. Harmon also proposed that the General Assembly incorporate into the law a provision which would make it possible to utilize the work of prisoners by creating markets for their goods by compelling all Ohio political divisions to purchase certain supplies which they needed from penal institutions.63

Senator Alsdorf, the administration's ally in the Senate, presented the proposal and another not unexpected

63Mercer, Ohio Legislative History, p. 101.
fight ensued. Over a dozen bills of that nature had gone into the legislative wastebasket in a dozen years. Governor Asa Bushnell, 1896-1900, was the first to fight for the central board plan; but the political pressure against doing away with the numerous appointive plums of board membership was too strong to bring about reform in that area.  

Opposition to the bill also centered around the impracticality of placing the business of nineteen institutions under the control of five men. The Republicans proposed that a central purchasing agent be established, but that the nineteen boards remain as they were. In spite of this opposition the Alsdorf Bill passed the Senate in April, 1910, by a vote of twenty to thirteen. The bill included the central board, a merit system for those people under the superintendents, a joint purchasing system, and a re-structuring of the bookkeeping system. The editor of the Ohio State Journal praised the bill except for the five thousand dollar salaries for the board members which the Journal believed was "ridiculous and excessive" for the work done.  

Once again the Republican dominated House emasculated an administrative proposal by amendments and

64 Ohio State Journal, November 9, 1909.

65 Ibid., April 16, 1910. The Journal believed three thousand dollars was more appropriate.
revisions. As the Alsdorf Bill came out of the House the reforms were to be on an experimental basis in the state penitentiaries and three reformatories, and the bill excluded the civil service measures. The Senate accepted the Alsdorf Bill unanimously, and Harmon vetoed it for several reasons. One was that the bill put the central board members on salary ten months before they actually assumed control of the four institutions, but as Harmon said, "... the chief objection to the bill is that it is only the mangled remains of a carefully drawn measure which ... I believe would have been of great benefit to the state by way of economy in the greatest and most costly of its undertakings, as well as in other ways." Harmon also believed that the central board would be too restricted and could not make a fair showing; therefore, the results would cast further discredit on the plan. The central board proposal never did go into effect during Governor Harmon's first administration.

CHAPTER VI

HARMON'S FIRST ADMINISTRATION: LATER ASPECTS

While Governor Harmon had revealed great determination in ferreting out grafters from public office and in the development of an efficient tax reform, he was less certain about his proper role in other areas of progressive legislation. Harmon was not interested in change simply to bring about a change in procedure, but he was not opposed to such change if it would provide a truly worthwhile program. Yet, he seemed to be very reluctant to extend substantial state control into new economic and social areas.¹ This is the reason why progressives often wondered about Harmon's apparent uncertainty of action when they sponsored one of their reform measures. It, moreover, explains the situation during Harmon's first administration when Republican representative Frank Woods introduced his bill to place greater controls over the state public utilities. Governor Harmon had mentioned a need for reform in the public utilities in his inaugural address, but that was the last time that he had mentioned the subject publicly. The

¹Warner, Progressivism in Ohio, p. 233.
progressives were unhappy because they believed that the public utilities companies, especially the railroads, were escaping their fair share of taxation and regulation.

Woods first introduced the public utilities proposal in February, 1909; but he could not gain enough support for his measure at that time. The House passed the measure while the Senate defeated it. By the beginning of the second session in 1910 enough publicity had been given in the press that public pressure forced many legislators to support the Woods Bill. Woods modeled his bill after similar laws which had been passed and apparently were working successfully in New York and Wisconsin. The bill basically transformed the existing State Railroad Commission into a State Public Utilities Commission with greatly expanded powers. There was to be a three-man commission with the power to fix the rates to be charged, to prescribe regulations to insure satisfactory service by all public service corporations, to investigate complaints, to require the return of full financial information on which to base actual valuations, to publish valuations, to devise a uniform system of accounting, to approve the issuance of additional stocks and bonds, and to prevent mergers and corporate reorganizations from being made the occasion for watering stock.\(^2\) The bill also provided for city home rule

---

over local utilities, but the state board could intervene when the local government could not or would not insure adequate service.³

Senator Cyrus B. Winter introduced a counter measure, which had it been accepted, would have destroyed the main reform parts of the Woods Bill. Winter proposed to extend the authority of the existing railroad commission to all utilities except those operating in the various municipalities. This proposal would not, however, have extended or enlarged the powers of the railroad commission.⁴ The various public utility companies obviously opposed the Woods Bill because it would have limited their self-management as well as their profit. The utilities companies sent lobbyists to Columbus to apply the greatest amount of pressure possible on the legislators to prevent the enactment of the Woods Bill. Most political observers realized that the problems of the control of the public utilities could be worked out more or less by experiment, N. C. Wright's Cleveland Leader expressed this view:

There must be tentative steps, preparations for more perfect conditions to be created in the light

---


⁴Ohio State Journal, February 27, 1910.
of actual experience. For this reason it is beside the mark to argue that the Woods public utilities bill is imperfect . . . . the vital fact is that the Woods bill is intended to establish . . . . the principle of state regulation of public service corporations . . . . The Leader believes that its passage would serve the larger interests of the state and prove conducive to the public welfare.5

The Woods Bill passed the House by a substantial margin, ninety-one to sixteen, but the Senate defeated it twenty-two to ten after six hundred amendments were added reducing the bill to practically a shadow of its original form. The Ohio State Journal reported that the "interests" had been at work and that the public service corporations had clearly demonstrated their domination of the Ohio Senate through their control of the Democratic members of the Senate.6 The supporters of the Woods Bill used Governor Harmon as their scapegoat for the failure of the bill, and Harmon tasted his first real example of public criticism. Harmon had not given any public support or disapproval of the Woods Bill, and the progressives claimed this was due to Harmon's being a reactionary who had been out of office too long to realize that a progressive movement had been sweeping the country.7

5Cleveland Leader, March 7, 1910.

6Ohio State Journal, April 23, 1910.

demanded to know where Harmon stood on the matter. Only one of the Senate Democrats had voted in favor of the Woods Bill, and the Leader wondered what was wrong with Harmon's leadership:

Had he no influence in his own party? Can the Ohio candidate for the nomination for President do nothing to shape the course of Democrats in the Legislature of his state? Is he quite helpless or does he not desire to see progressive measures like the Woods bill become law? Is he impotent in legislation, or hostile to reform opposed by great corporations.8

The press really opened up on Harmon when he gave what the press considered an extremely weak answer defending his position in reference to the Woods Bill. Harmon claimed that he had never seen a copy of the bill until just before the measure was killed in the Senate. He said, "I have not read the bill and do not know anything about it. It would be ridiculous for me to say anything about the bill as I know nothing about it."9 Negley Cochran of the Toledo News-Bee said that Governor Harmon should have made it his business to find out about the provisions of such an important piece of legislation as the Woods Bill. The most critical remarks came from N. C. Wright when he wrote:

What moral right has the Governor of Ohio to remain in complete ignorance of a far-reaching bill affecting matters of the highest importance

---

8Cleveland Leader, April 27, 1910.
9Ibid., April 29, 1910.
to the commonwealth, where it is debated hotly, for weeks together, in the General Assembly? How dare a man holding the highest office in the state say that he knows nothing of such a subject of earnest discussion all over Ohio?10

The Ohio State Journal implored the Republicans to make a campaign issue in the 1910 election of Harmon's failure to support the Woods Bill.11 Even the sympathetic Democratic press had a difficult time attempting to explain Harmon's motives in his actions, or lack of action, concerning the Woods Bill. A possible answer to Harmon's role in this instance is that he did not openly support the bill, although he did let Speaker of the House Granville Mooney know that he was not violently opposed to the principle of the Woods Bill, because he never really favored governmental extension in public areas on an experimental basis. If Harmon had had more of an opportunity to study the New York and Wisconsin public utilities program in operation, there was a good possibility that he would have approved of the plan if he had been convinced that the State would have truly benefited from the plan. Nothing more was done about the Woods Public Utilities Bill during Harmon's first administration, although the Senate did pass a bill

10Ibid.

11The Republicans did make the Woods Bill an issue in 1910, and even Theodore Roosevelt leveled criticism at Harmon for his role in permitting the bill to go down to defeat.
strengthening the powers of the railroad commission; but this bill certainly did not compare favorably with the Woods Bill.

The State Treasury fraud, the tax reform program, the Central Board Bill, and the Woods Public Utilities Bill were the issues which seemed to gain the most public attention during Harmon's first term; but there were other programs of equal importance during the same period. Harmon became very aware of the presence of lobbyists at the capitol during his first administration, especially in the lobbyists' actions concerning several proposed bills; and while he believed that every citizen had the right to appear before any government department which made laws affecting him, the Governor was less certain about the role of paid lobbyists.\footnote{Harmon was especially unhappy with the lobbyists in regard to the Elson Telephone Merger Bill. Before the Langdon bribery probe committee Representative Howard W. Peers testified that he had been offered $100 by Simon Cronier, a lobbyist for the Central Union Telephone Company, to vote for the Elson Bill. The bill was not enacted.} Harmon sent a special message to the General Assembly on March 17, 1910, in which he advised the legislators to suppress the lobby evil before it got out of hand and began to corrupt the legislature. The message encouraged the legislature to make some law to protect members at all times and places from approach by paid agents who
a good defense for its action at all because "... it is not half as bad to feel a little extra precaution thrown about one as it is to feel the need of the advice of a paid lobbyist." To some people the Senate's action meant that possibly the Senate had something to hide, but only time would reveal if this were true.

The large agrarian population was not forgotten during Harmon's first administration, and the somewhat biased James Mercer reported that there was an unprecedented amount of legislation advanced in the interest of agriculture. One of the reasons for the accomplishments in this area may have been Harmon's real affection for the farmer because as he once said to a State Board of Agriculture meeting:

My earliest and dearest recollections are those of my boyhood days and are intimately associated with farmers and farming ... I think it may truly be said of farmers that according to the proportion of the taxes they pay and what they add to the country's wealth they receive smaller return than does the city dweller.

Harmon had set forth several proposals in his inaugural address to aid the farmer, and these measures plus several others were enacted by the General Assembly. The following indicate the accomplishments in agrarian legislation: appropriations were made to provide each county with an


16Mercer, Ohio Legislative History, p. 119.
experimental station of its own; appropriations were increased from five thousand to ninety thousand dollars to provide for a State Serum Farm and Research Institute to prevent and suppress contagious infections among livestock; a farm labor bureau was established to meet the demands for hired help; money was provided for new buildings on the State Fair grounds; and the Cahill Bill was passed making the teaching of agriculture by competent instructors compulsory in the common schools.\textsuperscript{17} The Cahill Bill was the only part of the agricultural proposal which caused much controversy. Opponents of the bill said it was an impractical measure because there were not enough competent instructors to teach agriculture, while proponents of the measure said that the best way to train enough instructors was to have them teach it.

Labor, the other major working force, was not forgotten either during Harmon's first administration. Governor Harmon was instrumental in having the Ohio General Assembly pass a Workman's Compensation law, the constitutionality of which had recently been upheld by the Supreme Court. Harmon appointed a special commission which worked for over a year to collect the information necessary to develop the bill. A state-administered fund was established,\textsuperscript{17}.

\textsuperscript{17}A Story of the Progress in Ohio During Governor Judson Harmon's Administration, pp. 16-18.
of which ninety per cent was paid by the employer and ten per cent by the employee, to be used to compensate workmen or their families for injury or death incurred as a result of industrial accidents.\textsuperscript{18} Under the law an employee could not sue a manufacturer who contributed to the workmen's compensation fund unless the injury was caused by a disregard for a law, ordinance, or order issued by an authorized public officer providing for the protection of employees or by the willful wrong of an employee. Awards ranged from fifteen hundred to thirty-four hundred dollars and were dependent on the scale and wages paid the employees. Manufacturers were not required to join the fund; but if they did not join, they lost the privileges of not being sued by an employee who was injured on the job. This act was of wider scope and was more comprehensive and far reaching than any similar legislation adopted by any other state at that time. Another act passed by the General Assembly established a maximum fifty-four hour work week and a ten hour day for women.

During Harmon's first administration the progressive legislators attempted to have certain reform measures enacted, but they were not very successful, and many of the progressives blamed the failure of these bills on the

\textsuperscript{18}Roseboom and Weisenburger, \textit{History of Ohio}, p. 322.
Governor's lack of support. Herbert Bigelow, the reform-minded minister from Cincinnati, pushed for the passage of the initiative and referendum legislation in both sessions of the Seventy-Eighth General Assembly, but each session defeated what seemed to many to be rather radical proposals. During Harmon's first administration the sentiment in Ohio seemed to be split in regard to the ideas of direct legislation, but by 1912 this sentiment developed to the point that both the initiative and referendum were incorporated into the Ohio constitution. In 1908 the progressive Negley Cochran revealed his attitude toward the adoption of direct legislation when he wrote, "Who shall decide what the people want and what is best for them? Shall a small coterie in the legislature decide, or shall all the voters of Ohio do so?" The Republican Cleveland Leader expressed the opposite view that direct legislation would mean minority rule:

The fatal difficulty with direct legislation is that it means minority rule. The advocates of initiative and referendum insist that a bare majority of voters who mark their ballots for or against a proposal or referred law shall be enough to decide its fate. They will not accept what they call popular government if it requires a majority of all the votes cast at the election.

19 The question of the initiative and referendum will be discussed more thoroughly in Chapter Eight in connection with the 1912 Constitutional Convention.

20 Toledo News-Bee, March 17, 1908.
when pending measures are passed upon . . . .
It contemplates and insures the calling of elections for the consideration of all manner of laws and schemes dear to a little minority of fanatics and freaks who hope to weary the people of the state by much voting and a great confusion of issues in elections, and so bring about the enactment of laws which not one man in every four in Ohio really desires.\(^{21}\)

Bigelow's proposals for direct legislation were defeated; nothing was accomplished in providing for direct primaries; and a bill to provide for the election of judges on a non-partisan ballot was defeated. Considering everything that the progressives desired the Seventy-Eighth General Assembly was not very productive.

Harmon continued to reveal his desire for economy in government when he vetoed a bill to raise the salary of county recorders and again when he sent a message to the House disapproving of a proposed bill permitting county Treasurer to authorize persons to collect delinquent taxes on personal property and be compensated for it. Harmon vetoed the county recorder's bill not only because he received so many letters opposing it, but because he thought it was part of a great public plunder scheme originated by the recorders themselves.\(^{22}\) The Governor believed that there was too much extravagance in government

\(^{21}\) *Cleveland Leader*, March 1, 1909.

\(^{22}\) *Veto Message*, March 16, 1909, Harmon Papers, Ohio Historical Society.
anyway and that it was not the appropriate time to be raising the pay of public officials. Harmon disapproved of the county treasurer's bill because the hired tax collectors could be paid a fee of up to twenty-five per cent of the amount of the delinquent taxes they collected when the law made it the duty of the treasurer, who was amply paid, to collect those taxes. Harmon believed that this proposed scheme would provide the temptation of extra compensation by not collecting taxes immediately and this could lead to taxes becoming delinquent through either carelessness or design.23

Although the liquor question had played such an important role in the 1908 election, the question was relatively unimportant during Harmon's first administration. The fears of the drys that a Harmon victory would bring the repeal of the local county option laws proved false. There were no new attempts to develop state-wide prohibition, nor did Harmon do anything to either strengthen or weaken the existing temperance laws. However, the Dean Bill, which would have extended the local option law to permit a municipality in a dry county to become wet, was introduced in the Senate. The Governor's papers revealed literally hundreds of letters urging Harmon to veto the Dean Bill if the General Assembly passed it, but the Senate defeated the

23Mercer, Ohio Legislative History, p. 60.
bill by a vote of eighteen to sixteen. There was a rumor in circulation that some members of the Republican Senate voted in favor of the Dean Bill in order to place Harmon in the position of either having to approve or disapprove of the bill thereby losing votes in the 1910 election no matter which action he took, but this rumor was never substantiated.

The only other proposed legislation which developed much attention during the 1909-1910 session was a bill to permit the playing of baseball on Sundays. The bill was introduced in the General Assembly due to pressure exerted by the workingmen who had no other opportunity to watch professional and amateur baseball except on Sunday. Harmon was a lover of the game; in his youth he had been one of the best amateur baseball players in Cincinnati; but as he read the bill he realized it was clearly unconstitutional. This bill, House Bill No. 131, would have permitted the playing of baseball on Sunday by a local option of the majority of voters in any city, village, or township. Governor Harmon vetoed it April 21, 1910, because the bill did not repeal the state law making sports, amusements, and common labor illegal on Sunday. Harmon said the bill only "... proposed to let a majority of the voters in any city, village, or township exclude the operation of the
general law of the state therein.\footnote{24} The Governor said that the Ohio Constitution provided that all laws of a general nature should have a uniform operation throughout the state and that he did not want to make something a crime in one county and lawful in another. Most lawyers agreed with the Governor's position in this instance although his veto was not appreciated by Ohio's sports-minded workingmen.

There were two other important incidents during Governor Harmon's first administration, and neither of the incidents had anything to do with proposed legislation. On July 9, 1910, Ohioans were terribly shocked when they opened their newspapers and read about the lynching of a private detective in Newark, Ohio, on the previous day. Ohioans had read of numerous Negro lynchings in southern states in recent months, but this was a lynching of a private detective in Ohio. Needless to say there was an immediate public demand to determine the cause for the disgraceful act in Newark. Governor Harmon was relaxing at his summer retreat at Charlevoix, Michigan, when he received word from his Secretary, George Long, about the mob action at Newark. The Governor returned to Columbus, visited Newark, and then began to establish his own investigation of the murder under

\footnote{24}{See House Journal of Seventy-Eighth General Assembly, CI (1910), p. 743.}
supervision of the State Attorney General. What the reports revealed were enough to make every law-abiding Ohioan develop a deep feeling of disgust concerning the actions which had transpired on July 8, 1910, in Licking County.

During the last local option election the residents of Licking County voted to become a dry county under the provisions of the 1908 Rose Law, but the residents of Newark, which had a strong saloon element, voted for the county to remain wet by 1,556 votes.\(^{25}\) The saloon keepers of Newark apparently refused to abide by the result of the local option election by putting up a very thin pretense of selling only nonintoxicating drinks, but in reality they continued the sale of intoxicating drinks just as they had done prior to the election. Practically everyone in Newark knew what the saloon keepers were doing, but nothing was done to stop the illegal sale of intoxicants because the mayor and the chief of police refused to interfere in the situation.

The feelings among the wets and drys in Newark became very tense after the election. For example, the wets made a determined effort to bring the defeat of the superintendent of city schools because he was a dry, and a protesting leader of the drys had been waylaid and beaten senseless by unknown assailants.

\(^{25}\)Cleveland Leader, July 10, 1910.
It is no wonder then that the people of Newark were easily aroused when on July 7, 1910, William Howard, the proprietor of the Last Chance restaurant, was shot and killed when a group of twenty detectives from Cleveland led by Edward Hill of Columbus, employed by the Anti-Saloon League and the Licking County Law and Order League, swept down on Newark searching establishments for intoxicating beverages. At approximately 1:00 P.M. a group of the detectives entered Howard's place and told him they were going to search for liquor. He argued with the detectives that they had no right to search his establishment; and one of the detectives, allegedly Carl Etherington, took a pistol from his coat and pressed it against Howard's abdomen; and then the gun discharged. Howard died that day, and an incensed Newark population wanted more than just having Etherington put in jail. Etherington claimed that he fired in self-defense when Howard reached behind the bar for what Etherington believed to be a gun, but Newarkites wanted to know what right the detective had to be in Howard's place searching in the first place. The answer from the Anti-Saloon League was that the detectives were there in the exercise of their undoubted rights to investigate violations of the statute forbidding liquor

26 Newark Advocate, July 8, 1910.
sales and to raid premises where the traffic in intoxicants was conducted.  

Sheriff William Linke placed Etherington in the Newark jail; and people, estimated as many as one thousand, began to congregate there almost immediately. By early evening a crowd of people, now swollen to an estimated five thousand, began to shout that they wanted Howard's murderer. Newark's Mayor Herbert Atherton reportedly addressed the mob around 9:00 P.M. at the jail and asked them to disperse and not stain their hands with the blood of the prisoner; and then the Mayor went to his home. At approximately 9:30 P.M. the mob forced the officers away, battered down the iron doors of the building, and after getting the jailor's keys, dragged Etherington from his cell, and took him to the public square near the court house. Etherington was reported to have attempted suicide by putting his head in his coat and setting fire to the coat to smother himself to death. This failed and in the last moments as the mob battered down the door he prayed and wrote a letter to his mother.  

27Randall and Ryan, History of Ohio, IV, 462. The General Assembly passed the "search and seizure" act February 23, 1906. This act authorized magistrates to issue warrants for the search of places and seizure of intoxicating liquors and destruction of the liquors.  

28Newark Advocate, July 9, 1910.  

29Ohio State Journal, July 9, 1910.
who ignored his pleas that he had not meant to kill Howard, he was hit on the head with a hammer to quiet him, and then he was mounted on a block under a telegraph pole in the square. As he mounted the block, ready to swing, he asked to make a speech; and the surprised mob granted the condemned man this request. Etherington allegedly said, "I want to warn all you young fellows not to try to make a living the way I have done, by strikebreaking and taking jobs like that. I had better worked and I wouldn't be here now." 30 The swinging of the rope cut short anymore of Etherington's speech, and he died at approximately 10:35 P.M.

The Ohio press reacted as one would have expected at the Newark lynching. The various newspapers expressed horror, indignation, shame, and a challenge to Governor Harmon to take the situation in hand and restore Ohio's lost prestige in the eyes of the nation. The Cleveland Leader wondered whether Harmon would play politics in avoiding the issue when it said:

Has he the courage? Unfortunately for the Governor, he is a candidate for the next Democratic nomination for President. He cannot get the nomination unless he carries Ohio next fall. The saloon issue in this state is a live one

and he is afraid of it. The lynching in Newark occurred because of the bitter struggle over that issue. Whatever the Governor does is likely to affect next fall's results ... Has Governor Harmon the courage and patriotism to put out of consideration all playing for political safety and take hold of the situation in Newark with a firm hand? ... With the pitiful timidity of the executive's action on the public utilities bill and other important questions fresh in the minds of the people the burden of proof is on Mr. Harmon.31

The Ohio State Journal said:

If even some of those guilty of this terrible crime can be so proved and punished as the law decrees a telling victory for law and order will be won ... Ohio now has an opportunity to set a new and fearfully needed example, and there is real hope that the duty will be done.32

Harmon listened to Attorney General U. V. Denman's reports and then took the decisive steps which many had hoped would be taken. Under the Eubank's Anti-Mob Law, which the General Assembly had just enacted during the past winter, the taking of a prisoner from the custody of a sheriff and lynching the prisoner was considered prima facie evidence of negligence on the part of that official; also the Governor was empowered to suspend a sheriff and turn the enforcement of the law over to the county coroner. Governor Harmon suspended both Mayor Atherton and Sheriff

31Cleveland Leader, July 11, 1910.

Linke. He ordered Vice-Mayor John M. Ankele to take charge of the city government and to investigate the conduct of the police and report directly to him. Harmon then asked Attorney General Denman to represent the State in the Licking County grand jury investigation of the lynching. Sheriff Linke resigned from his position on July 13, 1910; and Mayor Atherton resigned his position on July 14, 1910, after accepting the advice of his friends to make a Governor's hearing unnecessary.

The Licking County grand jury opened its probe into the lynching on July 17, 1910, under the guidance of Denman and Assistant Attorney General W. H. Miller. Twenty-five indictments were issued for first degree murder; and thirty-five indictments were issued on minor charges, including assault and battery and rioting. The first trial of one of the accused lynchers resulted in a guilty verdict of manslaughter; the convicted lynchers was sentenced to twenty years in the state penitentiary; and it appeared as if

---

33No one could understand where the chief of police and his patrolmen were during the two hour attack on the jail, nor why Sheriff Linke did not ask for State militia assistance from the State Adjutant-General until 10:30 P.M., nor why Mayor Atherton did not assume a more important role in an attempt to stop the lynching.
justice would be served.34

Harmon's quick and decisive response to the critical situation in Newark received wide acclaim from friend and foe a like. Even Harmon's enemy, the Cleveland Leader, admitted that Harmon met the situation like a man and used the weight of his office to restore order.35 Warren Harding praised Harmon's efforts saying, "Governor Harmon's prompt response to duty's call in an effort at clearing up the deplorable situation at Newark will meet with a responsive approval throughout Ohio."36 One of Harmon's friends, W. H. Johnson who was the Secretary to the Commission on Normal School sites, expressed his esteem for the Governor's action when he said that Newark was resting quietly and that " . . . Linke has sunk out of the public notice at present and Atherton is still blubbering. You have left them both about like a tomato vine after a hard frost."37 Undoubtedly

---

34 All of those indicted on the minor charges were convicted with no acquittals. Of the first fifteen murder trials there was one acquittal, but the remainder were sentenced for manslaughter and sent to either the Ohio penitentiary or the Mansfield reformatory. Fifty-eight people were eventually indicted and sentenced for their part in the lynching on charges ranging from first degree murder to perjury. Sentences ranged from twenty years for manslaughter to $200-$300 and 30 days in jail for rioting to $20 and ten days in jail for assault and battery.

35 Cleveland Leader, July 12, 1910.

36 Marion Star, July 12, 1910.

Governor Harmon's prestige was at an all time high in Ohio as a result of his measures taken to quell the Newark riot. The Columbus Evening Dispatch probably best evaluated Harmon's effort when it remarked:

In this emergency Governor Harmon has brought his usual common sense and high purpose into play. Shocked by the outbreak of passion he has first investigated and then acted. The preservation of order, the supremacy of law and the punishment of delinquent officials have been his first concern, standing firmly for these things, he will have the support of good people everywhere.38

The other incident during Governor Harmon's first administration which created many problems was a streetcar strike in Columbus which continued with interruptions for over five months. The events of the strike became very violent at times, and eventually Harmon unhappily called out the state militia to restore order in Columbus. Actually the strike caused national attention to be focused on Columbus because Harmon was being considered as a possible presidential candidate in 1912, and the nation's interested citizenry wanted to see how Harmon would respond to the crisis.

The first signs of unrest among the employees of the Columbus Railway and Light Company began to appear publicly around the first of April, 1910. The employees'
main goal was for the company to grant recognition of a carman's union, but the company refused to listen to any proposal of this nature. Then the workmen asked the company to accept an arbitration board of disinterested citizens to help solve the question; and when the company's general manager, E. K. Stewart, refused absolutely, threats of violence such as "the cars won't leave the barns" began to appear.\(^{39}\) The dispute was not settled; and on April 29, 1910, the carmen went out on strike and then attempted to stop the streetcars from running. Tracks were destroyed, several cars were overturned and burned, and several streetcar operators were beaten. An estimated ten thousand dollars damage was done in just the first several days of the strike.

Columbus Mayor George Marshall was not certain what his proper position should be in this strike although he did know that law and order had to be maintained. He apparently wanted to be neutral or at least he claimed that he did, but he supplied police officers to act as an automobile patrol to aid in the operation of the streetcars. Harmon was not officially invited into the fray, but on his own he met separately with Stewart and the strike leaders. Harmon was not able to accomplish any settlement.

\(^{39}\)Ohio State Journal, April 7, 1910. The presence of strikebreakers was reported in this same issue of the Journal also.
General Manager Stewart refused to permit Harmon to act as an arbiter to settle the strike, but Stewart did listen to the efforts of the Columbus City Council and a citizens group led by the Reverend Washington Gladden who sought a solution to end the strike. Eventually on May 4, 1910, both the company and the strikers agreed on a settlement based on a proposal by Mayor Marshall. Marshall proposed the following: one, that each side should agree to future negotiations at any time; two, there would be no discrimination against any union employee; three, there would be a small wage increase; and four, immunity would be granted the strike leaders. There was nothing stated about complete recognition of the carman's union as the sole bargaining agent for all of the employees, and skilled observers of labor problems guessed that the solution would prove to be a temporary measure only.

In the latter part of July strike talk began to be heard again, and Harmon attempted to get both sides to agree to submit their arguments to the State Arbitration Board for settlement. The union said it would not submit to arbitration because two of the members of the board, Judge Noah H. Swayne and Joseph Bishop, were known to be anti-union men. Stewart said the company would not abide by any decision of the board in advance of the proposed hearings so prospects for a settlement appeared highly
unlikely especially when the people who had helped settle the last strike did not institute any new movement for a peaceful solution. The State Board of Arbitration investigated the claims of both sides and found that each was partially responsible for the troubles which threatened to bring on another strike. The board revealed that the company was discriminating against union members; that employees had been dismissed for shortages in the collections of fares, two unjustly and two for just reasons; that the unionists had failed to substantiate claims that treatment by inspectors and foremen constituted discrimination; and finally, that there was no real reason why a peaceful settlement should not be obtained easily.\textsuperscript{40} Despite the board's findings the unionists voted to go out on strike again on July 23, 1910, while the Republican State Convention was in session in Columbus.

The second part of the strike was much more violent than the April strike had been especially after the company imported strikebreakers from Cleveland to operate the cars. Police officers and nonunionists were stoned, streetcar fires raged all over the city, seventy-six persons were arrested, acid was thrown into the eyes of one conductor, and violent demonstrators in front of Mayor Marshall on the streets were dispersed only after water hoses were turned

\textsuperscript{40}\textit{Ohio State Journal}, July 24, 1910.
on them. Mayor Marshall ordered all of the saloons closed, and he threatened to ask Harmon to call out the Ohio National Guard if order could not be restored. Harmon, who had just returned to his summer home at Charlevoix after the action resulting from the Newark lynching, returned to Columbus as soon as possible and activated the Ohio National Guard on a stand-by basis in Columbus. Harmon refused to allow the soldiers to patrol the car lines as Mayor Marshall desired. Harmon said that the major responsibility for preserving order was in the hands of Marshall and the Columbus police, and the only reason state troops would be used would be in an emergency situation to break up serious riots.

Harmon eventually changed his mind about permitting the soldiers to patrol the streets to preserve order, but he did so only after he ordered Ohio's senior United States Senator Charles Dick, a general and division commander of the Ohio National Guard, to come and take charge of the five national guard regiments. With the restoration of order in August, Harmon was able to get both sides together in his office to discuss possible means to settle the strike. Harmon was unable to get the opponents to agree to the findings of the State Board of Arbitration as a basis for peace so he asked each of the sides to express its position. Frederick Fay, the union representative, offered to submit
the dispute including the questions of union recognition and an increase in pay to the State Arbitration Board, but General Manager Stewart refused to accept the union's offer. Harmon was becoming increasingly impatient with the streetcar company; and this may be the reason that on August 7, 1910, he ordered the troops to be withdrawn, but only after Mayor Marshall assured the Governor that he could handle the situation.

The Governor's action proved to be premature because Mayor Marshall revealed that he could not handle the situation. Rioting broke out again on August 13, 1910, when thirty-two police officers, in sympathy with the union cause, mutinied by failing to board the streetcars to act as protection for the conductors. The company then notified the strikers that a lockout was in process and that no former employees would be rehired. Harmon then took personal command of the situation; he recalled the troops and restored order once again. There were numerous rumors that Harmon was going to remove Mayor Marshall, and many people believed the Governor would have been justified in doing it. The Ohio State Journal reported that Mayor Marshall had made one major mistake which had prolonged the strike:

He has allowed it to be understood by his police and by the public . . . that his sympathies are with one party . . . . He has permitted personal interests to take sides and it has demoralized the police force . . . . If he can not or
will not keep faith with the people . . . let us have someone in his place who can and will. 41

Even the *New York World*, in a front page editorial, condemned Mayor Marshall's action saying "... whether from nervelessness, or from some stupid delusion that he was playing politics, the he had permitted the disorder incident to a streetcar strike to swell unchecked into riot . . . ." 42

The second strike entered its fifth week. Dynamiting of the cars continued although on a less frequent basis, and the opposing factions seemed to be no closer to a settlement than ever. Mayor Marshall asked Harmon to call for a special session of the General Assembly to settle the problem by enacting a compulsory arbitration law. Harmon denied the request, and in a public letter Harmon said that Marshall's actions suggested a desire on the part of the Mayor to "make up" for his futile handling of the situation by calling the General Assembly to solve the problem by legislation. Harmon continued to press both sides to settle the strike; and finally on October 18, 1910, the strike came to a close when the union saw the futility of continuing. The company gave no concessions. General Manager Stewart said that he would take the employees back, but that they


would not get their old runs back nor would the union be recognized. Charles Miller, the union business agent, cried at the end of the strike when he told his men, "It was a hard fight to lose. I did my best, but the cards were against us."\(^{43}\)

Harmon found himself in a particularly unenviable position during the streetcar strike because while the strike was raging he was in the midst of trying to be re-elected governor. Of course political charges flew from both the Republican and Democratic camps, but Harmon seemed to emerge from the struggle more popular than he had been before the strike. One of the Republican newspapers claimed that Harmon had failed to take any decisive action during the strike because he was thinking first about the forthcoming election. "... The exigencies of the campaign loom bigger before his eyes than the imperative needs of the day. He temporizes while mobs run riot in the streets of the state capitol \(\underline{\text{sic}}\)."\(^{44}\) In September when Theodore Roosevelt spoke before twelve thousand people at Goodale Park he was very critical of the violence, the union attorneys, the mutinous police, and the weak public officials who refused to end the strike for political

\(^{43}\) *Ohio State Journal*, October 19, 1910.

\(^{44}\) *Cleveland Leader*, August 3, 1910.
reasons. This was an obvious slap at Harmon for what Roosevelt thought was Harmon’s inaction due to political cowardice. Roosevelt claimed in a letter to a friend of his that he, Roosevelt, was responsible for stopping the strike. Roosevelt said:

I went there I and made an address . . . pointing at the leaders of the strike and their counsel, who were but thirty feet away from me; and my platitudes resulted in restoration of order and the stoppage of violence within twenty-four hours. 45

Very few impartial observers, however, would agree that the extremely self-confident Theodore Roosevelt was responsible for ending the strike as Roosevelt had claimed in this letter.

Many experienced political observers read into the prolonged strike a Republican effort to embarrass Harmon and cause him to lose the labor vote and possibly the 1910 election. John Temple Groves, covering the strike for the New York American, wrote that the Republicans were to blame for stirring up trouble by attacking Harmon’s course in calling out the troops in order to prejudice Harmon’s political future. Graves believed that the Republicans were counting on the strike to stab Harmon’s soaring prestige and popularity, and Graves also believed that Republican interests wanted Harmon’s actions to alienate the labor

vote. The reporter said that Mayor Marshall wanted the labor votes for his re-election; therefore, he procrastinated and made Harmon take the action of ordering out the troops which did anger labor. 46 But as Charles Salen said, "... The Governor, who was as foxy as any politician who Ohio ever saw, promptly turned the tables." 47 Salen believed that Senator Dick was behind the entire plot to turn the labor element against Harmon and that Harmon believed this and that is why Harmon ordered Dick to lead the troops against the strikers. In that way, any labor votes which might hinge on the presence of troops would be turned against Dick; and with Harmon's sound countermove the strike soon ended. 48

The Democrats were worried about how labor would react in the November election to Harmon's calling out the troops. Harmon probably was concerned about this situation also, but believed that he had no alternative if law and order were to be restored. Harmon did offend some labor elements by forcing the company to arbitrate, and there was a small labor movement against Governor Harmon's re-election because labor did not think that the chief executive had

47 Salen, The Ohio Magazine, IV, 342.
48 Ibid., p. 343.
done all that he could to end the strike in their favor. Yet, in October, A. W. Campbell, the President of the Columbus Street Carmen's Union, speaking to a group of union miners at Crooksville, Ohio, said, "Governor Harmon never made a move in our recent strike that did not meet with our approval, and his fair handling of the situation has earned him the almost unanimous support of our men." Campbell probably exaggerated the facts, but it is true that in the 1910 election Harmon would gain more votes in the strong labor areas than he had in 1908. William Hale seemed to evaluate the general feeling about Harmon's role in the streetcar strike when he wrote, "I found all classes of citizens in that city in agreement that his action was judicious, practically wise, and vindicated by the results."  

The 1910 election was approaching, and people were beginning to evaluate Harmon's first two years as Governor of Ohio. The progressives were generally disappointed with the Harmon term because there had been no legislation enacted concerning the initiative and referendum or elective

---


reforms. Hence, with the failure of the Woods Public Utilities bill the progressives were very disheartened. Most impartial political observers agreed that Harmon's hands had been tied by a recalcitrant General Assembly which refused to enact, in spite of Harmon's urging in his special messages to that body, a number of reform measures which the people had demanded for years. Robert M. Ditty of the Tax Commission seemed to evaluate the situation well when he wrote:

Both branches of the General Assembly being controlled by the Republicans, his [Harmon] demands were practically ignored and his messages given scant consideration, the Senate, in one instance laying his message on the table as an intentional act of discourtesy.\[51\]

Even though the General Assembly was hostile to most of Harmon's legislative proposals, a few acts of significance were passed, with the Langdon Tax Commission bill being the most important. War on graft and corruption and the development of more businesslike methods and economy in public service marked Harmon's first administration. An editorial comment in the Ohio State Journal revealed the nature of Harmon's growing popularity when it said, "The original Harmon man is becoming rather superabundant.\[52\] The


\[52\]Ohio State Journal, December 19, 1909.
Republican legislature had failed to carry out most of Harmon's rather limited reform program; therefore, the Governor decided to take his pleas directly to the voters in 1910 in order to let them decide what path should be followed.
CHAPTER VII

THE 1910 GUBERNATORIAL ELECTION

During his first term as governor, Judson Harmon had faced a hostile and reactionary Senate and an unfriendly cabinet, as well as many other problems. In spite of these problems the Democratic party in Ohio had begun to grow and prosper under Harmon's leadership. Harmon had developed as the leader of the conservative element of his party while there were many Democrats, especially in northwestern Ohio, who still followed the radical policies of William Jennings Bryan. Bryan attempted to dictate policy to Ohio Democrats, but Harmon exhibited a firm control of the party and practically ignored the "Great Commoner." During Harmon's first term the Democrats had succeeded in awakening the people of Ohio to the need for reform and the revival of good government. Discontent with political tendencies was definitely in the air, and this spirit developed further as the essential conservatism of Taft's administration became apparent. In state politics this added to the
impression that the Republicans could not serve as agents of reform.\(^1\)

The outlook for a Democratic victory in 1910 looked very promising. While the Democratic party in Ohio was more united than it ever had been, the Republican party, on the other hand, was like a house divided against itself.\(^2\) President Taft and his followers wanted a candidate who would support the national administration. "Boss" George Cox of Cincinnati and United States Senator Theodore Burton, after a preliminary alliance, split and became bitter political enemies; and the progressives led by James R. Garfield of Cleveland, the assassinated president's son and Roosevelt's Secretary of the Interior, demanded a progressive platform and candidate.

Harmon had given the State a sound business management, and it was the reasoned opinion of the Cleveland Plain Dealer that the Republicans could not take the governorship in 1910.\(^3\) It appeared as if all the Democrats needed was a


\(^2\)Edward J. Wheeler, *Current Literature*, XLIX (September, 1910), 244.

\(^3\)Cleveland Plain Dealer, June 21, 1910.
good ticket to support Harmon and a strong platform and the election would be theirs. The election of 1910 assumed more importance as Harmon (if he could win the governorship again) would be considered a prime candidate for the 1912 Democratic presidential nomination. The political campaign of 1910 involved the election of a state ticket and a general assembly which would choose a United States senator, but it also afforded an opportunity for the preliminary skirmishes in the national campaign of 1912.\(^4\)

On June 22, 1910, in Dayton, Ohio, the Democratic convention officially opened with Chairman Atlee Pomerene calling the approximately eleven hundred delegates to order. This convention was different from many conventions of past years. The delegates showed an air of confidence as if they knew that they were about to nominate the next state officeholders. Rather than being an assembly of the few faithful followers, it was a gathering of optimistic delegates who hoped with intelligent voting to nominate a winning slate.\(^5\) The Democratic convention also had a sense of mission, a feeling that their task was more than just the naming of a state ticket. Seldom was so much attention given to a state convention by so many state newspapers.


\(^5\)Dayton Daily News, June 20, 1910.
Harmon was a national figure and a possible candidate for the presidency in 1912. Undoubtedly what would be accomplished at this convention would have an important effect on the 1912 national election. The editor of the Cincinnati Enquirer said, "Should Ohio reassert her loyalty to Democracy this fall this state would become the tactical center of all maneuvers in 1912."

One of the reasons for the optimistic feeling at Dayton was that there seemed to be no major problems which might cause a split within the ranks. Harmon's renomination was a foregone conclusion, and due to his successful first administration the Democrats saw no reason why he would not be reelected. Little did most Democrats know that Harmon did not really want to run for governor again. In a letter to his friend George E. Taylor of Madisonville, Ohio, in 1909 Harmon said that he did not want the nomination again; but he believed if he were to have any chance for the 1912 presidential nomination then he would have to accept the nomination for governor in 1910. Harmon said:

... all I can say is that I do not see how I can get out of running again for Governor. I don't want to. And the fact that if I ran once I would probably have to run again was one of the reasons I did not wish to run once ... If I become

---

6Cincinnati Enquirer, June 22, 1910.
an open aspirant for 1912, the campaign next year will inevitably be on national issues, and my chances will be diminished . . . . If I run again and win, that will be the best possible point in my favor, and if I lose, I do not think it will make much difference whether a movement in my behalf is started now or later.7

Harmon was thinking about his future; therefore, he was much more willing to accept the gubernatorial nomination in 1910 than he had been in 1908. There was very little opposition to Harmon at the convention, and the only real battles for positions on the ticket were for the lieutenant governor and state treasurer.

This convention also differed from past conventions in that it was not to be subject to dictation. Harmon had said that this was to be an open convention and that he was not going to force his ideas on any of the delegates. Harmon did not have to dictate to the convention because he had virtually solid control of the convention machinery. Edward M. Hanley was elected unanimously as chairman of the State Central Committee; and Hugh L. Nichols, chairman of the resolutions committee, was to head the State Executive Committee. Both of these men were Harmon men, and as a result they controlled the convention.8

Another significant fact contributing to Harmon's

7Harmon to George E. Taylor, June 15, 1909, Harmon Papers, Ohio Historical Society.
8Marion Daily Star, June 20, 1910.
control of the convention was that Tom L. Johnson who had
given Harmon his most serious opposition in the 1908
convention and still in 1910 was a strong factor in the
Democratic party refused to attend the convention. The
reason for Johnson's refusal to attend the convention is
not quite clear. It may have been that he believed Harmon
was the dominant figure in Ohio Democracy and that it would
be of little value to fight the Harmon machine, or it may
have been that he wanted to be indorsed for United States
senator and that he realized the convention was not going
to indorse a senatorial candidate. It was also true that
Johnson was quite ill, and this may have been the most
important reason for his failure to attend the convention.9

There was some disharmony at Dayton as there is in
all political conventions; but there were only two matters
which caused some concern. They were whether or not to
indorse a candidate for United States senator and what to
do about Democratic State Treasurer David Creamer.

On May 6, 1910, William Jennings Bryan, who was
still considered by many as the national leader of the
Democratic party, thoroughly shook the Ohio Democrats by

9During the ensuing campaign Johnson and Harmon
"buried the hatchet" when Johnson appeared, against the
wishes of his physician, at a Harmon Cleveland tent meet-
ing. Johnson praised Harmon and said that he was sure Ohio
would reelect Harmon on the outstanding record of his first
administration.
demanding that Governor Harmon indorse a candidate from Ohio for the United States Senate. The Harmon forces were completely surprised by this action, and they wondered why Bryan had forced his way into the Ohio political situation.

The Cleveland Leader believed that Bryan had fired his first shot in an attempt to break down Harmon's prestige and destroy him as a national candidate in 1912. 10 The Toledo Blade said that Bryan issued the statement to see which group of Democrats Harmon favored because it appeared that Harmon was a conservative favoring special interests or even a reactionary who opposed the Bryan radicals. 11 Harmon's theory, which he did not make public, was that Tom Johnson, urged on by Harvey Garber, persuaded Bryan to issue the statement. Garber, the Democratic National Committeeman, was reportedly angry because he claimed to "... have made Judson Harmon and got nothing for it." 12

Harmon, as politely as possible, told Bryan that he, Bryan, had been out of touch with the Ohio scene too long to know what the best policy would be and that this

10 Cleveland Leader, May 31, 1910.
11 Toledo Blade, June 1, 1910.
problem of indorsing a senatorial candidate should have been settled in the primary. Congressman James M. Cox was of the same opinion as Harmon, and he said that he was sure that if Bryan knew conditions in Ohio Bryan would not hold to his view that the Democratic convention should declare for a senatorial candidate. Harmon said that he would leave it to the convention to decide on the matter. The main reason why Harmon did not want a senatorial candidate indorsed was that this tactic might eliminate active support by some of the men who sought the nomination. If one man were nominated before the election, then there would be several disappointed men who might not work as hard for party success as they would have with the senatorial prize as a possible reward.

There was a minority group from Cleveland, led by Newton D. Baker, which was willing to carry the fight to the convention floor if needed in order to indorse a senatorial candidate. In the resolutions committee Baker’s attempt to have a senatorial indorsement plank inserted in the Democratic platform was voted down nineteen to two. Baker still believed that the convention should indorse a senatorial candidate in advance of the fall election as was customary; therefore, he prepared a minority report of the resolutions committee to present to

the convention. Baker’s strategy in presenting the minority report was to take advantage of the popularity of Atlee Pomerene and intimate that he was the man qualified to be in the United States Senate. Then he hoped that a stampede of the convention would develop and that the indorsement plank would be carried.

The other important problem facing the convention was whether or not to renominate Creamer as state treasurer. As has already been noted the Beatty graft investigating committee discovered that Creamer, while a former state fire marshall, had taken expense money to which he had no right. Thus, Creamer became a source of embarrassment as the Democrats wanted to boast about uncovering Republican frauds and graft in the forthcoming campaign. Now Harmon was in a quandary as to what to do about Creamer’s nomination. Harmon did not particularly want him nominated, but he said that he would leave the decision to the convention.14 The only person who would have given Creamer serious opposition was State Senator Richard A. Beatty; but after he learned of the exceptionally strong Cleveland delegation supporting Creamer, Beatty eventually withdrew from the race, leaving the nomination to Creamer.

Chairman Atlee Pomerene delivered the keynote

14Quite possibly Harmon decided to leave the question to the convention after he had discovered that the Cleveland delegation had lined up solidly behind Creamer.
address to the convention in which he lauded Harmon's administration for: the elimination of graft in the treasury deposits; the introduction of business methods and economy in public expenditures; and the reduction and reform in the tax system. The key phrase of Pomerene's speech was "The triumph of Democracy is the hope of the people. The triumph of Republicanism is the hope of the privileged."¹⁵ The convention then proceeded with the nominations for the party ticket. Alfred Cohen of Cincinnati presented the name of Judson Harmon for governor, and Harmon was nominated by acclamation.

Although Newton Baker had been urged not to deliver the minority report for fear that it would rupture party unity, he presented his report to the convention immediately following Harmon's nomination. In his presentation to the convention Baker said that an indorsement in the past had always helped the ticket and that the convention must adhere to the principles of the party and promises given to the people.¹⁶ With perfect timing, just as Baker finished reading his report, Harmon arrived at the hall and a wild demonstration followed. The demonstration and the subsequent acceptance speech by Harmon took the edge from the

¹⁵See the Dayton Daily News, June 22, 1910, for Pomerene's entire speech.

¹⁶Ibid.
indorsement battle. As soon as Harmon finished, J. Spriggs McMahon arose and spoke in opposition to the minority report. A vote was taken, and the resolution was voted down 540 to 254. Thus Harmon had won another victory. The other major positions on the state ticket went to the following: Atlee Pomerene, lieutenant governor; Charles H. Graves, secretary of state; David Creamer, treasurer; and Timothy Hogan, attorney general.¹⁷

The final item of business before the convention was to approve the platform which for the most part was the work of J. Spriggs McMahon. Governor Harmon and William L. Finley, the man who had served as chairman of the State Executive Committee, assisted McMahon in this work. The most important planks of the platform appeared to be the indorsement of Harmon for president, a maximum aggregate tax rate of ten mills, ratification of the national income tax amendment, and a demand for a nonpartisan judicial ballot. The platform also supported the principle of the initiative and referendum, direct election of United States senators, and regulation of public utilities. On the national level the platform condemned the existing tariff and

¹⁷Pomerene did not want the position very badly because he wanted to be elected United States senator. See Galbreath, History of Ohio, II, 698, for the entire ticket.
approved a dollar-a-day pension bill.\(^{18}\) It was hoped that Harmon's indorsement for the presidency would take the sting from Bryan's attack for failure to nominate a senator.

The reactions to the Democratic convention and to Governor Harmon varied, depending on partisan feelings. The Dayton Daily News believed the party was now in the hands of the young and middle-aged followers, not the old patriarchs of past years.\(^{19}\) The editor of the Cincinnati Enquirer said, "There was more than the ticket named yesterday, and even more than the platform enunciated. Governor Harmon is apt to be the issue in Ohio this fall."\(^{20}\) The Marion Daily Star stated that the Democrats had dodged the wet and dry issue and aimed to make "Boss" Cox an issue of the election to override the Republican candidate. It also asserted that national planks were given close attention by Harmon for use in future years.\(^{21}\)

Charles Johnston wrote concerning Governor Harmon:

In all of his work, whether in the law-courts, on the bench, at Washington, or at the capital of

\(^{18}\) The entire platform may be found in a publication of the Democratic party of the State of Ohio, A Story of the Progress of Ohio During Governor Judson Harmon's Administration (Columbus, 1911), pp. 27-29.

\(^{19}\) Dayton Daily News, June 22, 1910.

\(^{20}\) Cincinnati Enquirer, June 23, 1910.

\(^{21}\) Marion Daily Star, June 22, 1910.
his state, Governor Harmon has shown the same qualities of high ability, vigor, practical knowledge and force, tempered by generous culture and a keen sense of humor: qualities which should carry him far. 22

On the other hand, after the convention Burton Hendrick said that it was probably too much to expect of a man sixty-six years old, whose whole life had been spent as a corporation attorney and railroad receiver, to find much interest in the real political happenings of the last ten years. 23

Regardless of what the various individuals felt about the Democratic convention, it was now up to the Republicans to determine who their candidate would be to battle Harmon in the 1910 campaign.

Choosing a candidate to oppose Judson Harmon appeared to be a very difficult task for the Republicans. The party was split into several factions, each of which was attempting to gain power for itself first, regardless of the effect on the party in general. The party might have benefited if it had listened to the advice of Negley Cochran when he wrote:

If the Republican bosses attempt to force a reactionary program on the coming state convention the party is in peril. The announced program,


including Charles Dick as chairman of the resolutions committee, and the assurance of the presentation of a standpat platform and candidates to match, carries with it the splendid promise of heavy Republican mortalities at the fall elections. 24

The Republican primary was another indication of the general political unrest and dissatisfaction in the party in Ohio. The insurgent faction gave the regular forces an exceptionally hard fight in Republican districts where there were battles for congressional seats. The most surprising feature of the primary was the unexpectedly high number of votes, over one hundred and fifty thousand, for Senator Charles Dick, especially after the party leaders had attempted to squelch Dick. The "bosses" believed that Dick was becoming too independent and that he might attempt to gain complete control of the party. They hoped that a small vote for Dick would enable them to drop him as the Republican senatorial candidate, but the huge vote for Dick disrupted the "bosses" plans.

As the July convention drew near three fairly well-defined factions appeared within the Republican party, and of course each faction had a favorite candidate for governor. One of the factions was the progressive group, or the insurgents as some Republicans referred to them; and their leader, the leading gubernatorial candidate, was James R. Garfield of Cleveland. Garfield had served in Theodore

Roosevelt's cabinet, and from this a very cordial relationship had developed between the two men. Garfield's progressive views were well known; and when Roosevelt let it be known that James R. Garfield and his progressive ideas did not offend the former president, regular Republicans in Ohio began to panic. The regulars were afraid that Garfield would not support President Taft's conservative views if Garfield were elected governor.

Shortly before the Republican convention opened Garfield withdrew from the gubernatorial race. The explanation for this action is not entirely known. Garfield may have realized that the party machinery was too strong and that he did not have enough support to win, or as some of his close friends said Garfield never had any intention of seeking the candidacy in the first place. Garfield may have entered the race only to frighten the "bosses" into incorporating some progressive ideas in the party platform, for Garfield officially withdrew from the race after the resolutions committee adopted some of his platform.25

A second faction within the party represented the supporters of President Taft who were often called the regulars or "standpatters." Senator Dick, Wade Ellis, Walter Brown, and Arthur Vorys headed this group whose main concern was to nominate a candidate who would wholeheartedly

indorse the Taft administration. Early in July, Dick, Ellis, and Ohio Secretary of State Carmi Thompson traveled to President Taft's summer home at Beverly, Massachusetts, to discuss strategy for the coming Ohio convention and campaign. Taft decided that no candidate should be chosen before the convention opened as was Boss Cox's desire because this would give the Democrats another striking point at Republican "bossism." It was decided that the campaign should be based on national issues since the Democrats were going to indorse Harmon for president in 1912.

At Beverly the regular leaders decided that their best candidate would be Judge Reynolds R. Kinkade. Nicholas Longworth, Roosevelt's son-in-law, was considered but dropped because the standpatters were afraid that Longworth might have become too progressive due to his association with Roosevelt. Kinkade could appeal to the progressives because as judge he had sentenced several ice trust officials to jail, but Taft was a little uncertain as to whether Kinkade would support the Taft administration without reservation. Taft invited Kinkade to Beverly for a conference, and apparently Taft was satisfied with Kinkade because he approved the judge's candidacy.

The third group of Republicans was headed by George Cox of Cincinnati. Cox's choice for the governorship was Judge Oren B. Brown of Dayton. Being a Cox candidate
was not the best way to become the Republican nominee as the *Lima Times Democrat* reported:

If Judge Brown of Dayton hopes to reach the Ohio gubernatorial chair, he will have to hurry to Cincinnati and get Boss Cox to withdraw his endorsement. The voters of the Buckeye state will continue to put their stamp of disapproval on anybody bearing the Cox trademark as they did when they elected the late Governor Patterson [sic] and Governor Harmon.26

Cox apparently supported Brown because the latter was sympathetic to the wets, because Brown's liberal tendencies could win Hamilton County from Harmon, and because Cox thought that he could control Brown. Cox would probably have favored anyone who did not have Taft's support; Cox had a true hatred for Taft. This feeling was climaxd when Taft in a Toledo speech in 1905 severely criticized Cox and his Cincinnati machine. Cox never forgave Taft for that speech, and he did everything to deny President Taft the honor of choosing the gubernatorial candidate.

While each of the three major factions had its special favorite for the gubernatorial position, one man rather inconspicuously had built up a considerable following in the smaller counties, especially in the northern part of the State. This was Warren G. Harding of Marion, the owner of the *Marion Daily Star*. Harding was considered a no-man's candidate as no one power in the State had boomed him for governor although several weeks before the

convention opened he claimed to have over twenty counties pledged to him. Harding was not a political unknown as he had been a State Senator for several years and had then served as the Lieutenant Governor for the one term (1904-1906) under Governor Myron Herrick.

Harding's friends could hardly expect George Cox's support because Harding was a known political dry on the liquor question, and Cox definitely wanted a candidate friendly to the wets. Harding did have the support of Joseph Foraker's dwindling legions, though as Foraker wrote Harding, "I have doubted whether I could be of any help to anyone if I wanted to be, and have feared an effort to help anyone might not be appreciated because the party favored might think I would do more harm than good."27

A bomb was dropped on the Taft men on July 23, 1910, when Judge Kinkade announced his withdrawal from the race. Kinkade apparently did not want to be the "goat" of the campaign, and he was not going to play the puppet as the national administration man.28 Senator Theodore Burton of Cleveland, who had broken with Boss Cox and joined the Taft men, and the Taft supporters were now ready to consider any candidate but Garfield, and some of them were even

27 Foraker to Harding, February 25, 1910, Harding Papers, Ohio Historical Society.

28 Cleveland Plain Dealer, July 23, 1910.
receptive to Garfield. Eventually Nicholas Longworth was chosen by the Taft men because he was acceptable to the progressive element, and yet he was not outspoken against Taft. Longworth was to deliver the keynote address at the convention; and if he did well in making the speech, he could demonstrate to the convention that he would be a good man for the governorship.

The Republican convention opened July 24, 1910, in Columbus. The basic question before many people of Ohio was not who would head the Republican ticket but would the party in Ohio keep pace with the progressive times and break with their past conservatism. Longworth's keynote address included biting sarcasm regarding Harmon's state issues, an attack on Harmon's corporation record, a denial of Republican bossism, glorification of the Taft administration and its many progressive acts, praise for the Payne-Aldrich tariff, condemnation of the Democratic program of entire revision of the tariff, and praise for the record of Republicans in Ohio politics.29

The most important item before the convention next to naming a gubernatorial candidate was the drafting of the party platform. Wade Ellis, President Taft, and Senator Dick had already devised most of the platform at Beverly.

29The entire keynote address may be found in the Columbus Dispatch, July 27, 1910.
Now it was up to the standpatters to get the resolutions committee to approve the platform. Dick's election over Paul Howland, a progressive from Cleveland, as chairman of the committee virtually assured the passage of the standpat platform. The progressives put up a fierce struggle in the committee, and the only way that they could be appeased was by the incorporation of certain of their ideas in the platform. The following were the most important national planks: President Taft was indorsed strongly; the national foreign policy was commended; the Payne-Aldrich tariff was indorsed, with heavy emphasis on the tariff commission; and a stricter control of railroads was favored. On the state level the platform favored: a 10 mill tax rate limitation; a referendum on the disposition of public utilities franchises; publication of campaign contributions; the revision of the existing tax system; ratification of the national income tax amendment; a call for a state constitutional convention; and the enactment of employer's liability and workmen's compensation laws.30

After the keynote address the convention turned to the task of selecting a candidate to oppose Governor Harmon. After two indecisive ballots the regular party organization united in favor of Harding who had led on the first two ballots. The key to Harding's third ballot victory was that

30Ibid.
Cox decided to switch from Brown to Harding in an attempt to pick the winner to head the ticket.\(^{31}\) Harding was nominated probably less because of his connections with Foraker than because of his bland neutrality.\(^{32}\) The other main positions went to U. G. Denman, lieutenant governor; Granville Mooney, secretary of state; and R. W. Archer, state treasurer.

President Taft said that he was pleased with Harding; and he was extremely happy with the strong indorsement of the national administration. Roosevelt asked, "Who's Harding?"\(^{33}\) Roosevelt wanted Garfield, and he said that he would not stump Ohio in the campaign. Roosevelt told Elihu Root of his feelings:

In Ohio the platform and candidate were arranged deliberately on the theory that the progressives, the men who I stand with, were not to be given any share whatever in directing the party policy before or after the election . . . .\(^{34}\)

The Nation said that the convention was a triumph for the reactionaries who chose a colorless candidate on a platform which was too pronounced in color.\(^{35}\)

\(^{31}\)Cox had decided if Brown were not selected on the first ballot that he would switch to Harding in order to have some control over him after the election.


\(^{33}\)Columbus Dispatch*, July 28, 1910.


\(^{35}\)The Nation, XIC (August 4, 1910), 92.
Harding admitted that his nomination was the biggest thrill of his lifetime and that he wanted only to be able to serve worthily, usefully, and efficiently to justify the confidence which had been placed in him. W. T. S. Culp wrote Harding that he had not wanted to see Harding win the nomination because "... you are too good a man to be defeated... I would very much enjoy seeing you our Governor but I doubt if there is any man in our State who can defeat Harmon this Fall."36 Alfred Stoehr gave a typical Democratic view of Harding's nomination when he wrote Harmon, "It looks as if the Republicans... insisted upon your election this fall. Their action can hardly be construed otherwise and it looks to me... as if the whole State ticket is doomed to go down with the head."37 The Republicans had selected their ticket and established their platform; now it was up to them to campaign for victory against the highly popular Harmon.

The Republicans opened their campaign at Kenton on September 16, 1910, and their expected progressive campaign settled into a conservative campaign almost immediately.

36 W. T. S. Culp to Harding, July 12, 1910, Harding Papers, Ohio Historical Society.

Harding delivered a very moderate address in which he emphasized that the main issue of the campaign was corporations and their attempt to control government. He then called for local home rule for public school systems, demanded supervision and regulation of public utilities by a state commission supplemented by home rule, and stated that the Republicans had attempted to reform taxation but had been blocked by the Democrats. He concluded with a most bitter personal attack on Harmon for projecting himself into the national scene as a presidential candidate in 1912.\footnote{Columbus Dispatch, September 17, 1910.} As the meeting was about to close, someone in the audience asked to hear from Senator Dick. Even though Dick had not been invited to speak, he drew a prepared speech from his pocket and proceeded to change the tone of the meeting from moderately progressive to reactionary. Dick proclaimed that there were only two questions in the campaign: Would Ohio support President Taft and his policies and would Ohio support the principle of high protection without reservation and qualification?\footnote{Dayton Daily News, September 19, 1910.}

One reaction to the Kenton opening was found in the Dayton Daily News which said, "Warren Harding, the stand-patter, approves of everything the Republican party
done and probably will do. Ohio is to be the final stand for the Republicans based on a Dick stand-pat platform.\textsuperscript{40} Another response was this, "Thus the Ohio Republicans enter the campaign without an issue, without a definite principle on which to appeal to the independent voters, and with a platform which is only an excuse, an apology, a defense.\textsuperscript{41}

The Democrats opened their campaign September twenty-fourth at Canton under the leadership of Harmon's handpicked campaign manager, Hugh L. Nichols. Fortunately for the Democrats they did not have the internal bickering that the Republicans had. Harmon's speech emphasized what were to become the two major themes of the Democratic campaign: Harmon's clean record as opposed to the graft exposures of past Republican administrations; and George Cox and Republican bossism. Harmon said, "George Cox overshadows the Republican candidate for governor; we could trust Mr. Harding alone to handle graft, but not both Mr. Harding and George Cox.\textsuperscript{42}

On September twenty-fifth, the day after the Democratic campaign opened, Harmon made his disclosures about the treasury deposit scandal; and he even charged Harding with having used his influence to obtain a twenty thousand

\textsuperscript{40}\textit{Ibid.}
\textsuperscript{41}\textit{Cincinnati Enquirer}, September 18, 1910.
\textsuperscript{42}\textit{Cleveland Plain Dealer}, September 25, 1910.
dollar state deposit placed in the Marion County Bank of which Harding was a stockholder. Of course Harding countercharged that Harmon owned seven hundred shares of stock in a bank in Cincinnati in which fifty thousand dollars of state funds had been deposited.43 Harmon continued to hit hard at the graft charges by telling of the graft practiced by former State Printer Mark Slater who was just recently indicted for his offense. The Republicans knew that Slater would be a point of embarrassment in the campaign so they looked for a Democrat who could be charged with the same practice. They found Democratic Treasurer Creamer's past graft as State Fire Marshall, and they gleefully turned public attention to the candidate for reelection.

Harmon then turned his graft accusations on By D. Davis and W. S. Rogers, two former Republican fire marshalls; in turn the Republicans accused State Insurance Commissioner Hamilton DeWeese and State Oil Inspector W. L. Finley, a close Harmon adviser, of graft charges. The editor of the Cincinnati Enquirer summarized the charges of graft by each side stating:

The campaign has turned into one on state issues as Harmon has forced his attack here and the Republicans have accepted his challenge. Governor Harmon has practically abandoned national issues. We hear little of insurgents or stand-patters,

43See the discussion in Chapter Five for the details of the depository and graft scandals.
and practically nothing about the tariff. Each is calling the other grafter, thief, and incompetent. The question of veracity is raised so often that the voters must wonder what the truth really is.44

After accepting the fact that graft did exist, each party attempted to take the credit for instigating the probes which uncovered it. Republican Attorney General Denman claimed that he had started the graft probes months before Governor Harmon had asked him to do anything. Then Harmon produced a letter dated December 4, 1909, showing that he had ordered Denman to proceed with suits against William McKinnon, I. B. Cameron, and Mark Slater. Harmon stated that Denman did not start any investigations until after the failure of a bank in Cleveland had indicated fraud in treasury deposits and that he, Harmon, had started a secret investigation months prior to the bank's failure.45 The voters seemed unconcerned about the question of who had uncovered the graft; they now knew it had existed and that the Republicans seemed to bear the burden of it.

Another major issue in the campaign was the Republican charge that Harmon had not kept faith with the people of Ohio who had elected him governor. The Republican indictment centered on: one, Harmon had pledged to remove

44Cincinnati Enquirer, October 10, 1910.
45Cleveland Plain Dealer, October 7, 1910.
all grafters, yet Democratic grafters were still in state positions; and two, Harmon at the expense of the public was subservient to corporation interests.

Harmon's statement in the 1908 campaign about throwing Democratic grafters out of office twice as fast as Republican grafters was brought up now in the 1910 campaign. Harding claimed that the State Treasurer, Creamer, was a confessed grafter as well as Hamilton DeWeese, and both of these men were still in office. Harding also charged that Harmon did nothing for twenty-one months about graft and then he waited until the campaign was about to open to launch his attack.

The Toledo Blade asked:

Why did Governor Harmon appoint an oil inspector who held back part of his secretary's fifty dollar a week salary? Why did Governor Harmon force a candidate for treasurer on the Democratic convention when he had confessed to misuse of state funds?46

In response to these charges and questions Harmon had no good answer about DeWeese, but he said that Creamer had accepted the expense money under an opinion of the Attorney General that it was permissible to collect travel pay. After the decision was reversed, Creamer paid all the money back. Harmon said that it took time to collect all of the evidence of graft in state government; and further-

46 Toledo Blade, November 4, 1910.
more, he was handicapped by a Republican legislature and bosses who did not want the evidence he collected to be exposed. 47

The Republicans charged that Harmon was a tool of Wall Street, a mouthpiece for J. P. Morgan, a guardian of corporation interests, Wall Street's candidate for president in 1912, and the railroads' own counsel. In addition they charged that William Randolph Hearst, who had no newspapers in Ohio, was going to send cartoonists and writers to Columbus to aid Harmon's campaign and finally that all of his campaign contributions had come from corporations throughout the State. Specifically, Harmon was criticized quite severely by people other than Republicans for his failure to support the Woods Public Utilities Bill because the corporations were against the bill. 48 During the campaign the Republicans failed to mention that one of the reasons Harmon had failed to support the bill was that the Senate had attached six hundred amendments to the bill which made the measure practically unmanageable. As a result of Harmon's lack of support the bill had failed, and Harmon was accused of aiding corporate interests in defeating the bill.

47 Cleveland Plain Dealer, September 26, 1910.

48 See the discussion in Chapter Five for the details of the Woods Bill.
In an attempt to counteract the claim that Harmon had not kept faith with the people, the Democrats charged that Harding had pledged "deference and devotion" to George B. Cox. This all developed after Cox began to brag, ill-advisedly, that he engineered the choice of Harding at the Republican convention just to spite Senator Burton. The Harding men were beside themselves with anger at Cox for this outburst.

By this action Cox played right into the hand of the Democrats because they had intended to make "bossism" a major issue, and George Cox was the most vulnerable person in the Republican party. Immediately Atlee Pomerene, at the Democratic opening at Canton, made the first speech about the relationship between Harding and Cox in which he coined the phrase "deference and devotion." Pomerene claimed that the only reason Harding was nominated at Columbus was that Harding agreed to support George Cox in return for the support of the Cincinnati boss. Harmon then began to attack, in one way or another, Harding's political relations in virtually the remainder of his campaign speeches.

Many of the Republican newspapers came to Harding's defense against these attacks as is witnessed by the following:

Warren Harding is not the tool of special interests. He received votes from 77 of the 88 counties and was leading on the first two ballots without any
boss control. There is only one question, "Shall we elect a man to head the people's corporations or to represent with tremendous power the private corporations that would prey on it?" This newspaper did not deny, however, that bossism did exist in the Republican party.

What were Harding's answers to these responses? He said he would not deny his gratitude for Cox's help in securing all possible votes, but he also said that no pledge was given in return for Cox's support. The Republicans saw that the Democrats were not only trying to gain votes, but also that they were attempting to split the Republicans by having the factions deny they supported each other. To thwart this effort Harding made a speech at Clarksburg in which he appealed for Republican unity by saying he was for all Taft, Roosevelt, Dick, Foraker, Daugherty, and George B. Cox Republicans.

The temperance issue in 1910 was not nearly as prominent as it had been in the 1908 election. The Personal Liberty League had become unhappy with Harmon when he did not support a bill to repeal the Rose Law, but this was the only reason wets had not to support Harmon again in 1910. Harmon actually gained the favor of the Anti-Saloon League due to his quick and decisive action in the Newark lynching case.

---

49 Toledo Blade, October 11, 1910.
50 Zanesville Daily Courier, September 28, 1910.
51 Cleveland Plain Dealer, September 26, 1910.
case. Wayne B. Wheeler, Superintendent of the Anti-Saloon League, said that the League would not fight Harmon in the campaign due to Harmon's stand in the Newark lynching and because of his removal of several other mayors for non-enforcement of the Rose Law. Harding, who was a well known dry as a result of his campaign in the Marion Star to make Marion County dry, did not make a big issue of the temperance question. Part of the reason for this may have been due to his devotion to saloon keeper George Cox; but more likely the reason was that as Harding had said many times that the temperance question was a legislative, not an executive problem and the best way to solve the question would be in the proposed state constitutional convention.

An additional incident which the Republicans endeavored to use against Harmon was his policy in the Columbus streetcar strike. The Republicans hoped that Harmon's refusal to use radical measures to end the strike would turn many labor votes toward Harding. The Democrats asserted that the Republicans were exciting the strikers in an attempt to continue the strike and further embarrass Harmon. Many observers, including national writers, Sloane Gordon and Harry B. Mackoy, wrote that the prolonged strike was an apparently unsuccessful attempt to embarrass the Governor's administration. Harmon's countermove of placing Senator

---

52 See Chapter Five for the detailed discussion of the strike.
Dick at the head of the Ohio National Guard was very strategic, and the whole movement had little effect on the election in general. The Cincinnati Enquirer conducted a poll to ascertain what effect the streetcar strike had on labor's vote for Harmon; and the result revealed that the strike would cost Harmon few, if any, votes. Harmon took the stand that it was his impartial duty to preserve order and he did so by calling out the troops when local officials refused to act; he refused to enforce compulsory arbitration on the grounds that he was not authorized to do so by law. He refused to call a special session of the General Assembly because of the futility of calling a Republican lawmaking body on the eve of an election; and after the situation had calmed down, most people agreed that Harmon had pursued the proper course. 53

In a speech at Findlay on September 7, 1910, Harmon issued his last major blast at the Republican party. Harmon claimed that the Board of Public Works would prove to be the biggest graft ever fastened on the people of Ohio. 54 Harmon had assigned Chief Engineer of Public Works James Makar to investigate the reported graft in the Ohio canal system. Makar then claimed that Canal Superintendent

53Harry E. Mc Coy, "Judson Harmon," The Independent, LXIX (September 29, 1910), 697.

54Columbus Dispatch, October 8, 1910.
Charles Hatch and a former Chief Engineer Charles E. Perkins had padded their payrolls and then had collected ten per cent of their men's checks. Makar claimed that there were twenty-five useless canal inspector jobs which cost the State thirty thousand dollars a year, and he also claimed that both men had used state labor and material for private work at their homes. Other charges included one that a man who was paid to supply stone for canal construction had never owned a stone quarry and that the State paid as high as seventy cents a ton for stone when it was being sold for six cents a ton on the open market.  

The Republicans quickly replied to these charges by attacking Harmon for not having investigated the canal system sooner. They wanted to know why he waited twenty months to start publicly the canal probe. Some said that evidence in alleged canal graft was withheld from the public for over a year in order that it could be used as campaign material. The Governor answered these questions by saying that he could never get the full story of the canal situation until he could appoint a chief engineer of his own choosing. It was not until early in 1910 that Harmon had been able to appoint Makar as chief engineer. Harding claimed that Harmon could have removed Chief Engineer

\[55\text{Ibid.}, \text{October 11, 1910.}\]
\[56\text{Cleveland Leader}, \text{September 17, 1910.}\]
Perkins the first week of his administration if the Governor had so desired.

Republican Attorney General U. V. Denman stopped campaigning and immediately returned to Columbus to conduct a further investigation of the alleged graft. Obviously the Republicans wanted an investigation as quickly as possible to prove that the charges were false. After some preliminary investigation Denman ordered a public hearing on the canal graft charge for October twenty-eighth. Makar seemed to be surprised that the hearing happened so quickly; he had planned on the hearing being held after the election; and as a result most of his charges fell flat.57 Only two of Makar's charges were documented enough to point to any graft, and these charges were questionable. Perkins had used some state manure at his home, and he had hauled some wood to his home with a team of state horses. The Democrats established little conclusive proof that graft actually existed in the canal system, but by inferences they were able to create an image in the public mind that graft and the Republicans were inseparable.

Another Republican attempt to deprive Harmon of votes was to revive Harmon's questionable action as receiver of the Cincinnati, Hamilton, and Dayton Railroad. Former Governor Harris had brought charges of tax dodging

57Marion Daily Star, October 29, 1910.
and of being a J. P. Morgan tool against Harmon in the 1908 election with little success, but the Republicans seemed to be willing to "clutch at any straw" for victory in 1910. Harding charged that Harmon in order to protect himself had vetoed the Alsdorff Tax Bill. This proposed bill would not have exempted tax dodgers from liability for back taxes because it did not repeal the power of auditors to make correction for preceding years of omissions both for railroads and individuals.

Harmon was really stung by the C. H. and D. accusation. He flatly asserted that the claims were untrue and unjust and that all of these charges were given by William Thorndyke, George Cox's leading attorney. Harmon told Harding that he should have taken more time to investigate the charges before he launched his attack against him.

"In the first place Captain R. P. Rifenbenck of the C. H. and D. accounting department made out the tax returns and if any tax evasion was done, which it was not, it was his responsibility not mine," said Harmon. 58

Concerning staying on as receiver of the railroad after he became governor, Harmon said that he tried to resign but Judge Lurton, who appointed him receiver, would not accept his resignation until the whole situation was settled. The entire story of the C. H. and D. accusation was summed

58 Cleveland Plain Dealer, November 2, 1910.
up best by the Lima Times Democrat which said:

Judson Harmon took over the receivership in 1904 conducting its [C. H. and D.] affairs amounting to nine million dollars and when he closed up the receivership he did so without a loss of a dollar to stockholders, creditors, or employees. The people of Ohio, learning these facts two years ago, believed that if Judson Harmon could handle so successfully a railroad which had become financially embarrassed he could successfully handle the business affairs of the state of Ohio that had long been mismanaged and made the spoil of greedy and designing politicians. The whole report of Harmon as receiver was passed upon and approved by Judge Lurton, whom Taft appointed to the United States Supreme Court. The C. H. and D. accusation backfired in 1908; it will again this year.59

The Republican's last major endeavor to win votes in November was Theodore Roosevelt's brief but colorful appearance in Ohio at the close of the campaign. A great deal of doubt existed in the minds of many Republicans as to whether Roosevelt was going to come to Ohio. He did not want to boost a long time Foraker man; he was not happy with the Republican platform; yet he realized that Harmon might be competition for the Republicans nationally in 1912; therefore, he stumped in Ohio. Roosevelt wrote to Henry Cabot Lodge that he did not really want to go to Ohio and stump for the standpat Harding. He said, "It may amuse you to know that Harding . . . as a method of getting me to stump Ohio, sent word that if I would come he would announce that my Osawatomie speech was the platform on

59Lima Times Democrat, November 1, 1910.
which he stood. 60

In a speech at Toledo, Roosevelt assailed Harmon for the Governor's action as receiver for the C. H. and D. Railroad. Roosevelt said that the C. H. and D. was owned by J. P. Morgan and Wall Street interests and that Harmon who got twenty-five thousand dollars a year as receiver, claimed that he knew nothing of evasion of taxes and reported rebating. 61 Roosevelt also attacked Harmon for the failure of the Woods Public Utilities Bill and for appointing grafters to office while conducting a war against graft. The Democrats anticipating Roosevelt's attack on Harmon's character decided in advance of Roosevelt's appearance to question Roosevelt's integrity by bringing up the Paul Morton incident. 62 Thomas E. Powell, a Democrat, sent a telegram to Roosevelt in which he asked why Roosevelt had not "cinched" his Secretary of the Navy Paul Morton as a rebater when Harmon had showed him the way. Roosevelt answered that Attorney General Moody had not believed there was enough evidence to warrant a trial;

60 Morison (ed.), Roosevelt Letters, VII, 122. Roosevelt introduced his "New Nationalism," a very progressive program, in this speech, and now the standpat Harding was willing to support it.

61 Columbus Dispatch, November 6, 1910.

62 See Chapter Three for the detailed discussion of this incident.
and furthermore, that when the case was taken before Judge John L. Phillips, the judge concurred with Moody. The effect of the Powell telegram was as anticipated by the Democrats, to put Roosevelt on the defensive immediately.

At Cleveland, Roosevelt continued his assault on Harmon's character by calling him a tool of Wall Street, a Bourbon, and a reactionary; and Roosevelt condemned Harmon's inaction during the Columbus streetcar strike. Confining most of his remarks to his *New Nationalism,* Roosevelt said very little about state issues and only very coldly endorsed Harding for Governor. How did Harmon react to the Roosevelt attack? Harmon said Roosevelt did not know what he was talking about and that Roosevelt had obtained all of his misinformation for the personal attack from James Garfield. Harmon said that Roosevelt's statements concerning him were plain lies and that a man in Roosevelt's position should be ashamed to utter those things without acquainting himself with the facts.63

National issues did not play the important role in 1910 that many people expected basically because Harmon expressed few opinions on national issues. The Republican press was very critical of Harmon on this issue since his unwillingness "... to handle national issues is all the more remarkable because of the universally accepted fact

---

that his activities in this campaign are only part of a larger scheme aimed at the Presidency in 1912." Harmon did attack the Payne-Aldrich tariff on the basis that the increased cost of living could be traced directly to it, and the Republicans denied this, but this was about all of the campaigning on national issues. Apparently Harmon did not want to detract from state issues, nor did he want to make any statements on national issues which could hurt his chances for the 1912 presidential bid. The Republicans sent five cabinet members to campaign in Ohio, but all they seemed to do was praise the Taft administration at Harding's expense. The campaign was over, and the main question before the voters on the eve of the election seemed to be whether or not Governor Harmon had kept faith with the people of Ohio.

To many people the outcome of the election was a foregone conclusion after the Republican convention had nominated Harding on a standpat platform. Harding's only real hope was that the rural counties would support him and that George Cox might be able to swing Hamilton County to the Republican ticket. But neither of these two hopes materialized, and on November ninth a Democratic tidal wave had engulfed Ohio as it had many other states.

---

64Cincinnati Daily Star, October 27, 1910.
Harmon defeated Harding by a majority of 100,377 votes, and the entire Democratic state ticket was elected as well as sixteen Democrats among twenty-one congressmen. The Democrats also gained slight majorities in both houses of the General Assembly. For only the second time in twenty-six years Ohio was a Democratic state and the Democrats had polled the largest plurality ever given to them in the States. 65

Both of the campaign managers had believed that the election would hinge on several of the key counties where in 1908 Republican Governor Harris had been weakest due to the wet Republicans. Cuyahoga had been believed to be definitely for Harmon; Hamilton and Lucas Counties had been questionable; and Harmon won all three of these counties. Harmon carried sixty-six of the eighty-eight counties, including all eight of the large industrial counties of Cuyahoga, Franklin, Hamilton, Lucas, Mahoning, Montgomery, Stark, and Summit. He even carried Marion County by a sound majority and Harding's own precinct by two votes.

Harmon's overwhelming victory came as a result of several campaign issues, especially the disclosure of graft at the state capital. The Republicans attempted to minimize the issue, but they underestimated the effect of the charges on the voters. The farmers in particular believed

65Wheeler, Current Literature, XLIX, 581.
that clean administration was not always the custom in Columbus, and this may account for Harmon's unexpectedly large rural vote. Harding criticized Harmon for not turning out Democratic grafters, but the result was not so fruitful as the Republicans had hoped. The charge of canal graft, even though not proven, was spectacular and definitely convinced many people that the Republicans were grafters.

The charge of bossism and the continual attack against Harding for "deference and devotion" to George Cox helped the Democrats also. Harding's kind references to Cox were not taken lightly in the central and northern parts of the State as it appeared to the farmers and small town people that Cox was trying to gain control of the entire state. The Republicans were being beaten so badly on the graft and Cox issues that two weeks before the election they switched their strategy and decided to revive the C. H. and D. Railroad and improper tax return issue, to ask President Taft and his cabinet members for help, and to attack Harmon as a tool of corporations in hope that the Bryan Democrats would vote for Harding.

The C. H. and D. Railroad issue did not accomplish anything for the Republicans as the voters refused to believe, just as they had in 1908, that Governor Harmon had violated any laws. The appearance of cabinet members probably had little effect on the outcome of the election.
because they seldom discussed any state issues. Their speeches were usually standpat with few progressive ideas, and it appeared as if they were only apologizing for the Taft administration.66

The appearance of Roosevelt in Ohio had had a pronounced effect on the election, and it was very disastrous for the Republicans. Roosevelt had been put on the defensive at the very beginning of his Ohio tour by the Powell telegram, and Harmon had more than held his own against the Roosevelt attack. Most intelligent voters realized that Roosevelt's snap judgment of the Ohio political scene was given with very little investigation or with little desire to study the situation. The voters answered Roosevelt by giving Harmon a twenty thousand vote plurality in Cuyahoga County which was normally Republican by ten thousand votes. The editor of the Lima Times Democrat had commented sarcastically on the Roosevelt visit, "If Theodore Roosevelt could have been persuaded to speak at Columbus and one or two other places it [the election] might have been unanimous."67

The slight split within the Democratic party did not seriously hurt them, but the split between the progressives and standpatters in the Republican party was

66Columbus Dispatch, November 6, 1910.
67Lima Times Democrat, November 11, 1910.
catastrophic. The inter-party strife afforded the opportunity to even old scores, and it gave the Democrats the necessary support which that party by itself could never have commanded. The Ohio standpatters were either brave or foolish men, for it appeared as if they were willing to go down to defeat rather than give up their principles of standpattism.

There was so much opposition in some counties to President Taft that the Republican county chairmen asked Harding not to mention anything about Taft or the national administration in his speeches. The apprehension over the rising cost of living, blamed on the tariff, seemed to be the major reason for the dissatisfaction with the national administration.

The Democrats claimed that hundreds of dissatisfied Republicans did not even go to the polls, thereby showing their resentment to the boss dominated Republican party. 68 This was probably true as it was obvious that many progressive Republicans voted for Harmon because there simply were not enough orthodox Democrats in the state to account for such an overpowering victory. The Democratic victory made Republicans do some "soul searching" to determine whether or not their party should be reorganized along more

68 Hoyt Landon Warner believed "... the surprising overturn belonged not only to independent progressive voters, but also to thousands of middle-of-the-road Republicans who boycotted the elections." Progressivism in Ohio, 261-262.
progressive and less standpat ideas. The Ohio State
Journal reported:

Governor Harmon was not re-elected because he
is a Democrat. The Republicans did not vote the
Democratic ticket from a love for that party,
but as a rebuke of their own, which had become,
as they thought thoughtless and neglectful. They
found it pretty easy to do this, in the case of
Governor Harmon, who had exhibited some patriotism
in his politics and who regarded party as more
than organized selfishness.69

The Columbus streetcar strike, which caused the
Democratic leaders some anxious moments, did cost Harmon
some labor votes, but not enough to make a substantial
difference in the final tabulation. In 1908 Harmon re-
ceived 20,791 votes in Columbus as compared to only
14,034 in 1910, while the Socialist vote in Columbus which
had been 789 in 1908 was 9,834 in 1910.70 Harding had
favored compulsory arbitration of labor disputes, and this
causd the American Federation of Labor to come out against
him. The significant effect of the streetcar episode seemed
to be an amazingly large Socialist vote as many voters
protested against the apparent favoritism of government
toward management.

The temperance question, which supposedly was to
have little direct bearing on this election, did hurt

69 Ohio State Journal, January 3, 1911.

70 Carmi Thompson, Secretary of State, Ohio Election
Statistics, p. 290.
Harding's chance of winning. The Newark lynching probably would not have happened had it not been for the county option law, and Harding had openly defended this law. Harding's speech on personal liberty at Cincinnati cost him dearly in the dry counties. The Democratic State Committee printed copies of this speech and flooded the dry counties with them and "... all it did was to slaughter him."

Harmon believed that his victory was due to a desire for good government and he stated, "It will not soon be forgotten that offices are not created for the benefit of the officials." Harding suggested that the Democratic victory was due to a general wave of opposition to Republicans and that it was such a sweeping victory that no Republican could have won. Harmon now had the Democratic legislature for which he had asked, and now it was clearly up to him to make good on his promises for reform in Ohio.

---

71 *Columbus Dispatch*, November 8, 1910.

CHAPTER VIII

THE SECOND ADMINISTRATION: LEGISLATIVE MATTERS

Harmon had won an overwhelming victory in the 1910 election, the Democrats had gained a majority in both houses of the Ohio General Assembly, and then the voters of Ohio waited to see whether the Governor could fulfill his pledges to deliver a reform program for the State. Reformers hoped that Harmon would give some detailed outline of his proposed program in his inaugural address, but they were disappointed because the inaugural ceremony and speech were very casual and brief.

Unlike the first inaugural which was the occasion for much celebration and pageantry Harmon's second inauguration on January 9, 1911, was very simple. At Harmon's own request, and against the wishes of his friends, the ceremonies were held in the executive chambers, rather than in the rotunda of the state capitol and were witnessed by the immediate family, state officials, members of the General Assembly, and as many others as could crowd into the rather confined area. Ohio Chief Justice William T. Spear after administering the oath of office to Harmon
said, "Governor Harmon, I wish to tender my congratula-
tions and express the hope that your coming administration
will be the success your last one was." Harmon replied, "I
thank you Mr. Chief Justice; I will do my best."\(^1\) That
sentence was Harmon's second inaugural address.

Apparently the Governor wanted to settle down to
work immediately. The simple ceremony again revealed his
desire for economy in government. Harmon's attitude toward
a gala inaugural celebration had been revealed in a letter
before his inauguration.

I never had any doubt about the propriety of
my course about the inauguration \(\text{sic}\), but
a good many Columbus people would like to have
some doings. This would be all right if I were
not already here, and, anyway, I am glad of a
chance to make a precedent ... .\(^ 2\)

Harmon presented his first message of his new
administration to the General Assembly on January 2, 1911,
outlining a very limited program. The dominant theme was
that of economy in government. The Governor renewed his
request for a central board for the state institutions, a
one percent tax limitation, and the rejuvenation of Ohio's
canal system. He asked for an effective public utilities
bill, a workmen's compensation act, and a corrupt practices

\(^1\)Mercer, *Ohio Legislative History*, p. 82.

\(^2\)Harmon to William E. Jones, December 21, 1910, Harmon Papers, Ohio Historical Society.
act to prevent the selling of votes; but the major point of the message was a desire to revise the taxation program in the State. Harmon said, "When the government has been established and is conducted by the people themselves, every citizen ought to regard contributing to its support as a patriotic duty the shirking of which involves disgrace."\(^3\) Harmon intimated that the people did not feel any disgrace for shirking their duty because they believed that the government was cheating them and he insisted that this feeling had to be removed. To remove this feeling the amount of taxation asked for had to be considered reasonable. Harmon then asked for the ten mill tax limit, in place of the act which had been passed in May, 1910. Harmon recommended that the total amount of taxes levied thereafter for all purposes in any one year should not exceed the total amount levied in 1909.\(^4\)

The progressive element in the State was very disappointed in Harmon's message because it really did not establish any comprehensive program of any kind. The Cleveland Leader was very critical of Harmon's lack of progressive ideas when it said, "In all this message is typical of a man who has won party leadership. It is prudent,

\(^3\)Ohio Executive Documents 1910, Part I (Columbus, 1911), p. 69.

\(^4\)Dayton Daily News, January 3, 1911.
colorless, in the main, and narrow in scope." On the other hand the Ohio State Journal praised Harmon's message for its great common sense. The Journal said, "It is not a Democratic message; it is a People's message . . . . It is not a political expression at all; it is a public welfare utterance." Most political observers believed that this rather limited program would be only the beginning of a more complex legislative package which would come later, and their observation proved to be correct.

The success of Harmon's proposals depended largely on the degree of cooperation which he would receive from the General Assembly. It is true that the Democrats had a majority in both houses of the Seventy-Ninth General Assembly, nineteen to fifteen in the Senate and sixty-eight to forty-eight in the House. It was necessary, however, to know whether a member was a progressive or a conservative in his political philosophy in order to gain a true appraisal of the legislative membership. In June, 1911, the Toledo News-Bee printed a summary of the voting records of the legislators; Negley Cochran could see only eleven progressives in the Senate and fifty-five in the House as opposed to seventeen conservatives in the Senate and

5 Cleveland Leader, January 3, 1911.
6 Ohio State Journal, January 4, 1911.
forty-three in the House.\textsuperscript{7} It became apparent very early in the session that the conservatives if they wished could block any reform programs to which Harmon and the Democrats had pledged themselves in their 1910 platform. Reactionaries controlled the Senate Democratic committee on committees; and this committee assigned Senate chairmanships to four of the leading obstructionists: George K. Cetone, municipal affairs; Thomas A. Dean, railroad and telegraph; Frank T. Dore, taxation; Issac E. Huffman, judiciary.\textsuperscript{8}

If Harmon were to accomplish anything in his proposed legislative program, then it appeared as if it would be necessary to exert a strong degree of executive leadership within his own party. But the journalist, William Hale, said very accurately that Harmon:

\ldots was reluctant to interfere with the legislative branch, because that violated his sense of constitutional propriety. Although as party leader he finally did consent to intervene to secure the enactment of party pledges, in the early stages of the session he left the burden to the individual members.\textsuperscript{9}

As a result of Harmon's reluctance to try to influence members of the General Assembly very little was accomplished

\textsuperscript{7} Warner, \textit{Progressivism in Ohio}, p. 266. The summary also revealed that there were six "middle-of-the-roaders" in the Senate and nineteen in the House.

\textsuperscript{8} Ibid.

\textsuperscript{9} Hale, "Judson Harmon and the Presidency," \textit{The World's Work}, XXII (June, 1911), 14449-50.
on a legislative level during the first session of the
Seventy-Ninth General Assembly.

A strange set of events which gave the reformers a
strong argument for cleaner politics soon followed the
election of 1910. Surprisingly enough these events did not
occur in a city ruled by a "boss", but in a rural county,
then the only one in Ohio with no railroad into its county
seat. ¹⁰ From an Ohio River county came the shocking revela-
tion, not only to Ohioans but to the entire nation, that
the people of Adams County had for years been selling their
votes at the polls. This political scandal, which some
people believed to involve a social problem as well, came
to light in December, 1910, as a result of a grand jury
investigation presided over by Judge Albion Z. Blair.

It was not unusual to hear of bribery or the buying
of votes; but it was unusual for this to happen in a rural
county having few foreigners and few Negroes, in some
respects a typical "American county." ¹¹ The grand jury

¹⁰ Bowman, A Short History of Ohio, p. 340.

¹¹ One of every twenty-five persons was of foreign
parentage; one of every three was born in the United
States; one of every one hundred was a Negro. See A. Z.
Blair, "Seventeen Hundred Rural Vote Sellers," McClure's
discovered that in one precinct eighty-five per cent of all electors who cast their votes had at some time in their lives engaged in either the buying or selling of votes. The custom of selling votes had become so accepted that the voters considered any interference with it as the taking away of income to which they were entitled. The practice had come to be accepted as a natural way of life. Farmers, small merchants, lawyers, ministers, and others accepted bribes for their votes.

Why was the buying of votes so common? One of the reasons for selling votes was that since the Civil War southern Ohio had been virtually at an economic standstill. As a result of this economic slowdown many of the more progressive and ambitious leaders had left for better land, and those who remained at home had to compete unsuccessfully with the farmers of the richer farm lands of the prairie states.\textsuperscript{12} Another reason for the widespread custom was that prior to the Civil War there was no need to purchase votes because the county was largely Democratic, but due to the developing patriotic emphasis on the Republican party as the supporter of the Union many people had turned to that party. If the Democrats hoped to continue their political domination of the county, then they had to

\textsuperscript{12}Albert Shaw Adams, "A National Lesson from Adams County," \textit{The American Review of Reviews}, XLIII (February, 1911), 174.
resort to illegal methods such as the buying of votes.\textsuperscript{13} Then, Republicans had to resort to the same practice to offset the Democratic gains.

The Adams County grand jury revealed that nearly two thousand people had sold their votes over a period of about thirty years for a total of between ten thousand and twenty-five thousand dollars. Approximately one-third of the Adams County voters were indicted under the Corrupt Practices Act of 1889. Judge Blair, a native of Adams County, gave very light sentences because he did not want to subject individuals to drastic punishment or humiliation beyond the need for stopping the practice.\textsuperscript{14} Fines imposed on the violators who confessed usually were twenty-five dollars with all but five dollars remitted, a suspended six months sentence in the Cincinnati workhouse, and the loss of voting rights for five years. Judge Blair told the story of the remorse of one woman who walked twenty miles to confess for her husband who was ill in bed. When asked why the family sold their votes, the woman said, "Well, my old man always thought it was the law to pay us for our votes."\textsuperscript{15} Those who refused to confess had the full

\begin{itemize}
\item \textsuperscript{13} Blair, McClure's Magazine, XXXVIII, 30.
\item \textsuperscript{14} Adams, The American Review of Reviews, XLIII, 176.
\item \textsuperscript{15} George Creel and Sloane Gordon, "What are You Going to do About It--The Shame of Ohio," Cosmopolitan, LI (October, 1911), 602.
\end{itemize}
sentence imposed, but usually after a few days in the work-
house the violator was released after he had been taught a
lesson.

The Ohio State Journal revealed in an editorial the
typical attitude toward the scandal and Judge Blair's work
in particular when it said that Blair did not have to go
into his home county and have friends and relatives
arrested. He did it because:

... he has a clear and definite idea of the
public duty which he has sworn to perform ... 
This stalwart judge exemplifies in his life that
old Roman virtue, that regarded public duty as
far above all considerations of personal desire. 16

Harmon was as shocked as most people to learn of the voting
fraud, but he believed that as long as public officials
used their authority to further personal advantage it was
but natural that the voters should regard suffrage as a
personal prerequisite on which they felt free to realize as
much profit as possible. 17

16Ohio State Journal, January 8, 1911. Others be-
lieved Blair acted as he did because he was pro-temperance,
and thus he could disfranchise those critics who might vote
against him. In April, 1911, the Senate proposed the Hudson
Bill which would have crowded Judge Blair off the bench in
1913 by transferring his county to another judicial district
where he would have had no chance of retaining his seat.
The bill failed to pass, but this revealed a desire to
strike back at Judge Blair for what he had done in Adams
County.

17Genevieve E. Gist, "Progressive Reform in a Rural
Community; The Adams County Vote-Fraud Case," The Mississip-
pi Valley Historical Review, XLVIII (June 6, 1911), 73.
Under the prodding of Harmon the General Assembly before the end of the 1911 session adopted a measure which struck at the vote buyer, the root of the evil. Representative B. F. Kimble of Adams County incorporated Harmon's recommendations in a new Corrupt Practices Act. This required a candidate to give a full public accounting of his campaign expenditures by specifically stating the purposes for which his fund was used, placed a limit on the total amount that any candidate could spend, and prohibited the use of force to threaten, abduct, or delay a voter. On June 8, 1911, Governor Harmon vetoed the bill. The House bill had seemed to be adequate, but the Senate had added some unfavorable parts to which the House had agreed on a crowded closing day. Harmon objected to one section because it had nothing to do with corrupt practices. Section thirty said that a candidate must be given equal space to reply to charges of the publisher, and Harmon said that failure to be fair in that respect was reprehensible, but that it could not be classed with bribery and corruption. Section thirty-one was the most objectionable part to Harmon because it required that any candidate for the General Assembly had to give a pledge concerning his vote or position on any matter of pending legislation.\(^{18}\) Eventually the General Assembly passed a similar act but without the two provisions

\(^{18}\) Mercer, *Ohio Legislative History*, p. 146.
to which Governor Harmon had so violently objected.

Harmon began to urge the Democrats to enact one of his pet proposals almost as soon as the first session of the Seventy-Ninth General Assembly opened. This proposal was for the establishment of a central board of management for the state institutions. The Seventy-Eighth General Assembly had passed a weakened version of Harmon's proposal, and the Governor had vetoed the bill, but now with a Democratic legislature Harmon believed that his proposal would be accepted in full.

Representative Price Russell, the majority floor leader, introduced the bill to centralize Ohio's institutions under one board. The Bill passed in the House by a vote of seventy to thirty-eight, but the Republican members voted almost solidly against it because it was an administration bill. The House measure included all of Harmon's ideas including a merit system in the institutions and a program designed to promote the education and training of inmates, but to Harmon's consternation the measure did not place the State Soldier and Sailor Orphans Home or the Lima State Hospital under the control of the central board. The Ohio State Journal reported that it appeared that Harmon would be able to line up the Democrats to his view on

19 Ohio State Journal, February 10, 1911.
administration bills, but the Journal was not aware of what was about to occur in the Senate.

In April, the Senate finally approved their version of the Russell Bill by a vote of twenty to fourteen; but the bill was hardly what the Governor had wanted. The Democratic obstructionists joined by the Republicans emasculated the bill by amendments eliminating the provisions requiring bulk buying and purchase of convict-made goods by political subdivisions. Harmon had wanted to provide a market for institution products by requiring municipalities, counties, and township governments to buy certain goods from the state institutions.

The Bill was sent to the conference committee of both houses where enough of the administration proposals were reinstated so that Harmon could approve the bill, which became a law on May 11, 1911. The central board took control of all of the state institutions on August 15, 1911. Governor Harmon appointed to the board: Allen W. Thurman, son of former Senator Allen G. Thurman; Thomas E. Davey, an auditor from Columbiana County; Joseph P. Shaffer; Dr. Arthur F. Shephard, superintendent of the Dayton State Hospital; William E. Haswell; and Edwin F. Brown, the man who in 1907 had installed the first system of uniform accounting for all Ohio State offices.20 The Senate

20 Mercer, Ohio Legislative History, p. 223.
concurred in the appointment of each one of these men with practically no opposition.

During the first year the board worked out the details of its administration of the State's benevolent and charitable institutions. The board devised a single central purchasing department for all of the institutions, a uniform method for the preparation of institutional reports. Due to efficiency, the elimination of duplication and waste, and a single purchasing office the first report of the central board in September, 1912, revealed a savings of $267,981.17; and by the end of the year the central board estimated that it had saved the State nearly five hundred thousand dollars.\textsuperscript{21} Why had the central board been so successful? One reason was the men appointed to the board were experts in their field who worked full time at their job. Another reason was that apparently no politics thwarted the administration of the central board's duties. The Central Board for State Institutions was one of the most popular and economically efficient measures adopted during Harmon's terms as Ohio Governor.

Another administration proposal which had met with

\textsuperscript{21}Ohio State Journal, September 9, 1912, and January 2, 1913.
only limited success in the Seventy-Eighth General Assembly was the one per cent maximum tax rate measure. The Seventy-Eighth General Assembly passed a bill for a one and a half per cent limit, and Governor Harmon allowed the bill to become law without his signature, but the Governor still wanted the adoption of the ten mill limit. One of Harmon's 1910 campaign promises was that he would work to reduce the tax limit from fifteen to ten mills if he were re-elected. Harmon did not want public officials to decide how much they wanted to pay out in a year and then make a levy to raise that amount. Some municipalities had over five per cent rates prior to this time. As a result of the work of the Ohio Tax Commission the tax duplicates had increased by proper evaluations and additions, and some government officials feared that the millions of extra dollars which would be available every year would be squandered for needless projects by public officials. Therefore, Governor Harmon asked the General Assembly to lower the tax limit from fifteen to ten mills and to prohibit a taxing district from leveling more in taxes than was levied in 1910.

The administration's proposal, known as the Smith Bill, provided that no political subdivision should be permitted to levy a tax exceeding one per cent for all government purposes, except by such further bond issues as might be approved by a referendum by the voters. The exception
to this limitation was that a tax should be allowed to reduce the interest on the bonded debt and that necessary authority should be given to the tax district to provide a sinking fund to take care of maturing bonded indebtedness then existing.  

The one per cent tax limit proposal continued to create controversy not only in the State Legislature but throughout the entire state. Farmers and real estate holders liked the proposal since taxes would be reduced, but some municipalities and school districts did not like the proposal because they believed the tax limitation tied their hands in regard to additional growth and progress. The following was a typical taxpayer's response to Harmon's tax reform program, "I have just paid the taxes on my little home and find them reduced about $8 for the year something never before heard of under republican \textit{sic} \textit{administration}."\(^{23}\) When one citizen complained to Harmon about the tax limit, he answered, "If the people of a city want to spend more all they have to do is to vote it."\(^{24}\) Harmon firmly believed that the real opposition to the proposed

\(^{22}\) Nichols, \textit{The Ohio Archaeological and Historical Quarterly}, XLI, 146.

\(^{23}\) Frank Knowles to Harmon, December 31, 1911, Harmon Papers, Ohio Historical Society.

\(^{24}\) Harmon to Orville S. Brumbach, March 7, 1911, Harmon Papers, Ohio Historical Society.
tax limit came from those officials who spent the tax money, not from those who paid it.

The Smith 10 mill tax limit bill suffered the same fate as many of the administration's reform measures when it was buried in a Senate committee. Nothing more was accomplished along these lines "... until an explosion over graft and bribery charges jarred it loose from the Senate."

The progressive element considered few of the administration proposals up to this point as truly reform measures designed to bring about more popular government; therefore, they decided to take matters into their own hands. One of the measures for popular government very dear to the hearts of the progressives was the initiative and referendum. The 1910 Democratic platform had favored initiative and referendum in principle; but it had not, however, made any specific promises about enacting these proposals into law. Many political observers did not see how the Democrats could avoid some action in regard to these proposals. It seemed that even though the doctrine was "... based on the weakness and unreliability of the

25Ohio State Journal, Marcy 8, 1911.

26See the discussion in Chapter Five concerning the original proposals for the initiative and referendum.
legislature, still that body [the Democratic members] can not in view of the position its party has taken, turn its back on this radical reform. 27

The House passed Robert Crosser's bill (House Bill No. 48) for the establishment of the initiative and referendum in municipalities; and since the Ohio Constitution made permissive direct legislation only in cities, Crosser demanded that the initiative, referendum, and recall be accepted at the State Constitutional Convention in order for the voters to decide whether the issues should become statewide or not. The House passed Crosser's proposal by a vote of seventy-nine to sixteen; but in the Senate a bitter struggle ensued before the reactionaries finally, on May 31, 1911, passed a weakened version of the bill. 28 Again the Senate took action only after the disclosures of legislative graft and corruption.

Harmon was far from a strong advocate of the initiative and referendum, although he was willing to accept initiative and referendum for municipalities on a trial basis. He expressed this view in a speech in Detroit on July 4, 1911, when he said:

We can not expect always to secure for the public the highest order of efficiency, because it has to

27 Ohio State Journal, January 11, 1911.
28 House Journal, Seventy-Ninth General Assembly, CII, 64.
meet the competition of private callings . . . .

But one thing the people have a right to expect and the ability to secure and that is fidelity in those that they appoint to act for them. Whether the proposals for improving the public service through more frequent and direct intervention by the vote of the people would prove permanently effective is a question with many. 29

Harmon was definitely opposed to the recall because he believed that action against an official "wrongdoer" should come through legal action in the courts to remove or judge rather than by the ballot. This would not be the last time that Harmon would be troubled with the question of whether he should or should not support the initiative and referendum proposals.

Another progressive measure which was introduced in the Seventy-Ninth General Assembly was a plan based on the Oregon program for nominating and electing United States senators. There were two methods proposed to elect a United States senator. The names of the senatorial candidates could be placed on the party ballots, and the legislative candidates would be pledged to accept the popular verdict as binding, or the legislative candidates could consider the popular verdict merely as a recommendation. 30 Many progressives wanted to have the voter's preference act as a binding decision as the plan worked in Oregon.

29 A Story of the Progress in Ohio During Governor Judson Harmon's Administration, pp. 93-94.

30 Warner, Progressivism in Ohio, p. 270.
Harmon was at first opposed to the direct election of senators, but he later changed his mind on the subject. He said:

When the direct election of Senators was first proposed, I was inclined to be against it. I thought that the way provided by the framers of the Government was the best. But there were so many cases to which the taint of one kind or another of scandal was attached that I changed my mind. And, after all, there is no sound reason why we should not change this method, just as we have departed from the method of electing Presidents prescribed by the Constitution.\(^{31}\)

In response to a question from the Denison University debate captain as to the Governor's position on the direct primary issue, Harmon said that he believed in it because delegate conventions had often failed to nominate the best people, yet he realized that the plan had defects. He said that if the people would not vote or intelligently inform themselves about the best candidates, then the direct primary could be worse than the delegate conventions.\(^{32}\)

In January, 1911, John Stockwell introduced a bill in the Senate incorporating the Oregon plan. It was referred to the committee on privileges and elections, which after considerable debate voted to postpone indefinitely consideration of the issue. Harmon then took an unusually active role when he attempted to persuade the committee to

\(^{31}\)The Outlook, C, 180.

\(^{32}\)Harmon to W. Robert Taylor, April 7, 1909, Harmon Papers, Ohio Historical Society.
approve the bill and send it to the Senate floor for a vote. He called for the Democratic members of the committee to meet with him and was able to convert most of the members to his way of thinking. Harmon told the committee that if the people declared for a Republican, if he were a legislator he would be proud to vote for a Republican. One of the members called the Oregon plan undemocratic, and Harmon enthusiastically replied that the plan was the very essence of democracy because it put the government back into the hands of the people and let them declare whom they wanted for United States senator. Harmon even talked personally with each senator, but in spite of his efforts a vote in the Senate to take the bill out of the committee was defeated.

Why did the Senate fail to take the bill out of committee? The presiding officer in the Senate, Lieutenant Governor Hugh L. Nichols, who had succeeded Atlee Pomerene when Pomerene was elected United States Senator, claimed that even though the Democrats had a majority of four votes in the Senate there were six "reactionary" Democrats who continually lined up with the Republicans to defeat progressive legislation. Others believed that Stockwell's argumentative and dictatorial personality helped kill the bill. Harmon in a letter to John F. Bible, a close friend

33Mercer, Ohio Legislative History, p. 100.
who had served as a Federal District Attorney when Harmon was Attorney General, said that he was having trouble getting the United States senator bill through the Senate due to:

... some very shortsighted Democrats. I suppose the truth is that some personal antagonisms are the real root of the difficulty ... We have a great many members who were swept in by the tidal wave ... which seems to have led to the introduction of all sorts of measures and there is an inclination to pass them without proper consideration.\[34\]

Charles S. Wyman introduced in the House, with Harmon's blessing, the identical bill which the Senate had failed to take out of committee; and the bill passed by a vote of eighty-nine to thirteen. Even this overwhelming response by the House did not force the Senate to take any further action on the bill, and the direct election of senators was temporarily a dead issue.

Another of the progressive measures which had failed in the Seventy-Eighth General Assembly was the Woods Public Utility Bill. The progressive members of the Seventy-Ninth General Assembly revived the idea and introduced it again in 1911, but this time they had Governor Harmon's approval and support for the measure. Early in the 1911 session Democratic Representative Cyrus B. Winter and Senator S. B. McGuire introduced almost identical versions of a public utilities bill, which Harmon had approved in a

\[34\]Harmon to Bible, February 17, 1911, Harmon Papers, Cincinnati Historical Society.
general form, in the House and Senate respectively. Criticism of the bill by the corporations involved was not very severe, although shippers were afraid that railroads and all other utilities would be grouped together under one commission. This would have meant that consideration of a shipper's existing complaints against the railroads would have been delayed indefinitely, and the shippers were very unhappy with this prospect.

The bill that was reported out of the House committee varied greatly from the bill that was introduced to the House, apparently due to the pressure of the public utilities lobbyists. Harmon believed that railroad lawyers had appeared before the committee and:

... somehow managed to stir things up so that I understand the matter has been made worse instead of better. In fact, I understand that they have so changed the bill as to probably make it apply to railroads. This is against my wish, and I have insisted that what is already satisfactory be let alone. ... 35

Under the leadership of Republican House leader Laurence K. Langdon the objectionable features were ripped from the bill, and fifty to sixty amendments were added to make the bill a rather admirable measure. As a result the

---
35 Harmon to Samuel Untermyer, March 25, 1911, Harmon Papers, Ohio Historical Society.
bill was approved by a vote of ninety to fourteen. The bill provided for a three-man commission with the power to control the issuance of stocks and bonds, regulate rates which were to be based on physical valuations, supervise mergers, and review rates and regulations established by city councils over utilities. The bill was then presented to the Senate where it was expected that the measure would encounter the same opposition that all of the other progressive measures had met.

The measure did meet the expected opposition in the Senate, opposition which was compounded by the presence of the public utilities lobbyists there. The Senate deliberated and delayed; and on April 6, 1911, Harmon finally sent a special message, which the progressives believed to be far too mild and lacking in vigor, to the Senate asking for the passage of the Smith Tax Limit Bill, a nonpartisan ballot for the constitutional convention, and the Wyman Direct Election Bill. For some unknown reason he mentioned nothing about the Central Board Bill or the Winter-McGuire Bill. The only answer that Harmon's friends could give for the Governor's lack of strong leadership was that


37 *Senate Journal of Seventy-Ninth General Assembly*, CII, 358.
Harmon had always believed in noninterference by the executive in legislative matters, yet, he was obviously asserting his views on certain proposals. What effect the special message would have on the recalcitrant Senate was open to debate. The *Dayton Daily News* reported that Harmon had incurred the enmity of a number of the Senate members, some of whom were Democrats, who seemed disposed to embarrass the Governor. The *Daily News* closed the editorial on a light note when it said, "But perhaps with the coming of warmer days, and the opening of the baseball season personal animosities may soften."38

Personal animosities did not soften soon enough; and Harmon, after his advisers finally convinced him that stronger executive leadership was required if the bills were to be saved, made, for him, an almost unprecedented move when he called for a night caucus of all the Democratic members of the General Assembly on April 26, 1911. Harmon was very indignant over the failure of the Senate on the previous day to pass on a resolution which would have allowed him to speak to the entire Senate about their reluctance to pass legislation, and he let the Democratic caucus know about his feelings. Harmon then presented a seventeen-point legislative program which he believed was the minimum program which could be expected from the

38 *Dayton Daily News*, April 7, 1911.
legislature. This included: the Smith One Per Cent Tax Limit Bill; the Hollinger Bill, to strengthen the State Tax Commission; the Edwards Bill, to abolish tax boards of review and to change the methods of selecting property assessors; the Russell Central Board Bill; the Gebhardt Bill which would place the Chief Engineer in charge of the executive work of the canal system; the Green Bill for the election of nonpartisan delegates to the Constitutional Convention; the Kimble Corrupt Practices Act; the Bruce Bill for the registration of voters in lodging houses; and the Wyman Bill for the direct election of United States senators under the Oregon plan. Harmon also sought favorable action on the direct primary nomination of candidates for state offices; a bill to abolish party emblems on city tickets; the Keller Bill for the nonpartisan nomination of judicial candidates; the public utilities bill; the Crosser Municipal Initiative and Referendum Bill; the Green Workmen's Compensation Bill; the Shaffer Women's Reformatory Bill; and finally, the Stambaugh Bill which provided for female management of the Girl's Industrial Home.39

Harmon talked to the Democratic legislators very much as a grieved father would reason with an erring son.

39 Mercer, Ohio Legislative History, p. 129. Harmon's entire address may be found in this source, pp. 130-137.
There was no threat of war or discipline or dictation, no brandishing of a club.\textsuperscript{40} Stressing the responsibilities of the legislators and how they would be condemned if they failed to keep their campaign promises, he said:

The responsibility for what we do and for what we fail to do belongs to all of us and no man can shirk his share of it, and I, as well as you, am to be held responsible by the great party that chose us to act for it that we shall so act that it shall not lose the confidence of the people.\textsuperscript{41}

After a summary of the legislation that he wanted enacted Harmon concluded with these stirring words:

It isn't much for me to occupy the Governor's chair for one or two terms. It is a great honor to me. We don't last long, but behind us stand the Democratic principles more than a hundred years old, guaranteeing liberty to every man, guaranteeing equal justice for all. They are going to live, and it is them we ought to think about and not our little tenure of office. That is worth living for, and if a man can be remembered for centuries as one who met the needs of the occasion, who followed the ideals of popular government, his children will always remember that, and great men in the past in this party have learned that is worth living for.\textsuperscript{42}

The Democratic caucus did not bind any members to support Harmon's program in its entirety. In fact Senator Frank Dore, Issac Huffman, and Henry Cetone placed themselves in opposition to part of the program; and these men seemed to hold the balance of power in the Senate. Dore and

\textsuperscript{40} The Outlook, C, 179.

\textsuperscript{41} Mercer, Ohio Legislative History, p. 130.

\textsuperscript{42} Ibid., p. 137.
Huffman said that they would not vote for the direct election of senators bill or the nonpartisan election of judges. Cetone said that he was opposed to the direct election of United States senators as well as the one percent tax limit unless there were changes made so that the cities could live with it. Harmon had finally exerted himself in executive leadership, but it is still doubtful if many of the progressive bills would have been enacted if it had not been for the disclosure of bribery charges against certain obstructionist legislators. With these disclosures many recalcitrant legislators jumped on the progressive legislation bandwagon in an attempt to show their faithfulness and fidelity to public office.

Several days after Harmon had appeared before the Democratic caucus in April one of the biggest legislative scandals in Ohio's history came to light. There had been hints of legislative bribery in the newspapers for several months preceding the disclosures, especially after the Elson Telephone Bill scandal in 1910; but there was no definite proof of official wrongdoing until Representative George E. Nye asked the Columbus police to arrest three William J. Burns' detectives on the charge of attempting to bribe him to influence legislation. The Burns' detectives, who had been posing as lobbyists, countered Nye's charges with the
story that they had been hired by the Ohio Manufacturer's Association, a group of businessmen who were tired of being forced to pay bribe money to Ohio legislators to ensure the passage of favorable bills, to expose the "boodlers" in the General Assembly.

The three detectives, F. S. Harrison, A. C. Baily, and David Barry, admitted giving Nye the money he claimed to have received; and they also named Senators L. R. Andrews of Dayton, George K. Cetone of Dayton, Issac Huffman of Oxford, and the Senate Sergeant at Arms Rodney J. Diegle as others who had accepted money from them. The detectives revealed how they had lured their suspects to room 317 of the Neil House where they made the fake bribery offer. A dictograph receiver was hidden under a couch and wires, concealed under a rug, led to room 316 and connected to a telephone receiver which fit on the head of a stenographer who recorded every word of the conversations. This arrangement was established with the full knowledge and collaboration of Edward C. Turner, the Franklin County prosecutor. The Franklin County grand jury was called immediately to probe the possibility of legislative corruption.

Harmon took the same view of the responsibility of personal guilt in this situation that he had in the Paul Morton case. Harmon said, "We should stand together and
clear up this situation if it takes six months. Let the Republicans and Democrats form an alliance to do what the people of the State want done, and forget politics for the time. Harmon appointed Attorney General Timothy Hogan to aid Turner in the investigation; and when the trials started, the Governor permitted Hogan to take an active party in the actual trials which was almost wholly unprecedented in Ohio history. Harmon was unhappy that alleged legislative corruption had been uncovered, but he was not too disappointed to learn that some of the legislators who had been obstructing the passage of his legislative program were implicated in the charges. Harmon believed that this scandal might open the way for the enactment of his program; and as the story unfolded, this is exactly what happened.

The Franklin County grand jury listened in amazement to the story told by the Burns' detectives. The detectives told how Opha Moore, the secretary of the Ohio Manufacturer's Association, had employed Rodney Diegel on a weekly basis to inform Moore of the status of bills and where and when money could be used to facilitate or retard legislation. Diegel was known as "the betting commissioner of the Senate" and the man to see when it was necessary to

43"The Ohio Legislators," The Outlook, XCVIII (May 13, 1911), 45.
open negotiations for the passage or defeat of a bill.\textsuperscript{44}

It was soon discovered that Diegel was taking money from the Ohio Manufacturers on one hand and from the lobbyists on the other. Diegel was caught taking two hundred dollars in marked bills from one of the detectives hired by Moore. Diegel was paid this sum to negotiate for the delivery of the votes of senators and representatives on a key bill. George Nye was charged with being the ringleader of corruption in the assembly, and Diegel was the alleged go-between. On May 3, 1911, the grand jury indicted Nye, Diegel, Cetone, Huffman, Andrews, and A. Clark Lowry of Ironton for soliciting and accepting bribes to influence legislation.\textsuperscript{45}

The Senate and House immediately established investigating committees because under Ohio laws a witness before a House or Senate investigating committee was exempt from criminal prosecution. Harmon, Attorney General Hogan, and County Prosecutor Turner protested vehemently the establishment and selection of the investigating committees as nothing more than a whitewash committee because they believed that the grand jury should probe the matter.

\textsuperscript{44}Creel and Gordon, \textit{Cosmopolitan}, LI, 608. Diegel owned a hotel at Put-in-Bay where he had become acquainted with many of the State legislators.

\textsuperscript{45}\textit{Columbus Dispatch}, May 4, 1911.
Ohio Senate passed the resolution despite the angry waves of protest and established a committee heavily weighed with reactionaries, and they bypassed Lieutenant Governor Nichols as one of the members.

The House refused to vote money for the maintenance of the committee, but it continued to hold meetings anyway until public outrage caused it to disband. After three weeks the Senate committee reported that they could accomplish nothing because witnesses refused to testify, and for all intents the committee ceased to function.\textsuperscript{46} In the meantime the grand jury had indicted several other legislators, including Thomas A. Dean of Fremont, Owen J. Evans of Canton, Frank Calvey of Cleveland, and Edgar T. Crawford of Stark County, for soliciting bribes. Evans' confession of accepting a bribe opened up new evidence, and all in all nearly forty people were accused of involvement in the scandal.\textsuperscript{47}

George Nye was the first to be tried in May, 1911, for his part in the scandal; and he revealed to the public the entire story of the discovery of the legislative bribery. The detectives, posing as lobbyists, had contacted Nye about a possible bribe on the Kimble Bill, a judicial gerrymandering bill which would have legislated Judge A. Z. Blair

\textsuperscript{46} Warner, \textit{Progressivism in Ohio}, p. 276.

\textsuperscript{47} \textit{Ohio State Journal}, May 2, 1911.
of Adams County voting fraud fame out of his judicial seat. Nye claimed that he knew all along what was going on and that he accepted the money only to use it as evidence to trap the bribers, although the bills Nye handed over to the court were not the same marked bills that the detectives had given him. Nye claimed that he then went to House Speaker Samuel J. Vinning and told him the story and then for two weeks the two men worked to gain evidence for a bribery case against the three detectives. The three detectives had claimed earlier that Nye went to Vinning to arrange for their arrest only as a means to cover up what Nye had done; the detectives said that Nye "... didn't get wise quick enough." 48 Nye's first trial ended in an acquittal, after the jurors balloted thirty-six times, on the charges of soliciting five hundred dollars on the Kimble Bill and of soliciting a five hundred dollar bribe from State Printer E. A. Crawford. Nye's acquittal apparently resulted, for some unknown reason, from the prosecution's not using the dictophone evidence of the three detectives to clinch the case. 49

Rodney Diegel was tried in June and July, 1911, on the charge of aiding Senator L. R. Andrews in soliciting and accepting a two hundred dollar bribe on the Castone-Whittemore

---

48 Ibid., April 30, 1911.
49 Dayton Daily News, June 2, 1911.
Mutual Fire Insurance Bill. Diegel was found guilty, he was convicted on the charge of aiding and abetting in the bribery of senators, and he was sentenced to three years in the Ohio penitentiary. In February, 1912, the Ohio Supreme Court upheld his conviction as an accessory to legislative bribery. Senator Andrews was tried in April, 1912, and sentenced to nine months in the penitentiary; the sentence was light due to Andrews' personal plea and his past record. On May 23, 1912, Issac Huffman was found guilty of accepting a two hundred dollar bribe from Burns' detective, Frank Smiley, to influence the senator's vote on the Cetone-Whittemore Insurance Bill; and Huffman was sentenced to three years in the penitentiary. On December 4, 1912, George Cetone received the same sentence for accepting bribes.

No further legal action was taken against George Nye because he turned state's evidence and implicated other legislators and lobbyists who were engaging in the bribery. Nye confessed before the grand jury and the trials of the other legislators that he had accepted bribes amounting to as much as ten thousand dollars a year. Harmon was especially gratified to hear Nye expose both House and Senate members who had been practically running the government for years and blocking reform legislation.
After the bribery scandal broke, an entirely different atmosphere was apparent in the General Assembly. Legislators jumped to support bills which they had previously opposed in an attempt to show that they had nothing to do with any bribery scheme, and Harmon took advantage of the situation to push for the approval of his delayed legislative program. Now Harmon was also able to line up some Republicans to support his program, something which his critics said he should have been doing all along.

On May 2, 1911, the Russell Central Board Bill came out of conference committee; and after some difficulty the Senate approved the bill with most of Harmon's proposals restored. The Wyman Bill, providing for the direct election of United States senators based on the Oregon plan, passed the Senate on the very same day. The Woman's Reformatory Bill, one of the Governor's pet proposals, was also enacted into law. Actually, Mrs. Harmon was the one really responsible for this act as she thought the conditions at the reformatory were intolerable. It was a matter of state wide knowledge that the Governor's wife took the lead in securing the reform which was brought about in the management of the Girl's Industrial Home and in the establishment of a Women's Reformatory, as recommended by the Governor;

---

and Mrs. Harmon should be gratefully remembered for it. 51

Both houses passed the Woods Public Utilities Bill, but only after an effort by the progressives to restore physical valuation and a home rule provision had been defeated. Governor Harmon permitted the bill to become law on June 30, 1911, without his signature. After that date all public utilities except local utilities were subject to the regulation and control of the former State Railroad Commission, now to be called the Public Service Commission of Ohio. Harmon permitted the bill to become law without his signature because he did not like the merger provision to create a telephone monopoly with capitalization and rates prescribed by the commission, but he did not want to veto the bill because he thought it was about the best measure that he could expect under the circumstances. The editor of the Ohio State Journal agreed with Harmon's action which showed that the bill was not a perfect law and that there was room for improvement. 52

On May 10, 1911, the Senate passed the Smith One Per Cent Tax Limit Bill by a vote of twenty-two to eleven. The Senate and House approved the Crosser Municipal Initiative and Referendum Bill, and Harmon permitted this

51Editor's note in Mercer, Ohio Legislative History, p. 139.

52Ohio State Journal, June 16, 1911.
act also to become law without his signature. The Governor did not oppose the experiment of initiative and referendum on the local level, but the pocket veto was his way of revealing that he was not in full sympathy with the idea of the initiative and referendum. Another progressive measure which both houses of the General Assembly passed with little opposition was a limitation on the number of hours a day a woman could work in an industrial or commercial occupation. On May 16, 1911, the General Assembly sent the Green Bill for a ten hour per day and fifty-four hour per week maximum work load for women to Harmon. The bill became a law in June of that year. In May the General Assembly also approved the Green Bill for the nonpartisan election of delegates on a ballot without party labels to the forthcoming 1912 Constitutional Convention.

A measure which the Democrats had promised as part of their 1910 platform was a voluntary workmen's compensation act, and the General Assembly also approved the Green Workmen's Compensation Act. Many lawyers, employers, and insurance companies opposed a voluntary workmen's compensation proposal because private liability companies could effectively compete with the State for the insurance coverage; and the employers believed that they could obtain better rates from the private companies. As was noted
earlier the proposal had been introduced in the General Assembly in March, but the legislators were reluctant to approve the measure. An investigating committee was established to look into the entire subject of workmen's compensation and to recommend what action should be taken. The committee soon found that no funds had been appropriated to enable the committee to do its work. This method of failing to appropriate funds was apparently a way of appearing to favor and at the same time effectively stifling remedial legislation. Harmon then provided the committee with about five hundred dollars from his own pocket to permit the committee to complete its task. Harmon's quick action allowed the committee's report to be presented before the next session of the General Assembly; and as a result in May both houses approved Senator William Green's Optional Workmen's Compensation Bill, with the same provisions as the March proposal and with hardly any resistance offered. Later, the 1912 Constitutional Convention provided for compulsory Workmen's Compensation, the voters approved it, and as a result Ohio had a workmen's compensation program which was considered one of the best of its kind in the United States.

53 Nichols, *The Ohio Archaeological and Historical Quarterly*, XLI, 145.

54 Ibid.
Undoubtedly Harmon's legislative program would have been seriously curtailed had it not been for the results of the bribery disclosures, but the legislators did approve other laws during the first session of the Seventy-Ninth General Assembly before the bribery disclosures. A non-partisan judiciary bill became law on February 2, 1911. This law required that the names of judges, from the chief justice down to the most obscure justice of the peace, be placed on ballots on which no party designation appeared opposite the name of the candidates. Nominations for judgeships could be made by conventions, party primaries, and petitions. The reason for this law was the widespread belief that party bosses had been able to get their judges in certain posts and that as a result certain men of vast political power were shielded from the law. Harmon favored extending the bill so that all judiciary nominations should be made by petition; however, he did not take a stand against the elimination of this feature from the bill.

In the area of humanitarian reforms the General Assembly in 1911 authorized Harmon to appoint members to a commission to consult with leaders in the field what should be embodied in a child labor code. Although no code was adopted during Harmon's administration, the results of his commission led in 1913 to the establishment of one of the

55Ibid.
first children's codes in the United States. The General Assembly also passed the federal income tax amendment upon Harmon's recommendation.

After the tumultous first session of the Seventy-Ninth General Assembly adjourned in June, the political observers attempted to evaluate the work of that body. Of course the bribery disclosures almost overshadowed all of the beneficial aspects of the legislature, and observers wondered what would have happened to Harmon's proposals without those revelations. Harmon finally exerted the type of executive leadership that many of his followers had been hoping to see when he called for the Democratic caucus and when he threatened to call a special session of the Senate unless it took action on the Winters Public Utilities Bill, the Crosser Initiative and Referendum Bill, and the Kimble Corrupt Practices Act.56

The press was not very kind to the Seventy-Ninth General Assembly and especially to the Senate. The Toledo News-Bee said that the legislature passed and killed more progressive legislation than any of its predecessors, but more reform measures had been introduced than ever before.57 An editorial in the Ohio State Journal read, "With the

56 Ohio State Journal, June 1, 1911.

57 Warner, Progressivism in Ohio, p. 284.
expiration of the legislature goes out one of the shabbiest
senates that Ohio has ever had . . . . It is hoped that
these men will be kept home after this."  

James M. Cox said of Harmon's second administration:

... posterity will give him high rank for his
progressive and constructive work as State execu-
tive. Laws created and reforms accomplished dur-
ing the last legislative term have made a new and
wholesome order of things in a State badly in
need of political changes . . . . Governor Har-
mon had demonstrated a grasp of the broad humanity
of the hour and a common sense method of performance
that will always stimulate and not hinder real
progressive government.  

Few of Harmon's political enemies would have had such
complimentary words of praise for the Governor as did this
Democratic Congressman and Harmon's probable successor,
James M. Cox; yet, even his enemies had to admit that Harmon
had projected himself into the national scene as a possible
presidential candidate as a result of his work as Governor
of Ohio.  

58Ohio State Journal, June 1, 1911.
59Cox, The Independent, LXXI, 959.
60The General Assembly enacted into law practically
every one of Harmon's seventeen point program sometime
during his administration.
CHAPTER IX

THE SECOND ADMINISTRATION: 1912 THE DECISIVE YEAR

As a result of his first three years in office Harmon had developed a great popularity among the people, and he was being considered as one of three or four outstanding Democratic presidential nominees, but by the end of 1911 his following was slowly declining. Part of the reason for his dwindling support was due in measure to events over which he had no control. Harmon had made a big point in both of his gubernatorial campaigns that graft and corruption existed in Ohio because of the longevity of the Republican control of state politics. Harmon had promised that a Democratic victory would lead to the elimination of graft in state politics, but the ensuing bribery disclosures in both parties in 1911 seemed to reveal that a change in parties had not eliminated graft and corruption.  

1 It is true that Harmon took an active role in uncovering the graft, but he was a Democrat and the Democrats involved in the scandals reflected on the

1Galbreath, History of Ohio, II, 700.
party of which he was a leader.

Harmon's unsympathetic view toward much popular legislation had not endeared him to the progressive elements both within and outside of his party, but the chief opposition to him seemed to come from those Democrats who opposed his presidential aspirations. On the other hand, his candidacy appealed not only to many Democrats, but also to some Republicans. Harmon had a definite appeal to the business community due to his efficiency in state affairs, and Ohio's Midwestern geographical position pointed to him as a good compromise candidate because he could appeal to all sections of the country as being neither too northern nor too radical.

Harmon also had some weaknesses and had made some political enemies, who began to think of ways to exploit the Governor's weaknesses and force him into political inactivity. Harmon had not really committed any serious blunder, with the possible exception of his failure to support the Woods Public Utilities Bill, which failure the progressives could use as a rallying point to unite the anti-Harmon forces in a solid front. Such forces might have had difficulty in finding a suitable reason to break with Harmon had it not been for his stand on the proposal for a state wide initiative and referendum amendment before

2 Ibid.
the 1912 Constitutional Convention.

The 1851 Ohio Constitution required the question of holding a constitutional convention be submitted to the voters at twenty-year intervals. The State had held a vote in 1871, and the people approved of the calling for a convention which met in 1873 and 1874. The Constitution then adopted was defeated by more than a two to one vote because the Constitution was submitted in one package rather than in separate proposals. The voters did not approve the calling of a convention in 1891 so the next call should have been in 1911; but, the call for approval came in 1910. The progressive movement was at high tide during these years because the people were increasingly aware of the changing demands of society and because they were anxious to correct the inadequacies of the 1851 Constitution as soon as possible.\(^3\) The 1910 platforms of both political parties had called for a constitutional convention, and it was obvious to most people that Ohio’s constitution needed regeneration. As Robert Cushman said, the problems and needs involved in the constitutional revision of 1912 were extremely complex:

Some of these problems, such as taxation and judicial reform, had been inherited; others of

\(^3\)Lindley, Ohio In The Twentieth Century, p. 13.
mammoth proportions had been created by corporate wealth and organized labor. There was a growing demand that the state abandon the *laissez-faire* policy and become the protector of the common citizen and the laborer in their struggle against organized wealth. A new sort of political thinking had also to be reckoned with, for the feeling seemed general that more political power should be given to the people themselves, through such devices as direct primaries and the initiative in legislation. All these feelings and demands pointed to a radical overhauling of the old constitution.  

Three major driving forces, each with its own particular desires, seemed to be organizing and guiding the people toward accepting a constitutional convention. The Ohio Progressive Constitution League, which had been organized by its secretary and principal field worker, Herbert S. Bigelow of Cincinnati, and had as its president, Mayor Brand Whitlock of Toledo, was an enthusiastic organization favoring state-wide initiative and referendum.  

The Scripps-McRae newspapers, led by Nagley Cochran's *Toledo News-Bee*, were ardent supporters of the Ohio Progressive Constitution League and constituted some of the strongest

---


5Frank P. Stockbridge, "Ohio Wide Awake," *Everybody's*, XXVII (November, 1912), 707. Many people believed Bigelow wanted the initiative and referendum adopted because these proposals could have been the advance messenger not only of the single tax, but also of socialism. See Daniel J. Ryan, "The Influence of Socialism on the Ohio Constitution, *The North American Review*, CXCVI, 665-672.
forces which had succeeded in keeping the reform movement alive. The Ohio State Board of Commerce, a group of Ohio businessmen, which was the Progressive League's chief opposition, wanted to replace the general property tax with a more diversified classification of property; and the Board sent tons of material to the rural presses presenting their desires. The third group was the liquor interests who believed that through a constitutional convention they might succeed in obtaining a clause in the organic laws of the State to provide for a licensing of saloons. The success of these three groups was demonstrated as the discussion of their three proposals took up one-third of the time of the convention. On the regular ballot on November 8, 1910, the citizens of Ohio approved the calling of the convention by a vote of 693,263 for, and 67,718 opposed.

The next struggle was over the election of delegates to the convention. The desire of the reform element was to keep the membership and the convention out of the hands of special interests and bosses, and this was fairly well accomplished as a result of the 1911 Green Act which


7Ernest I. Antrim, "The Ohio Constitutional Convention," The Independent, LXXII (June 27, 1912), 1423.
provided for submitting the nomination for delegates by petition only and for electing these delegates on separate ballots without any party classifications. The vote for the election of the delegates was held on November 7, 1911, and 119 delegates were selected. The vote revealed that the convention would not be divided on partisan party lines, but rather as progressives and conservatives with the progressives in the majority. Of the 119 delegates, sixty-one had signed the Progressive League's pledge to support progressive amendments. 8

The convention opened on January 9, 1912, with Judge Dennis Dwyer of Dayton acting as the temporary chairman. One of the first struggles between the conservative and progressive elements was the selection of the president of the convention. The two most prominent candidates were the Reverend Herbert S. Bigelow and the conservative candidate, Judge Caleb H. Norris of Marion. Bigelow was the minister of the Vine Street Congregational Church in Cincinnati, the church which was often referred to as "the Faneuil Hall of Cincinnati"; and he was the dominant personality in the struggle for the acceptance of the initiative and referendum at the convention. Many believed that Bigelow was the

8Stockbridge, in Everybody's, XXVII, 707. Of the delegates sixty-five were Democrats, forty-eight were Republicans, three were Socialists, and three were Independents.
ideological successor to the late Tom L. Johnson, the man who had tried to trace the political wrongs of Ohio back to the constitution itself and then had tried to eradicate those wrongs by a new constitution. Bigelow wrote in his diary that Tom L. Johnson once introduced him to a friend with the remark, "Bigelow and I are going to rewrite the constitution of Ohio."⁹ Even though many people believed Bigelow wanted the initiative and referendum as a device to bring in the single tax in Ohio¹⁰ and even though he was opposed by the wets because he was a preacher and the drys because he wanted to submit the liquor question to the people, there were enough progressives to support his candidacy; and he was elected president. Charles B. Galbreath of Columbus, the man who was later to write a History of Ohio, was elected secretary of the convention.

After some preliminary debate the delegates concluded that there was no need to develop an entirely new constitution because they believed that the weaknesses of the existing constitution could be corrected by the amending process. By a two to one majority the delegates decided to present each amendment separately to the voters rather than in one package as had been the case with the

⁹Herbert S. Bigelow's Diary, Herbert S. Bigelow Papers, Cincinnati Historical Society.

¹⁰Cleveland Leader, January 2, 1912.
defeated 1873-74 Ohio Constitution. The major issues between progressives and conservatives centered over taxation, reform of the judiciary, home rule for cities, the liquor question, and the initiative and referendum. Only four proposals were considered during the first two months of the convention due to the debates over the issues and due to the convention's inviting the favorite candidates to appear before that body and to make speeches (1912 was a presidential year); the candidates usually stumped for themselves. 11 Harmon, Theodore Roosevelt, Governor Hiram Johnson of California, President William Howard Taft, and William Jennings Bryan as well as the mayors of the larger Ohio cities were some of the personalities who addressed the convention.

The one issue which aroused the most strenuous resistance and the most enthusiasm was the question of the initiative and referendum. Because of the importance that this issue would have on Harmon's political future, it is necessary to look at this controversy in some detail. This proposal was regarded as the most drastic step away from the views of the fathers of the constitution, and as such the conservatives bitterly opposed the proposal. 12 The delegates debated this question for over three weeks before

11 Warner, Progressivism in Ohio, p. 318.

12 Mercer, Ohio Legislative History, p. 411.
they could come to a vote on the issue. The 119 delegates seemed to be divided into three classes: those who were completely opposed to the initiative and referendum, unless there were well defined safeguards against minority rule; those who favored the indirect initiative supported by reasonably high percentages of the voters and were bitterly opposed to the direct initiative in any form; and those who favored only the direct initiative supported by a low percentage of the voters.\textsuperscript{13} The opponents of the measure believed that this type of popular government would destroy the very roots of representative government, while the proponents believed that the initiative and referendum was the true essence of representative government. Bigelow saw in the contest "... a chance of a life time to secure in this constitutional convention the initiative and referendum with which my ten years of effort in the state legislature had been in vain ..."; and he was not going to let the opportunity slip by.\textsuperscript{14}

Hiram Johnson, William Jennings Bryan, and Theodore Roosevelt all recommended the adoption of the initiative and referendum in their speeches before the convention. Governor Johnson said, "The initiative and referendum must

\textsuperscript{13} Antrim, The Independent, LXXII, 1424. The direct initiative meant the enactment of law without reference to the legislature.

\textsuperscript{14} Bigelow Diary, Bigelow Papers, Cincinnati Historical Society.
come, not as a substitute for representative government, but to make representative government truly representative."\textsuperscript{15} Roosevelt said that he believed that the initiative and referendum would not destroy representative government but that the proposals could correct representative government whenever it became misrepresentative, but he warned that the delegates should not make it too easy to implement by creating low percentages.\textsuperscript{16} Bryan favored a low percentage for the initiative and referendum and the recall of judges but not of judicial decisions as Roosevelt had done.

Harmon addressed the convention on February 8, 1912, with a speech which was to give his political enemies the vulnerable opening for which they had been searching for many months. Anything less than a wholesale endorsement of the initiative and referendum would have aroused progressive opposition, and Harmon hardly gave his wholesale endorsement of the plan. The opposition generated by this single speech was to terminate Judson Harmon's active political career in the ensuing months.\textsuperscript{17} Harmon's speech

\textsuperscript{15}\textit{Dayton Daily News}, February 29, 1912.

\textsuperscript{16}\textit{Proceedings and Debates of the Constitutional Convention of the State of Ohio: 1912}, I (Columbus, 1912), 383. Roosevelt alienated many conservative Republicans in this same speech when he advocated the recall of state judicial decisions.

emphasized his opposition to state-wide initiative and referendum and his sympathy for a strict licensing of the liquor traffic, but it was the former which would cause him real grief.

Against the advice of close friends Harmon very frankly stated his view that state-wide initiative and referendum should not be adopted, at least not until municipal initiative and referendum had had a reasonable trial to prove their worth. In his speech Harmon said:

I always keep an open mind for all proposals to make our government more efficient, economical and responsive to public needs. And I believe that within the safeguards of personal rights and the other limitations they themselves impose by a constitution prepared and adopted with deliberate care, the people's will is the supreme law which it should be made as easy as possible to declare and enforce. But I am not convinced that the initiative and referendum, applied generally to subjects of legislation, would be an improvement on our system of government by representatives, which while it has shortcomings like all human institution, I do not believe has proved a failure . . . . The measure is confessedly an experiment and as several States have recently undertaken it, my attitude is like that of "the man from Missouri." I have always found it wiser to profit by the experiences of others, in matters of doubt, when I could, rather than by my own. And no one can justly claim that this new departure in government has yet passed the experimental stage in other states . . . . However, I believe that, in actual practice, this change would not fully justify either the fears of its opponents or the hopes of its advocates. If it will work well anywhere it ought to do so in our municipalities. So, to add to discussion of it the argument of a test by our own citizens, I approved a bill at the last session to authorize
it in them, though I am told that it has not yet been resorted to anywhere. For myself, I think we should await the result of a fair trial in our cities and villages before making state wide the operation of so radical a change in our methods.18

Harmon's speech and his attitude toward the initiative and referendum set off a wave of indignant cries throughout Ohio. An editorial in the Columbus Dispatch said that Harmon had often been criticized for a lack of courage in expressing his views on public questions due to his presidential ambitions, but at a time "... which may be said to be the crisis of his career, he has boldly declared his doubt of the need or the wisdom of the initiative and referendum..." and the Dispatch added that he knew the consequences of his stand.19 The Cleveland Plain Dealer had been a consistent supporter of Harmon, but when the Governor went before the constitutional convention and denounced the initiative and referendum as a dangerous doctrine, he alienated the liberal Democrats of Ohio. As a result the Plain Dealer began to support Woodrow Wilson for president in 1912.20 The Cleveland Leader said that Harmon always realized what he was doing and that Harmon

19 Columbus Dispatch, February 9, 1912.
20 Archie Shaw, The Plain Dealer, One Hundred Years in Cleveland (New York, 1942), p. 315.
had national as well as state conditions in his mind when he gave the speech. The Leader continued:

All of which means, beyond question, that Judson Harmon has definitely decided that his best chance of nomination at Baltimore lies in working with the conservative element of his party and openly bidding for the support of Democrats who have no use for Bryan and his doctrines.21

Newton D. Baker accused Harmon of showing bad faith since the initiative and referendum were part of the 1910 Democratic platform pledge. Baker said that Harmon should have revealed his true feelings before the platform had been adopted. One of Harmon’s opponents praised the Governor’s speech for revealing the true Harmon when he wrote:

I thank you for your speech . . . . In it you at last disclosed your real self to the people. Many . . . people have long believed your claim that you are progressive and are not reactionary to be false; now all may know it is false . . . . You evidently do not know it, but by your recent speech you have rendered your greatest service to your state and nation. By it you made yourself impossible for president, and so aroused the decent, thoughtful, unselfish and patriotic people as to hasten the final overthrow of liquor interests as a political power and the total annihilation of the saloon.22

Harmon responded to the criticism in his usually honest manner when he said that time would prove that the speech was not the monumental blunder that many had claimed.

21Cleveland Leader, February 9, 1912.

22James H. Rice to Harmon, February 9, 1912, Harmon Papers, Cincinnati Historical Society.
He also said:

I was asked to talk a very short time before I delivered my address and therefore I had no time to consider the effects that it might have. If I had had a month's time to think about it I would have not changed my ideas . . . because they are the ones that I have always had.23

After some very heated debate the convention passed a compromise proposal by a vote of eighty-five to fourteen calling for the direct initiative for constitutional amendments only with a requirement of ten per cent of the electors signing petitions favoring such an amendment, and calling for the presentation to the legislature by direct initiative of any desired legislation with a requirement of three per cent of the electors on petitions in support of such legislation. If a proposed law were ignored by the General Assembly or was passed in its original or in amended form, it, except in the case of an emergency measure, was subject to the referendum; but it could not be referred to the voters except on a petition signed by a supplementary three per cent of the electors. No law proposed by the initiative petition was to be subject to the veto power of the Governor. It was so widely believed that initiative and referendum proponents wanted these measures to enact a single tax that the final draft of the amendment specifically prohibited the use of the measures for this purpose.24

23Ohio State Journal, February 10, 1912.
The convention concluded eighty-two working days by submitting forty-one amendments and a separate liquor license law to the voters for their approval. Among the other progressive amendments which the convention passed were those providing for judicial reform, woman suffrage, the regulation of corporations, conservation of natural resources, the welfare of employees, and the use of injunctions in labor disputes. The convention did not approve the proposals sponsored by progressives for the recall of judges, and the exemption of public bonds from taxation. Among the other major issues approved were the following: abolition of capital punishment; use of voting machines; omission of the word "white" from the qualification for suffrage; three-fifths vote of the legislature to override the governor's veto; compulsory workmen's compensation; direct primary elections, except in townships and villages of less than two thousand population; and the licensing of the liquor traffic as a separate law rather than a constitutional amendment.\textsuperscript{25}

Due to an apparent lack of interest in the amendments and the fact that it was a special election there was a very light vote on September 3, 1912.\textsuperscript{26} The voters

\textsuperscript{25}Ibid. See pp. 1425-1426 and Mercer, Ohio Legislative History, pp. 449-475.

\textsuperscript{26}The 1912 presidential campaign as much as any other single reason probably accounted for the very light turnout.
defeated eight amendments to abolish capital punishment; to establish woman suffrage; to clarify contempt and injunction proceedings; to omit the word "white" from the voting requirements; to extend the state bond limit to fifty million dollars to build inter-county wagon roads; to provide for the eligibility of women to hold certain offices; and to regulate outdoor advertising. 27 The largest vote cast on any issue was that of 586,295 against women's suffrage, and the lowest vote cast was 462,186 in favor of licensing the liquor traffic. Some observers believed that the woman suffrage defeat was due to the Anti-Saloon League which did not want the women of the State voting on the liquor issue. 28 To many observers the most important aspect of the constitutional convention was Harmon's speech, for it gave Harmon's political enemies an issue by which they could gain progressive support in an effort to drive him into political oblivion.

James M. Cox summarized the 1912 political situation well when he said, "Seldom in our history have public issues


28 Cushman, Political Science Quarterly, XXVIII, 223.
so excited the country as in these years when the Progressives were trying to overthrow Taft, ... and when Wilson, Champ Clark, Harmon, and Underwood were all aspirants for the Democratic nomination."29 To Ohioans 1912 was especially important because two of their favorite sons were presidential possibilities. Harmon's name as a presidential possibility had first appeared in 1904 at the Democratic National Convention. Harmon had a respected national reputation as a result of his fine work as Attorney General under President Cleveland, and there were enough Ohio delegates who thought highly of Harmon to give him at least a complimentary nomination at St. Louis in 1904. He did become a candidate for the vice-presidential nomination as Alton B. Parker headed the ticket. Although Judge Robert M. Ditty of Columbus handled Harmon's campaign very efficiently, Harmon eventually decided that the vice-presidency was not for him in 1904; and he withdrew from the race.

Naturally Harmon's stunning gubernatorial victory in Republican Ohio in 1908 catapulted him into the midst of the leading Democratic presidential contenders for 1912.


---

wrote articles about Harmon's availability in 1912 and as Abbott said, "Only his [Harmon's] decisive defeat as a candidate for re-election as Governor of Ohio next fall [1910] can prevent Harmon's being made the Democratic nominee for president in 1912."\(^{30}\) Harmon's first real presidential boom came when the Ohio Democrats indorsed his candidacy in their state platform of 1910. Harmon apparently wanted to wait until after the election for a start with the presidential boom, but his friends at Dayton felt otherwise. Harmon wrote, "I did not want our convention to say anything about the future, but they all said I was wrong about it, so I came to the conclusion that, as usual, a man's judgment in his own case is not of much account."\(^{31}\) The Republicans hoped that Harmon would be defeated in 1910 thus eliminating him as a possible candidate in 1912, and that is one of the main reasons why Theodore Roosevelt and several other nationally known Republicans campaigned in Ohio in the fall of 1910. W. T. Durbin, an Ohio Republican, wrote Warren Harding, the 1910 Republican gubernatorial candidate, "It [a Republican victory] will take, more than likely, out of consideration a most potent factor for the democratic [sic] nomination

\(^{30}\text{Ohio State Journal, January 21, 1910.}\)

\(^{31}\text{Harmon to G. A. Harmon, August 3, 1910, Harmon Papers, Cincinnati Historical Society.}\)
Harmon's opponents claimed that he did nothing else but campaign for the presidential nomination during his second administration. The Governor traveled to Baltimore to speak at a Jackson Day dinner in January, 1911, where he met and conferred with important national Democratic figures about the 1912 nomination. He made an address before the United States House of Representatives in April, 1911; and in December, 1911, his presidential campaign began in earnest when the Democratic state officials led by chairman Judge Robert Ditty organized a committee to spread the Harmon gospel throughout the State and nation. What were Harmon's chances for 1912? Theodore Roosevelt believed Harmon's chances to be very good when he wrote in 1911:

Well, I must say that the outlook from the Republican standpoint is pretty gloomy. Woodrow Wilson suffered a setback in New Jersey, whereas Harmon is stronger because of his victory in Ohio. I still think Woodrow Wilson is apt to get the nomination, but Harmon has a much better chance than before these elections.33

Harmon's candidacy had certain strengths which appealed to many people. Harry Brent Mackoy pointed out in The Independent that Harmon stood for three preeminently


33Morison (ed.), The Letters of Theodore Roosevelt, IV, 432.
fundamental principles of Democracy: "... tariff reform, opposition to centralization of power in Federal government, and due adherence to the Constitution."34 Harmon as United States Attorney General had paved the way for government antitrust suits, and this action testified to his genius for legal organization and direction. Harmon appealed to many southerners because he was not as radical as Bryan and because of his stand on the rights of states to stop federal encroachment into purely state affairs. His efficient, business-like administration appealed to the conservative business community; and his quick and decisive action in the Newark lynching appealed to that element of America which wanted to preserve law and order. Harmon's action in the Paul Morton incident and his leadership in uncovering graft in Ohio appealed to the reform element, although Harmon had not exhibited as strong an effort in behalf of reform as most progressives would have desired. The agrarian population was attracted to Harmon because of his strong stand against the protective tariff and because Ohio's farmers had received more aid during the Harmon administrations than during that of from practically any other governor. But possibly the most important reason for Harmon's appeal to Democrats was that he had demonstrated in 1910 that he could outpoll President Taft in Ohio. And as William P.

34Mackoy, The Independent, LXIX, 697.
Hale said, "What better augury could be asked of his ability to beat Mr. Taft in other states hitherto Republican?" 35

While Harmon had certain strengths which made his candidacy appealing, his opponents claimed that he had glaring weaknesses which should have eliminated him from consideration. Harmon's opponents were quick to point out his age, sixty-six, as a great drawback in his candidacy. The presidency was a demanding position, and his opponents claimed that a man of Harmon's age could not physically stand the rigorous demands of that office. Judge Ditty answered this charge by saying, "He possesses the activity and strength, mental and physical, common to men twenty years his junior. In him we find the ripened judgment of the man of sixty-five combined with the vigor and energy of the man of forty-five." 36 Harmon was truly hurt by the attack on his age, and he answered his critics by saying that in other countries some of the greatest public service had been rendered by men who in years would be called old but "... as for myself, I simply owe my physical condition to an inheritance which I have not squandered." 37

Another charge often leveled against Harmon was

36 Ditty, The Editorial Review, VI, 316.
37 Harmon to Archie Lee Talbot, January 4, 1912, Harmon Papers, Cincinnati Historical Society.
that he had exhibited an almost complete lack of executive leadership during his terms as Governor. His critics cited Harmon's failure to support the Woods Public Utilities Bill and his inability to line up a Democratic General Assembly to enact the pledges of the 1910 Democratic platform.

Another purported Harmon weakness was that in 1912 there were still some Democrats who remembered that Harmon had bolted the Democratic party and had not supported William Jennings Bryan in 1896. The person who most remembered this was Bryan himself, even though he and Harmon had publicly settled their differences in 1908. The Washington Star reported that the 1896 incident could not be the reason for Bryan's displeasure because the bolters of that year who had since returned to the Democratic party had all been forgiven by Bryan "... who has recently in a small way been a bolter himself. And Mr. Oscar Underwood has charged that Mr. Bryan counseled bolting from the latest democratic \[sic\] House caucus."38

Probably of more importance to Bryan and the other progressive Democrats was the fact that Harmon was allegedly too conservative and a representative of the "interests." The progressives believed that Harmon stood for policies radically different from those of the Democrat, Bryan, and the Republicans, Roosevelt and LaFollette. Burton Hendrick

38 Washington Star, June 7, 1911.
said that Harmon is generally "... looked on as conservative, a representative of 'interests'... as a man whose election to the Presidency would mean the uninterrupted control of the government by the propertied classes."\textsuperscript{39} William Hale said that Harmon was not prepared to take part in the revolution in the thought and movement of the people toward direct control of their own affairs, and that all a person had to do was talk with Harmon a few minutes and it was clear that all of this revolutionary thought was completely unfamiliar to Harmon.\textsuperscript{40} In view of this alleged weaknesses Harmon's Ohio opponents, especially within the Democratic party, decided in 1912 to organize against Harmon's candidacy.

To the outsider it appeared that Harmon would be the solid choice of Ohio Democrats as their presidential nominee at the Baltimore National Convention in 1912, but the Ohio Democratic party was far from unified. It is true that by 1912 Harmon had gained control of the State Executive and Central Committees; and by shrewd political appointments he had built a solid coterie of followers, including John A. O'Dwyer of Toledo; James Ross of Columbus; Edward H. Moore


\textsuperscript{40}Hale, \textit{The World's Work}, XXII, 14459.
of Youngstown; Edward W. Hanley of Dayton; Hiram Peck of Cincinnati; and Lieutenant Governor Hugh L. Nichols. Because of this control of the party machinery and because the radical Democrats had endured but never accepted Harmon as one of them, Harmon found quite a serious revolt among Ohio Democrats in 1912. Why the radicals tolerated Harmon as long as they did is open to question. Undoubtedly they believed that through Harmon's popularity the Democrats could gain control of Ohio politics, but by 1912 many progressives felt that his usefulness had passed, and they were now ready to disperse with him.41

The major leaders of the insurgent Democrats were Harvey Garber, John J. Lentz, William W. Durbin, and eventually Newton D. Baker. Garber was a Harmon opponent from the early days of Harmon's administration. Harmon never forgave Garber and William Finley for forcing a campaign manager, whom Harmon did not want, on him in the 1908 election; therefore, Harmon had eased Garber out of his controlling position in the party. In April, 1912, Garber said that the reason for the split between Harmon and him was that Harmon had discontinued discussing patronage with him.42

41 Warner, Progressivism in Ohio, p. 355.
42 Ohio State Journal, April 7, 1912. Harmon's friends believed Garber's alienation came when Harmon appointed John L. Sullivan as Railroad Commissioner, a position which Garber wanted very badly.
W. Durbin and John Lentz claimed that they were fighting Harmon because they were old Bryanites and that Harmon was too opposed to Bryan's progressive ideas. This reason may have been true for Lentz, but Harmon supporters claimed that Durbin held a grudge against Harmon for a more personal reason. In 1911 Harmon vetoed a bill which would have disfranchised college students unless they voted in their home towns. The Governor's veto made Durbin, a resident of Kenton, exceptionally angry because Frank B. Willis, an Ohio Northern University professor, had defeated Durbin for Congress; and the votes of Ohio Northern students proved to be the deciding margin of victory.\(^{43}\) After the Governor's veto Durbin declared political war on Harmon.

On January 2, 1912, about fifty Ohio Democrats called by William Durbin met at the Virginia Hotel in Columbus, many with the avowed intention of declaring against Governor Harmon's presidential candidacy.\(^{44}\) Most of the men present at the meeting claimed that they were opposed to Harmon's candidacy because he was not a progressive, but many political observers believed this was partly a pretense to cloud an internal party struggle for control of patronage and the party machinery. National Committeeman Harvey Garber was not at the meeting although

---


\(^{44}\) *Dayton Daily News*, January 2, 1912.
he was in full sympathy with the cause, and State Chairman E. W. Hanley refused to have anything to do with the group. Congressman John J. Lentz called the meeting to order, and the group then decided on a name and set about to plan a campaign against Harmon's bid for the Presidency. The group adopted the name Ohio Progressive Democrat League and decided to attempt to convince the public that Harmon was out of sympathy with the progressivism of the day. Since many of those present were newspaper editors, it was decided that a huge press release would be the best method of getting their message to the people.

The Progressive Democrat League had a difficult time converting people to their way of thinking, due to Harmon's legislative record, until the Governor made his speech before the Constitutional Convention condemning the initiative and referendum. Hoyt Landon Warner described well the consequences of that speech:

Admirable as it was to place personal conviction above political expediency, he nevertheless openly revealed that he was out of tune with the progressive thinking of the day. From that hour Harmon's chances for the presidential nomination and continued leadership of the Ohio Democracy were doomed.45

Durbin issued a press release in February in which he made a sixfold attack which contained reasons why Harmon's candidacy should not be supported. Durbin claimed: one,

45 Warner, Progressivism in Ohio, p. 362.
that Harmon was a reactionary who professed progressive views only as a disguise for his political ambition; two, that he was J. P. Morgan and Wall Street's candidate; three, that he bolted Bryan in 1896 and since his election in 1908 had appointed almost all Gold Democrats to office; four, that he was elected by the liquor interests in 1908 and 1910 and then he introduced a bill to appease the liquor interests; five, that his opposition to initiative, referendum, and recall was reason enough to drop him; and six, that he was a friend of trusts and he had never prosecuted the trusts while he was Attorney General.\textsuperscript{46} Even a rather casual scrutiny of the six points would reveal that only Durbin's fifth point had any validity and that was only a half truth.

How did Governor Harmon react to the revolt within his party and the attacks on his political and personal character? The Governor did not underestimate the power of the Progressive Democrat League, but he did feel that the January meeting was a farce because almost every man present had some personal grievance against him. Harmon said the meeting had one good effect and that was to wake up the friends of the administration all over the State.\textsuperscript{47}

\textsuperscript{46}\textit{Ohio State Journal}, February 4, 1912.

\textsuperscript{47}Harmon to Harry C. Rice, January 4, 1912, Harmon Papers, Cincinnati Historical Society.
Harmon really resented Durbin's six point assault on his reputation, and in a speech in Omaha he replied with a searing speech asserting that the Progressive League's leaders were nothing more than office brokers, lobbyists, and dealers in illicit favors. Harmon continued by claiming that Durbin had been involved in efforts to profit personally in connection with the deposit of public money in banks. He told the audience that he had learned later that Durbin, who was one of his associates on the Democratic ticket, was trying to better his prospects for election by promising deposits to bankers who would give him support by either voters or contributions.\(^\text{48}\) Durbin and Lentz learned that it was not a good practice to play dirty politics with Harmon.

The *Ohio State Journal* defended Harmon against the personal attacks of the Progressive Democrat League very eloquently when it said:

The attack on Governor Harmon by a little coterie of Democratic machine politicians is pretty well understood by the people, to be simply the outburst of disappointment because they could not control the governor in carrying out their selfish designs. The governor has not done everything to suit everybody . . . . But he has been upright, sincere and effective, and sometimes a little unwise, and who has not? But one thing is certain, when he retires next January he will leave

\(^{48}\) *Ohio State Journal*, April 13, 1912.
behind him a record that has a great deal more pleasure than regret in it, and among the items of pleasure will be the refusal to let a little nest of selfish partisans block him.\textsuperscript{49}

The \textit{Journal} also reported that John J. Lentz had offered a peace proposal to Harmon for a price. Harmon could have the solid support of the Ohio delegation to Baltimore if Harmon and his friends would not interfere with the Democratic state organization or make any effort to get control of the machinery.\textsuperscript{50} The \textit{Journal} believed that some of the officers of the Progressive Democrat League who were really interested in progressivism were being used as pawns in the power struggle for control of the party in Ohio. Lentz and Durbin denied the peace offer and claimed that the whole affair was a Harmon diversion and attempt to discredit the work of the Progressive League. The League then offered a one thousand dollar reward for the identity of the emissary who delivered the alleged peace proposal.

Some progressive Democrats, for whatever their reasons, had broken with Governor Harmon; and their major problem was to find a satisfactory presidential candidate. William Jennings Bryan appealed to many of the progressives, but some considered his ideas too radical, and he was a three-time loser. Mayor Newton D. Baker, who had

\textsuperscript{49}\textit{Ibid.}, July 7, 1912.

\textsuperscript{50}\textit{Ibid.}, February 4, 1912.
succeeded Tom L. Johnson as the Democratic leader in Cleveland, led a strong Cleveland delegation which had become enchanted with the progressivism of Woodrow Wilson, Governor of New Jersey. Wilson had been one of Baker's professors at Johns Hopkins University; and when Wilson, who had been anti-Bryan and who had been elected by the New Jersey Democratic machine of James Smith, had turned against the machine and developed a very enviable progressive program, Democratic progressives throughout the country had begun to turn to Wilson as their champion. Fortunately for the Ohio progressives Bryan decided not to campaign openly for the nomination, and this made it possible for the Progressive League to unite behind one candidate. Harmon's bid for the Presidency and for control of the party now faced a strong challenge from the Wilson-Bryan camp within the Democratic party.

The struggle between the Wilson-Bryan group and the Harmon forces came to a showdown in the fight to gain control of the Ohio delegation to the Democratic National Convention in Baltimore. When the Democratic State Central Committee met in March to determine what type of primary would be used in May and to determine when the State convention would be held, a fight ensued. Harmon's foes wanted to hold the convention after the Baltimore
convention because they believed if Harmon lost the presi-
dential nomination then he would not be in a position to
exert as much influence as he would have before the presi-
dential nominations. The question of imposing the unit rule
which the Harmon forces favored binding all of Ohio's
delegates to one man at the Baltimore convention was
another thoroughly debated question. The Harmon men also
wanted the six delegates-at-large, who were to be selected
by the State convention, to the Baltimore convention to be
pledged to support the popular choice for President in the
State preferential primary.

To the surprise of no one the Harmon forces, led
by Edward H. Moore, carried the State Central Committee;
and Harmon's proposals were adopted. The Democratic State
Convention was to be held in Toledo before the Baltimore
convention; the unit rule question was to be determined by
the State convention; the people were to vote for a presi-
dential candidate in the primary and then the presidential
candidate would select his own delegates; and the presi-
dential preferential winner was to name the six delegates-
at-large.\footnote{Dayton Daily News, March 20, 1912.}

The Wilson-Bryan forces staged a great newspaper
campaign in their efforts to gain delegates in the May
primary. Harmon did practically no campaigning until
Bryan, who needed very little encouragement from the Ohio Progressive Democrat League representatives Garber and Durbin, made a two-day speaking tour of the State in the final week before the primary was held. Wilson did not campaign in Ohio, but Bryan more than made up for Wilson's absence. Bryan accused Harmon of a lack of courage for his failure either to sign or to veto the Woods Public Utilities Bill because he had not wanted to offend the corporate interests. In Chillicothe Bryan called Harmon an "also ran" because he lost the Nebraska primary, "the only state where he has dared to make a fight"; he also called Harmon the "prince of reactionaries" and an "anachronism from the Stone Age who would not do now."

The Governor opened his campaign in Wooster on May 13, 1912, where he immediately blasted Bryan's sincerity and motivation for coming to Ohio in the first place. Harmon wondered whether Bryan was campaigning for Wilson or whether Bryan was stumping for himself. Harmon emphasized his own role as a trust-buster under President Cleveland, and he naturally emphasized his own administrative record. In reaction to Bryan's wild charges, the Ohio State Journal reported that the people of Ohio regarded Bryan's coming to the State and charging their governor with

---

52 Ohio State Journal, May 7, 1912.
dishonesties as "mean and disgusting." 53 The New York Herald, a Harmon supporter, responded to Bryan's attacks on him by saying that the attacks were:

... of such a character that it should aid Governor Harmon materially, and it has shown a spirit on Mr. Bryan's part that it is not at all creditable to him, and Governor Harmon's silence and dignified rebukes to these unworthy assaults are to be highly commended. 54

Yet, there were still many Bryanites in Ohio; and Bryan's foray could not help but hurt Harmon's chances.

Despite Bryan's efforts Harmon won in the Ohio primary, but his majority was only six thousand votes of the nearly one hundred and ninety-four thousand votes cast, and he carried only twenty-eight of the forty-eight delegates. 55 Harmon did gain the six delegates-at-large, but the victory was not the overwhelming victory which he desired. Yet, he seemed to be outwardly pleased with the victory when he said:

I am prouder of this than anything I ever did. There was the meanest, nastiest, lynchest / sic /. opposition, backed by Bryan and John McLean, that you ever heard of, with plenty of money and a thorough organization. 56

53 Ibid., May 11, 1912.
54 New York Herald, June 14, 1912.
The narrow margin of victory, nevertheless, was not what Harmon needed. The New York World said that if Harmon were to be nominated at Baltimore then he had to demonstrate conclusively that he had the undivided support of the Ohio Democrats whereby he could carry his state in a national election. 57 Quite obviously Harmon had failed to demonstrate undivided support in a Democratic primary, but this did not necessarily mean that he would not carry the State in a national election.

Before the Toledo Convention opened Harmon and Newton D. Baker, who had become the spearhead of Wilson's support in Ohio, had an exchange of letters in which Baker told the Governor that he was very apprehensive about the repeated rumors that Harmon's representatives were going to attempt to secure the adoption of the unit rule at Toledo. Baker said that he did not like the idea of delegates who were elected and pledged to support another candidate being forced to vote for Governor Harmon. 58 Harmon replied to Baker, "... you and your entire delegation concurred in the resolution of the Dayton Convention in 1910 which made me the Ohio Democracy's choice for President." Harmon further told Baker that in August 1911 there were rumors in

57 Link, Road to the White House, p. 419.
the newspapers that Baker was not going to keep the faith and "...you told me to pay no attention to such reports as they were wholly unfounded. I believed you and so told my friends." Harmon said that he had always believed in the right of a state convention to direct the vote of the entire delegation and that as a result of the primary the convention was bound to him. Harmon concluded, "It is the rule of fair play that we invoke, rather than the mere unit rule." 59 Baker did not accept Harmon's answer as the final word on the matter.

The Toledo convention opened on June 3, 1912, with Harmon men in control of the convention machinery. Harmon had 236 of the delegates solidly in his camp, 107 were in doubt but inclined toward him, and 115 were opposed to him. 60 George S. Long, Harmon's private secretary, was the temporary chairman and delivered the keynote address with great enthusiasm for Governor Harmon's accomplishments. The two key issues before the convention were the nomination of a gubernatorial candidate and the unit rule.

The Harmon forces, led by Edward H. Moore, fought for the adoption of the unit rule because they knew that its adoption would be the only way by which Harmon could


60 Ohio State Journal, May 26, 1912. The various county conventions had elected the delegates to the Toledo convention.
have a solid Ohio delegation at Baltimore. Harvey Garber, William Durbin, and Newton Baker led the fight against the unit rule. Throughout Harmon's administration Durbin and Garber had been his foes; and now, that he was a candidate for the Democratic nomination for President, they wished to defeat the unit rule so that he would not receive the support of a united delegation from Ohio at Baltimore. 61 The Cuyahoga County convention with Baker in control had elected six delegates including Baker to the Baltimore convention, pledged to vote for Woodrow Wilson. Baker said that he and his associates were bound to respect the wishes of their seven thousand constituents and that they would not abide by the unit rule. Baker told the convention that he would not go to Baltimore as a Roman delegate chained to Harmon's chariot wheels, nor should the rest of the Ohio delegation. 62

In spite of Baker's eloquent efforts the unit rule was indorsed by a vote of 597 to 355, and was to be effective only as long as Harmon was still in the race for the nomination or until he released them. Harmon gained all forty-eight of the Ohio delegation's votes (as a result of the Presidential primary) and twelve, rather than six, delegates-

at-large who each had one-half vote. Baker did not take the defeat easily. He said that he would not be bound to the unit rule and that he would appeal the ruling in the Baltimore convention. Baker said:

I am going to abide by the presidential preference. No power can unfrock me as a delegate to the Baltimore convention. When I get there my mouth will speak the people's will. I couldn't go home if I did not make this fight.63

Harmon was not able to win Baker over; and whatever chance Harmon had for victory at Baltimore disappeared when Baker spoke so eloquently against the unit rule at the Democratic National Convention.

The effort to nominate a gubernatorial candidate was far less strenuous for all concerned than was the struggle over the unit rule. Three men seemed to be the favorites at Toledo: Herbert Bigelow, who was supported by influential Scripps-McRae newspapers; Oliver E. Hughes of the Ohio Public Service Commission, supported by Newton D. Baker; and James M. Cox, the United States Congressman from Dayton who had the support of Harmon and Edward Harley. There really was not much question about who would be nominated with the Harmon forces supporting Cox. The only question was whether Baker and the progressives would accept Cox without a fight. Cox had an excellent progressive record in the House of Representatives, but

63 Ohio State Journal, June 6, 1912.
because of the Harmon-Hanley association the progressive reformers looked upon him with suspicion. The convention nevertheless did nominate Cox for governor. Many people did not like the apparent machine politics displayed at Toledo as witnessed by an editorial in the Cleveland Leader which said, "Democratic machine rule at Toledo has proved to be as bad as Republican machine rule at Columbus. Both suppressed the will of the people to serve the purposes of faction bosses."64 The Leader's indictment was probably a little too strong, but Harmon had controlled the Toledo convention. Whether he could control the Ohio delegation at Baltimore was very dubious.

With the development of the split in the Republican party between the Taft regulars and the Theodore Roosevelt Bull Moosers, the Democrats looked forward to the 1912 election in eager anticipation of victory. Practically every northern Democratic governor became a candidate for the presidential nomination in 1912 with Woodrow Wilson of New Jersey and Judson Harmon overshadowing all of the rest. The other highly respected candidate was J. B. "Champ" Clark of Missouri, the Speaker of the United States House of Representatives, who appealed especially to the old-line

64 Cleveland Leader, June 6, 1912. The Republicans nominated Robert Brown of Zanesville for Governor.
delegates. Clark opposed protective tariffs, monopolies, Eastern bankers, and the get-rich-quick schemes of railroad magnates; and he was from the West.

Few politicians ever owed as much to chance as Woodrow Wilson. He became Governor of New Jersey because George Harvey, editor of Harper's Weekly, convinced New Jersey Democratic Boss James Smith that the party needed a candidate "with no past and no present," and because, as some claim, the state convention was rigged in Wilson's favor.65 It took Wilson only three months as governor to destroy the power of Boss Smith by refusing to back him for re-election as United States senator and only a few more months to take over the state organization. It took Wilson only a year to break with Harvey, Thomas Ryan of New York, and Henry Watterson of Kentucky, the editor and owner of the Louisville Courier-Journal, and to join forces with Colonel E. M. House, who promised Wilson political influence in the Midwest, and to start running for President. Wilson had gained the support of William Jennings Bryan when he broke with Harvey. Bryan had become attracted to Wilson's success in obtaining the enactment of a reform program by the New Jersey legislature. Wilson met with Harvey and

Watterson at the Manhattan Club in New York and told the two that he was unhappy with the rumor that Harvey's publications were dominated by J. P. Morgan. Wilson told Harvey and Watterson that he thought the support of Harper's Weekly was injurious to his candidacy, whereupon he walked out of the room and into the presidential race as a progressive candidate with no ties to Wall Street.66

Harmon selected Hugh L. Nichols, his Lieutenant Governor and campaign manager in 1910, to conduct his bid for the presidential nomination. Harmon headquarters were established in Cincinnati, and O. C. Riddle opened a Harmon press bureau in Columbus. Harmon waited until June, 1911, after the General Assembly adjourned, to begin his travels in an attempt to develop national support for his candidacy. In January, 1912, he gave his first campaign speech which was before the Iroquois Club in Chicago. From there Harmon traveled to East St. Louis, and Milwaukee. This first campaign tour revealed Harmon's strategy to gain presidential delegates. He attacked the Republican protective tariffs as the cause for the high prices in the United States; he called for economy in the federal government on the basis of what he had done in Ohio; and he declared for

stronger antitrust regulation as he had given the nation when he was Attorney General.

Harmon did very little campaigning in comparison to Wilson and Clark, maintaining that the main reason for his lack of campaigning was because of the official demands of his office. He said, "I should not be willing to neglect a present duty to advance my prospects for a future honor. Such hold as I have on the people of Ohio is largely due to the fact that I have devoted myself assiduously to their interests."\(^6^7\) Hugh Nichols claimed that the main reason for Harmon's curtailed campaigning was due to a lack of campaign funds. Nichols continuously complained to Harmon about a lack of funds to carry on the bare necessities of campaigning. Nichols claimed that Wilson and Clark were spending twice as much money for campaigning as Harmon. This lack of funds is one of the reasons why Harmon accepted a seventy-seven thousand dollar campaign contribution from New York boss Thomas F. Ryan. Wilson rejected a campaign contribution from Ryan so that he could then accuse Harmon and Clark, who accepted thirty-five thousand dollars from Ryan, as being Wall Street's candidates.\(^6^8\)

The three major candidates entered various state

\(^6^7\)Harmon to J. H. Culbertson, March 29, 1912, Harmon Papers, Cincinnati Historical Society.

\(^6^8\)Link, Road to the White House, p. 404, and Ohio State Journal, October 16, 1912.
preferential primaries to test their strength around the country; and Clark, who was the best known of the three nationally, did the best. Clark and Wilson clashed head on in eight states; and Clark won in California, Illinois, Maryland, Massachusetts, and Nebraska while Wilson won in Oregon, South Dakota, and Wisconsin. Harmon entered primaries in only three states, Nebraska, Maryland, and Ohio; and he won only in Ohio, and there by a rather narrow margin.

Bryan, who was still the most powerful single figure in the Democratic party, was one of the main reasons why Harmon entered only three primaries and polled as poorly as he did. Bryan was violently opposed to Harmon's candidacy, and he used practically every method he knew to deprive Harmon of support and the nomination. Bryan attacked Harmon in the Commoner at every opportunity; and in April, 1912, Bryan opened a two week anti-Harmon tour in Ohio with Newton D. Baker. William McCombs, Wilson's campaign manager, had an agreement with Nichols that Wilson would stay out of Ohio if Harmon would stay out of New Jersey; but McCombs had not promised that he would not help those who were anti-Harmon in Ohio.\textsuperscript{69} Bryan asked McCombs to help finance his Ohio tour; and although McCombs was reluctant for fear that Bryan might take the opportunity to campaign for himself, he took the chance and gave Harvey Garber four

\textsuperscript{69}McCombs, \textit{Making Wilson President}, p. 92.
thousand dollars to defray Bryan's tour expenses. Harmon men also believed that John B. McLean of Cincinnati was financing Bryan's tour in hope that the tour would aid in bringing Harmon's downfall in Ohio politics.⁷⁰

Opening his tour in Ravenna on April fifteenth, Bryan began to assail Harmon's political career. Why did Bryan oppose Harmon's candidacy so much? Bryan claimed that Harmon was Ohio's representative for J. P. Morgan's interests. Bryan said that all one had to do was look at Harmon's record as a corporation attorney and his receivership of the Morgan Railroads to realize that fact. Bryan resented Harmon's support for Atlee Pomerene for the United States Senate in 1911 because Bryan claimed that the interests were behind Pomerene's election. He further claimed that Harmon's political ideals had not changed since the Cleveland administration and that this lack of progressivism was nowhere more apparent than in Harmon's opposition to the initiative and referendum. Bryan also stated that Harmon did not represent the progressive ideas for which Bryan had been fighting for many years and that Harmon had never been nor would he ever be a progressive. Then Bryan said that he personally liked Harmon, but Harmon had not supported "his" first bid for President in 1896, and it would be

⁷⁰C. W. Metcalf to Harmon, July 3, 1912, Harmon Papers, Cincinnati Historical Society.
difficult for him to support Harmon now. To those men close to Harmon the last reason Bryan gave was still the most important reason why Bryan failed to indorse Harmon. Even though Bryan had said that 1896 had been forgotten, Bryan never seemed to forget and forgive Harmon’s lack of support as a representative of President Cleveland’s cabinet.

These charges were the ones which Bryan emphasized over and over again, not only in his Ohio tour but at the Baltimore convention as well. Harmon reacted to Bryan’s charges as one would have expected. He was angry and resentful, but at the same time he did not want to ruin any last chance that he might eventually have for a Bryan change of heart. In retaliation to the charge that he was not progressive Harmon said:

If Mr. Bryan knows of the many reforms accomplished in Ohio he is grossly unfair to me . . . . If he does not know of them then it is sheer wantonness for him to come into the state of my birth and home and try to discredit me with the people without specification or proof, though even an accused criminal is entitled to both.  

Harmon continued that he was not and never had served


72 Harmon Replies to Bryan (Wooster, Ohio, May 13, 1912), pp. 4–5. This is a campaign document published by the Democrats.
special interests and that his record was open, and if Bryan would point out a single instance where he ever served the interests then he would get out of the way of Bryan's desires, whatever they were.

Bryan also accused Harmon of serving in his various capacities only to gain the presidency and then to betray the people to the interests. Harmon answered Bryan very bitterly when he said:

Was that why I put the Anti-trust law on its feet by the three cases in which for the first time it was enforced? Was that why I threw up a profit-able employment when President Theodore Roosevelt refused to agree with me that "guilt is always personal," and ordered that a railroad company only and not its responsible officials should be prosecuted for paying rebates to a trust?73

James K. Mercer, one of Harmon's staunch supporters, defended Harmon against Bryan's charges that Harmon was a corporation lawyer when he said that during his long and distinguished career as a lawyer, Harmon never took a case for a corporation against the people, "... and that fact, together with the work of his appointees, involving railroad property for taxation so as to lift an unjust portion of the tax burden from the small property owner, is sufficient proof that Governor Harmon acted for the people."74 There can be no doubt that Bryan's attacks on Harmon, no matter

73Ibid.

74Mercer, Ohio Legislative History, p. 98.
how determined Harmon's supporters were to refute the charges, had a great effect in diminishing Harmon's chances for the presidential nomination. Bryan was still the most colorful and popular of the leaders in the Democratic party, and it was improbable that a winning coalition could be put together at Baltimore without receiving at least some help from Bryan supporters.

Did William Jennings Bryan really oppose Harmon's candidacy as much as he appeared to, or did he have some larger scheme in mind for 1912? Some political observers believed that Bryan was hoping to be nominated at Baltimore, despite a statement he made in Tampa, Florida, that he could not conceive of any condition under which he would accept the candidacy of the Democratic party in 1912. The historian Arthur W. Dunn believed that Bryan was looking for a deadlock in the convention which would lead to his nomination; and Justin McGrath, a Champ Clark supporter, believed the same. McGrath outlined Bryan's plan when he said that Bryan early in the campaign regarded Harmon (due to his great success in President Taft's own state) as the most likely convention choice. McGrath claimed that Bryan then began the fight against Harmon, proclaiming him a reactionary and at the same time declaring that either Clark or Wilson would be acceptable as pronounced progressives. Later, according to Clark's supporters, when Bryan reached
Baltimore he attempted to deadlock the convention in the belief that a deadlock ultimately would bring about his own nomination; and therefore, he found it necessary to sap the strength of Clark.\textsuperscript{75}

Bryan said that his reason for remaining neutral and not wanting to enter the race was that some of the metropolitan papers were construing his neutrality between the two leading candidates as evidence that he desired to be a candidate himself and that he was afraid that he would be accused of trying to stampede the convention.\textsuperscript{76} A recent scholar maintains that to contend that Bryan labored to overthrow Clark and project Wilson into the White House or to assume that he hoped for a stalemate that would result in his own nomination was to misinterpret Bryan's position. According to Paul Glad, "The Commoner was not interested in personalities: he was interested in a cause."\textsuperscript{77} To those who defend Bryan's role, the Commoner was dedicated to what he regarded as progressive principles for the Democratic party. Wilson had met personally with Bryan in May, 1911; and because he approved of the Commoner's diagnosis of the ills, economic and political, allegedly

\textsuperscript{75}Champ Clark, \textit{My Quarter Century of American Politics}, (New York, 1920), 433.

\textsuperscript{76}Bryan, \textit{Memoirs}, p. 161.

\textsuperscript{77}Paul Glad, \textit{The Trumpet Soundeth}, p. 170.
plaguing American society, Wilson won the public approval of the Democratic leader. 78

The Baltimore Convention opened on June 25, 1912, after the Republicans had met in Chicago and nominated William Howard Taft. Roosevelt's Bull Moosers had rebelled against Taft's nomination, and with the split in the Republican ranks the Democrats looked forward to a victory in November, but first the Democrats had to select a nominee to contend in the election. On the eve of the convention four men had sufficient strength to be considered true candidates. There were two outright conservatives: Judson Harmon who was quite clearly conservative in outlook and backing and Oscar Underwood from Alabama, who, although not extreme in his own views, was backed by conservative southerners. Champ Clark had a reputation as a progressive and a supporter of Bryan, but in this campaign he sought conservative and organization support. Woodrow Wilson who had once been opposed to Bryan and had gained early support from conservatives turned progressive and supported Bryan

78 Link, Road to the White House, p. 316.
and attacked the Wall Street interests. 79

The first struggle in the convention between the conservatives and the progressives came over the selection of a temporary chairman. Bryan had sent identical telegrams to Clark, Wilson, the Governors of North Dakota, Indiana, Massachusetts, Connecticut, and to the Mayor of New York asking them to support him in his fight against Alton B. Parker's selection as temporary chairman. Bryan did not send telegrams to Harmon or Underwood because he had dismissed the possibility of their being the party's presidential nominee in 1912. Bryan said he objected to Parker because he stood as the most conspicuous representative of the reactionary element of the party. Wilson was the only one to answer favorably in support of Bryan as he wanted no doubt in Bryan's mind as to where his sympathies lay. On June 20, 1912, a subcommittee of the convention met to select a temporary chairman. In spite of Bryan's efforts in the committee, Clark's representatives combined

79Arthur W. Dunn, From Harrison to Harding: A Personal Narrative Covering a Third of a Century: 1881-1921, II (New York, 1922), 187. Roosevelt believed Wilson to be the strongest Democratic candidate, Harmon the weakest because he had the standards of "... political and commercial morals of twenty years ago." See Morison (ed.), Roosevelt Letters, IV, 467. Taft wished Harmon or Clark would be nominated, and he thought that Harmon would be the easiest to defeat. Taft said, "I am beginning to fear that by some stroke of genius they may nominate Woodrow Wilson, and that means a pretty hard tussle." See Taft and Roosevelt: The Intimate Letters of Archie Butt, II (Garden City, New York, 1930), 754.
with Charles Murphy's Tammany Hall delegates to defeat Bryan's candidate, Ollie M. James of Kentucky, in favor of Judge Parker.

Bryan was not finished yet because he decided to take his fight to the convention floor and let the delegates decide whether the convention should be governed by the "bosses and plutocracy." On the floor Bryan nominated Senator John W. Kern of Indiana, Bryan's running mate in 1908; then Kern looked at Parker and suggested that they both withdraw in favor of Bryan. Kern received no answer from Parker so he withdrew and nominated Bryan. The lines had been drawn between the conservatives and the progressives, and Parker was elected by a vote of 579 to 508 with 228 Clark delegates voting for Parker. Clark then offered his support to elect Bryan as the permanent chairman, but Bryan refused, and Ollie James was eventually elected permanent chairman. If Bryan had been thinking seriously about receiving the nomination, he received a rude shock when Parker defeated him for temporary chairman. Arthur Dunn said that Bryan's reasoning powers "... told him that a convention which refused to give the temporary chairmanship to a man who had been three times the standard bearer of the party was not likely to nominate that man for

---

President. Bryan may have lost a battle, but he had not yet lost the war.

The first progressive victory at Baltimore came in a floor fight brought on by the progressive members of the Ohio delegation over the imposition of the unit rule. On June twenty-fourth the Ohio delegation caucused and upheld the unit rule against the determined opposition of Newton Baker. Baker vowed to carry the fight to the convention rules committee and he did, but in the rules committee the members decreed that the nineteen Ohio Wilson delegates had to vote for Harmon because their state convention had so instructed them. Robert L. Henry of Texas presented the rules committee minority report to the convention, but it was Baker who gave a brilliantly eloquent speech against the majority report. Baker went to Baltimore as a relative stranger, but he was to leave with a nation-wide reputation. Baker said, "I do not come here to attack the unit rule established by the repeated tradition of the National Democratic Conventions, but I come to vindicate the sovereignty of the State of Ohio and to proclaim the sanctity of her laws." Baker went on to say that the Ohio law providing

81 Dunn, From Harrison to Harding, II, 187.

for preferential primaries bound delegates to honor the
vote of their district, not the state convention. Baker
said that he had run as a Wilson delegate in a district
where he received seven thousand votes, and later in a
state convention of nine hundred delegates he was told to
vote for Harmon. Continuing Baker said, "My authority and
my instruction are from seven thousand and not from nine
hundred . . . ."\textsuperscript{83}

Ohio delegates, Judge Edward H. Moore and John Weld
Peck, spoke against Baker's report; and when Peck inadver-
tently mentioned Woodrow Wilson's name, he set off a New
Jersey demonstration for Wilson which was to last over
thirty minutes. After order was restored, the convention
voted $565\frac{1}{2}$ to $492-1/3$ to accept the minority report and
break the unit rule in the Ohio delegation. The result of
Baker's eloquence was to be of great importance in the final
outcome of the convention. In the first place the accep-
tance of the minority report practically eliminated Harmon
from the picture because it revealed that he did not even
have solid support from his home state. Up to that time,
moreover, Wilson did not have close to a majority of votes,
but Baker's plea won over some anti-Wilson delegates and
checked the growing belief that Clark was certain to be
nominated. Also the vote by the Clark supporters to

\textsuperscript{83Ibid.}
approve the minority vote would hurt Clark later. It angered Harmon; and when Clark had a majority of votes and needed only a few more to gain the two-thirds majority for victory, Harmon refused to support him. 84

After the unit rule fight there was only one other major disturbance in the convention. That occurred when Bryan attempted to keep Champ Clark from sweeping the convention and possibly creating enough havoc from which Bryan might once more emerge as the hero of the hour and gain the nomination. Bryan introduced a resolution attacking Tammany Hall and the New York delegation by saying, "We hereby declare ourselves opposed to the nomination of any candidate for President who is . . . under obligation to J. Pierpont Morgan, Thomas F. Ryan, August Belmont or any other member of the privilege-hunting and favor-seeking class." 85

Apparently Bryan wanted to split the party by making it appear that whoever received New York's support was under obligation to the interests. This was a direct attack on Clark who allegedly was to receive New York's ninety delegate votes if Harmon dropped out of the race. The resolution against Ryan and Belmont passed by a vote of 883 to 201 1/2 with the New York delegation approving it.

84 Ibid., p. 68.

85 Ernest H. Abbott, "The Game at Baltimore," The Outlook, CI (July 6, 1912), 524.
The first ballot revealed that Clark had $440\frac{1}{2}$ votes, Wilson 324, Harmon 148, including the ninety New York votes, and Underwood 117\frac{1}{2}. The turning point came on the tenth ballot when New York shifted its votes from Harmon to Clark. At this point Clark leaders made what may have been a disastrous mistake: they allowed a long demonstration to be staged by the Clark delegates and this gave Wilson and Underwood time to contact their delegates and rally them to hold firm.\textsuperscript{86} If the eleventh ballot had been taken sooner, many delegates might have rushed to join the Clark bandwagon; for Clark now had a clear majority but not the necessary two-thirds majority needed for nomination.

The tenth ballot New York swing to Clark enabled Bryan to spring the trap which he had set with his Ryan-Belmont resolution. Bryan as a Nebraska delegate had been instructed to vote for Clark because Clark had carried the Nebraska primaries; but when New York swung to Clark, this gave Bryan the excuse he needed to abandon Clark and deadlock the convention by swinging his support to Wilson. Clark began to lose support after the fourteenth ballot as many of Bryan's followers began to support Wilson. William McCombs, Wilson's manager, said that Bryan's strategy and true position, which McCombs had suspected since March,

\textsuperscript{86}Wickware (ed.), \textit{The American Year Book: 1912}, p. 189.
1912, of deadlocking the convention in hopes of securing his own nomination now came to light. Bryan eventually realized that he did not have enough support to gain the nomination, and on the forty-sixth ballot Wilson won with 990 votes, Clark had eighty-four, and Harmon had twelve Ohio votes.

Although Harmon had once been considered the early favorite, he lost his bid for President in 1912 with a very weak showing. When once Wilson had entered the race Harmon's candidacy began to decline. As William McCombs said:

But for the entry of Mr. Wilson, I have no doubt that Harmon would have been nominated . . . practically by default, with the possible opposition of the Bryan wing of the party . . . No doubt this would have proved ineffectual because of the steady opposition of the great states of the East and Middle West to Bryan's candidacy.

Another factor which hurt Harmon's candidacy was Bryan's relentless attacks upon the Ohio Governor as Wall Street's candidate and a reactionary unacceptable to progressive Democrats. Of course, Baker's revelation of the lack of solid support for Harmon's candidacy among Ohio Democrats

87McCombs, Making Wilson President, p. 162.


89McCombs, Making Wilson President, p. 48.
hurt considerably. Some of Harmon's friends blamed his defeat on a lack of campaign funds and on Hugh Nichols' poor management of the campaign. J. C. Hammond, Harmon's New York bureau manager, accused Nichols of the responsibility of a poor national press coverage and of an inability to line up adequate delegate support. Others realistically understood that the spirit of Progressivism condemned Judson Harmon to failure. Undoubtedly all of the above reasons contributed to Harmon's failure to gain the presidential nomination in 1912.

The final months of Governor Harmon's administration were not too eventful; actually very little was accomplished during the 1912 session of the General Assembly as everyone seemed to be preoccupied with the coming election. After the convention Harmon journeyed to his summer cottage at Charlevoix, Michigan, for a vacation; and then Harmon returned to Columbus to make plans for a trip to San Francisco to help Ohio commissioners choose a site for the Ohio building at the Panama-Pacific Exposition.

Harmon was back in Columbus to serve as chairman at Woodrow Wilson's Ohio opening campaign on September

90 Hammond to Harmon, July 4, 1912, Harmon Papers, Cincinnati Historical Society.

91 Griffin, "Judson Harmon," p. 93.
twentieth at Memorial Hall. Harmon praised Wilson's candidacy, and in return Wilson praised Harmon's efforts as Governor of Ohio. Harmon was deeply disappointed in not receiving the nomination, but his appearance at Memorial Hall revealed that the Governor's faction was willing to forget past differences and not knife the national or state ticket out of spite. Harmon did very little campaigning in behalf of Wilson and James Cox in Ohio in 1912, but apparently it made little difference. Cox defeated Robert Brown by over two hundred thousand votes, and for the first time since 1854 a Democratic presidential candidate carried Ohio when Wilson defeated Taft by about one hundred and fifty thousand votes.

Governor Harmon's last message to the General Assembly was his annual message on January 6, 1913. The message was typical of Harmon, as he again emphasized the need for economy in government and the need for the cities to live within the one per cent tax limit. The Cleveland Leader said that in his message the Governor revealed himself once more as a reactionary by temperament and that he was distinctly out of touch with the characteristics and dominant spirit of the age. Yet, the Leader had some

---

92 Warner, Progressivism in Ohio, p. 374.

93 See Mercer, Ohio Legislative History, pp. 107-116 for the entire speech.
kind words for Harmon when it said:

Governor Harmon has been a faithful and competent official within certain limits. He has been intelligent and business like but not broadly progressive . . . . He belongs to a generation of statesmen who find themselves unable to keep step with these later times, and the Governor retires respected but not deeply regretted. His intelligence and integrity are recognized by all parties and factions, but he is distinctly not the man to lead the onward march of this great commonwealth. 94

The Columbus Dispatch summarized the feelings of many Ohioans when it said:

Governor Harmon has given the state a conservative, corrective, old fashioned administration, of four years duration, in which there is much to be commended and emulated . . . . Ohio has a long line of distinguished governors, and Judson Harmon is not misfit . . . . As we hail the new, we speed the parting governor. 95

---

94 Cleveland Leader, January 7, 1913.

95 Columbus Dispatch, January 13, 1913.
CHAPTER X

THE LATER YEARS AND CONCLUSIONS

Judson Harmon retired as Governor of Ohio in January, 1913, never again to return to public life as a political officeholder. One of the first things that ex-Governor and Mrs. Harmon did was to take a world tour in 1913. The Harmones had traveled in the Orient and Egypt, and they were leaving for a tour of the Holy Land when word of the great 1913 Ohio flood reached them. They immediately cancelled the remainder of their tour and returned to the United States in order to discover what had happened to their friends as well as to their own property in Cincinnati. In spite of the shortened trip and the unfortunate circumstances causing their return the Harmones enjoyed their trip. Harmon told reporters on his return in New York that he had been so far up the Nile River that he did not even know whom President Wilson had appointed to the cabinet until a fortnight before he landed in New York.¹

¹New York Times, April 27, 1913.
After his return to Cincinnati Harmon resumed his law practice with the great skill and enthusiasm which he had always shown. Harmon's corporate legal talents were so highly respected by the business community that he was being retained by corporations even after he passed his eightieth birthday. The former Governor also found time to teach at the Cincinnati Law School. His alma mater had a fine reputation for graduating highly trained lawyers. In fact three of the main presidential aspirants in 1912, President William Howard Taft, Harmon, and Champ Clark, were graduates of the Cincinnati Law School.²

Harmon also found time to serve as a director of the Cincinnati District Bank of the Federal Reserve system; and much to his amazement he found that his old position as receiver of the Cincinnati, Dayton and Hamilton Railroad had never technically been concluded. On July 1, 1914, holders of the Pere Marquette Railroad first and refunding mortgage bonds, bonds of which about nine million dollars carried the guarantee of the C. H. and D., presented their coupons for payment; and the C. H. and D. railroad officials told the bondholders that no funds had been provided to redeem the coupons. Upon investigation of the default in

²Clark, My Quarter Century of American Politics, II, 442. Clark said though that the "...Princetonian walked away with the bacon."
payment it was learned that in 1909 when Harmon thought he had been released as receiver there were one or two matters still unsettled; therefore, the court had not released him. A surprised Harmon said, "I did not know until yesterday [July 1, 1914] that I am still receiver for the road . . . . Anyhow if I am receiver, I am not drawing any pay for it." Harmon said that he was not interested in any offer to resume the receivership; but on July 3, 1914, the courts appointed him and Judge Rufus B. Smith as receivers for the financially troubled C. H. and D., a position which they held for the next several years.

Once Harmon had retired from active political life his friends discovered that it was very difficult to entice him into resuming political activity of any nature. Harmon had experienced a deep personal disappointment as a result of many of the comments attacking his personal character during his political years, even though he realized that this was part of the political game. He was extremely disappointed over his showing at the Baltimore Convention in 1912, and it must be remembered that he had been a reluctant gubernatorial candidate in 1908 in the first place. Harmon rather enjoyed the position of being a sort of patron saint of the Democratic party in Ohio, the elder statesman whose counsel was frequently sought by his fellow Democrats;

---

and he revealed no desire to resume political campaigning.\textsuperscript{4} These among other reasons explain why Harmon refused to consent to run against Warren Harding for a United States Senate seat in 1914. Many of his Democratic associates thought that Harmon would surely have won because he had defeated Harding so decisively in the 1910 gubernatorial race. Harmon would not budge on the issue, and Harding was elected to the Senate in 1914. Harmon said several years later that he regretted his decision in light of what happened later because his likely victory could have meant that the Democrats would have organized the Senate in 1919, and as a result the League of Nations Covenant would have been in all probability first ratified by the United States. Harmon said that the Senate would have been evenly divided between Republicans and Democrats, and as a result the Foreign Affairs and other committees would have been organized with the help of the Democratic Vice-President's deciding vote. Harmon believed that this could have made a very important difference in post-World War I events.\textsuperscript{5}

\textsuperscript{4}Ibid., February 23, 1927.

\textsuperscript{5}Ibid., March 6, 1927. These thoughts were included in a letter from one of Harmon's Cincinnati friends, Arthur Espy, to the Times editor. Harmon also advocated United States adherence to the World Court.
Even though Harmon did not desire to run for office again, he did maintain a keen interest in political affairs. As the war clouds darkened in 1915-1917, President Wilson attempted to convince the nation that it should make some preparations in the event that the United States might become involved in the European war. Americans were very hesitant to heed Wilson's preparedness advice due to the lack of a genuine belief that Europe's War was America's war and also because some did not want to spend the money which was necessary to enact a preparedness program.\(^6\) Harmon supported Wilson's preparedness program and told anyone who would listen that Wilson's program was the best means to ensure the security of the United States. Harmon wrote a letter to Congressman Alfred G. Allen of Ohio, a letter which Allen read for entry into the *Congressional Record*, in which the ex-Governor cited some history as to the reasons for the fall of Constantinople. Harmon said that he hoped the opposition to preparedness was subsiding because he was struck by two similarities between Constantinople in 1453 and the United States in 1916 and that was the part wealth and unpreparedness played in Constantinople's downfall.\(^7\) Harmon said that when the people of Constantinople


\(^7\) *New York Times*, February 5, 1916.
were asked for contributions for defense that they preferred to keep their wealth and then the Turks took it all. Harmon hoped that Americans would not make the same mistake which would allow the Germans to gain control of America.

Harmon's letter writing on the preparedness question was one of the reasons why he was suggested as a possible candidate to succeed Lindley M. Garrison as Secretary of War when Garrison resigned from that position in 1916. Several people were considered for the position among them Secretary of Agriculture David P. Houston, Secretary of Interior Franklin K. Lane, and Ohio's Newton D. Baker. The New York Times suggested Harmon as the type of man who fitted the description of a Secretary of War, especially since Harmon had written the President on several occasions strongly commending policies of the administration. President Wilson did not forget the key role which Baker had played in bringing Wilson's victory at Baltimore in 1912, and he appointed Baker Secretary of War to succeed Garrison.

Harmon did remain active within the Democratic party as an Ohio delegate to the Democratic National Conventions in 1916, 1920, and 1924. In the 1916 convention in St. Louis, Harmon was not only a delegate-at-large, but he also had the honor of giving one of the two seconding

---

8Ibid., February 15, 1916.
speeches for President Wilson. Harmon said in his second-
ing speech that the real issue of the campaign "... is patriotic and not partisan. Because of our political 
methods, the party which nominated Woodrow Wilson may re-
nominate him as a Democrat, but he will be elected as an 
American President ... ."\(^9\) It was reported that Harmon 
did not enthral the audience by his short speech because 
the gallery was very noisy. The newspaper report said that 
Harmon had grown thinner since 1912 and that his voice was 
not as commanding as it once was because people ten feet 
from him could not hear what he was saying.\(^10\) In 1924 Har-
mon was elected chairman of the Ohio delegation to the 
Democratic National Convention.

Harmon also served as an Ohio Democratic presi-
dential elector for many years, and he almost became embroi-
ed in a controversy similar to the one in the Hayes-Tilden 
election of 1876-1877. One of the disputed electoral 
votes in 1876 came from Oregon where a United States Post-
master had served as an elector in violation of the federal 
law which said that no federal employee should serve as an 
elector in the electoral college. Harmon as a director and 
national bank officer of the Cincinnati Federal Reserve

\(^9\)Official Report of the Proceedings of the Demo-

Bank asked the advice of his friend and former Ohio Governor James E. Campbell in this case. Harmon said that he would be willing to resign as a director of the bank if the sacrifice would be worthwhile in its results. But Harmon said that "... I do not think the personality of a candidate for elector out much if any figure, because electors have come to be only automations and few if any really watch the electoral ticket." Harmon did not resign his position, and no complications resulted from it.

Judson Harmon's death on February 22, 1927, came as a shock to most of his friends, few of whom were aware of his illness. On February third Harmon and a few of his friends had celebrated his eighty-first birthday around his desk in his law office. His friends marveled at his erect figure and vigor of mind, but his physician had detected a need for the treatment of a minor ailment. A few days after his birthday he closed his desk and consented to submit to a minor operation. His physicians then detected some complications in his blood, and they decided not to operate due to his age. Within twelve days Harmon's vigor crumbled, and he died in the Jewish Hospital in Cincinnati when uremic poisoning set in. Harmon had been preceded in death by

11 Harmon to James E. Campbell, September 19, 1920, Harmon Papers, Ohio Historical Society.

12 Ohio State Journal, February 23, 1927.
his wife, who died on March 29, 1916, at age sixty-six; and he was survived by his three daughters.

Many of Governor Harmon's associates remembered him as a man with a wonderful sense of humor and as a man whose personality revealed a type of personal magnetism. Harmon seemed to have a way with people, and they almost automatically enjoyed his company. Even his political foes such as William Jennings Bryan said that they had nothing against Harmon personally but that it was just Harmon's political philosophy, not his character, which alienated them. Probably one of the main reasons why people were attracted to Harmon was that he never seemed to try to impress people with his own importance. He was genuinely a democratic person.

Harmon also appealed to Ohioans because as one Holmes County farmer expressed it he was "just so durn \[sic\] common." That farmer told the story of going to the capitol to see the Governor and of giving him a stogy. Harmon asked him where he was from, and then Harmon proceeded to name a few people from Holmes county. The farmer said that Harmon and he walked out of the capitol together. When the farmer returned home, he told his friends that Harmon "... ain't no more stuck up than you be."13 The

13American Review of Reviews, XLII (September, 1910), 298.
Review of Reviews reporter gave a good insight into the Governor's appeal when he said, "He may not be fervishly interested in you, but he has a quiet, unobtrusive way of making you believe that he has been sitting up and waiting to greet you since the dawn of history."\(^{14}\)

Harmon continued to develop the same type of rapport with the Ohio press as he had with the Washington reporters when he was serving as Attorney General. The Governor would come into the press conference, joke with the reporters, and then seat himself on the big table in the center of the Governor's reception room. There he would proceed to swing his ample feet back and forth and hand the reporters an occasional stogy, as he talked freely and informally.\(^{15}\) It was this type of common appeal which attracted so many people to Governor Harmon.

As a political campaigner Harmon attempted to demonstrate the basic sincerity of his personality. Although in his college days at Denison Harmon had exhibited a fluency in speech, he was not regarded as an exceptional political speaker. George Burba, the editorial writer of the Dayton Daily News, summarized the thoughts of many when he said that Harmon was not an orator in one sense of the

\(^{14}\text{Ibid.}\)

\(^{15}\text{Ibid.}, p. 299.\)
word:

... that is, he is not a word painter--not a flowery poet who entralls his audience with high sounding phrases. But he talks clearly and plainly, with an absolutely honest method on stating facts, and he always makes a good impression.  

Harmon personally did not believe that he was a great campaigner in Ohio, for it took him some time to feel at home before a campaign crowd. Harmon said that he did not think that anybody would have recognized his speeches as political addresses. He said:

I just talked with the people who came to see me, and somehow, pretty soon I found I had a good deal to talk about. I began to feel pretty much at home, among farmers especially. They are good people, ... I understand them, and I think they understand me.  

Harmon's campaigns and actions must have appealed to many Ohioans as witnessed by his two great political successes of 1908 and 1910.

Harmon was a big man in every sense of the word.

The following is a physical description of Harmon in 1911:

A six-footer, thick-set (two hundred and ten pounds), erect, square-shouldered; with huge and powerful hands; a round close-cropped head, blond once, almost white now; a sandy mustache, close cropped also; a round chin, with a bone of determination underneath the flesh; ruddy face; blue eyes with the light of kindliness in them, ... a splendid specimen of the Western American of the florid, sanguine Anglo-Saxon type ... running over with

---


physical life; . . . he stands like an officer, head up, chin in; . . . but to tell the truth, he likes best to perch comfortably on a table, his hands clasped over a knee, or ensconced in pockets or armholes, with one of his ten-a-day allowances of cigars in his mouth.  

Harmon loved the outdoors and was always very enthusiastic about physical exercise. He was fond of horseback riding, and while governor he went out riding nearly every Sunday on Kentucky Raleigh, a big, deep bay, saddle horse. Often some of the state house reporters would join him on these Sunday afternoon jaunts hoping to get a tip on a future news story. Herbert Mengert, a Cincinnati Enquirer reporter and an intimate friend of Harmon, worked on the Ohio State Journal in 1910 and was one of the reporters who would ride with the Governor on Sundays. Mengert wrote that Governor Harmon's steadiness was illustrated in the saddle and in his refraining from racing as the others liked to do; " . . . Kentucky Raleigh was spirited and loved to join in the chase . . . . But he [Harmon] never altered his pace although he could have beaten all of us in a race."  

In his young days Harmon was considered one of the best amateur baseball players in Cincinnati. For five years he was the pitcher on a team of businessmen who

---

18 Ibid., p. 14446.
19 Ohio State Journal, February 23, 1927.
would meet with teams from other areas on Saturday after-
noons in the suburbs of Cincinnati. Any time he was in
town a person could find him on Saturdays more often than
not at some ball field shedding his coat, rolling up his
sleeves, and pitching nine innings with a great amount of
vigor and skill. Sloane Gordon reporting in 1909 said:

It was quite a sight to see the ex-Attorney Gen-
eral of the United States, with his coat off and
his sleeves rolled up, putting curves over the
plate, and grabbing liners with those capacious
hands that seem to have been made for mauling logs
or splitting rails.²⁰

In his later years the future governor learned the
game of golf. It was reported "... from the time the
frost leaves the greens in spring until the heavy snow falls
you will find him on the links of the Cincinnati Golf Clubs
two or three afternoons a week."²¹ Harmon and William
Howard Taft often had battles on the links in the Queen
City, and for a time it seemed that they might do battle
once again for higher stakes in the presidential election
of 1912. Harmon also loved to fish, especially at his
summer cottage at Charlevoix, Michigan, and at Middle Bass
Island in Lake Erie. When Harmon was Attorney General,
there was one particular story about a fishing trip with
President Grover Cleveland that made the rounds in Washing-
ton. Supposedly a reporter rowed out to the site where the

²⁰Gordon, Current Literature, XLVI, 500.
²¹Inglis, Harper's Weekly, LI, 979.
two men were fishing and asked the Attorney General what type of bait they were using. With his droll sense of humor Harmon answered, "Well, I usually use rye, but Mr. Cleveland seems to prefer bourbon. Which do you use?" Harmon never lost his enthusiasm for the pleasures of the outdoors, and he continuously encouraged others to seek and find those same pleasures.

Harmon enjoyed less strenuous games as well, especially chess. The story is told about Harmon's participation in one of the most unusual chess games which was ever played in the Cincinnati area. In 1889 the city of Wyoming, a suburb of Cincinnati and Harmon's residence at that time, held a two-day carnival to raise money for a new library. One of the highlights of the carnival was a game of living chess played by Harmon and Joseph Ramsey, the man who later became president of the Wabash Railroad. A big chess board was arranged on the lawn, and Harmon and Ramsey proceeded to play a game by having men wearing the appropriate costumes of the pawns moving from one position to another. The two contestants played the game so seriously, under a glaring sun, that it lasted two and one half hours, wearing out both the pawns and the audience. The second game was acted out on a stage, only after the game

---

22 The American Review of Reviews, XLII (September, 1910), 304.
had been played out off stage.\textsuperscript{23}

Judson Harmon did possess a sound body and mind, and he also had the ability to make lasting friends. A good example of the latter was revealed when he returned to Columbus following his trip to the San Francisco Panama-Pacific Exposition in 1912. Several of his associates at the capitol decided to organize a demonstration at Union Station to show their feelings for the Governor. A band was there along with three companies of infantry and one troop of cavalry. Harmon was given a military escort to the Southern Hotel where with tears in his eyes over the warmth of the reception he told the group of well-wishers:

\begin{quote}
... when I go home, I can always look back and feel that the four years in Columbus were worthwhile. I am sorry to go before some things that I have started are finished, but I know that the men who are to follow me will carry them out. ... May God bless you all now and through all the years of your life.\textsuperscript{24}
\end{quote}

Harmon experienced disappointments and failures as well as accomplishments and successes during his years in public office. He was severely criticized for some of his beliefs and stands on particular issues, and he was


\textsuperscript{24}\textit{Ohio State Journal}, October 25, 1912.
praised for his credence and deeds on other issues. Harmon's critics accused him of revealing practically none of the awareness of the humanitarian gospel which inspired the work of Tom Johnson in Cleveland or Samuel Jones and Brand Whitlock in Toledo. The critics say that the taxpayer, not the convict or ward, was foremost in Harmon's mind and that this attitude was evidence of his essential conservatism.\textsuperscript{25} Harmon did nothing, just as his immediate predecessors had done nothing, to correct the inadequacies of the Ohio penitentiary; but he was responsible for reforms and better living conditions in the women's reformatories. Harmon's unannounced inspection tours of Ohio's charitable institutions were done not only to check on the management of the institutions but also to observe the living conditions. The Central Board not only provided for more efficiency and economy in the administration of the benevolent and penal institutions, but by eliminating waste and corruption the board was able to use this savings to improve conditions in the institutions.\textsuperscript{26}

The humanitarian gospel of Jones and Johnson was confusing to Harmon. Harmon believed that there was a need to care for the poor and the underprivileged, but at the same time he showed a common fear that too much giving

\textsuperscript{25} Warner, \textit{Progressivism in Ohio}, p. 232.

\textsuperscript{26} Hale, \textit{The World's Work}, XXII, 14452.
develops too much dependence and eventual resentment on the part of the recipient. In a veto message of a poor relief bill, Harmon revealed his attitude when he said:

Aiding and caring for the poor is a matter of growing public concern. To do this so as not to encourage dependency, and to make the giving of public charity as free from undesirable secondary results as possible, is a difficult and delicate task.27

The Governor did not shrink from the task, but he did not make the great effort in this direction that reformers would like to have observed. There were of course many taxpayers who did not want to see their tax dollars wasted on a program with questionable results.

Harmon was criticized frequently for his apparent lack of legislative leadership. Negley Cochran, Bryan, Roosevelt, Baker, and others criticized him for not taking a more aggressive leadership to ensure the enactment of progressive legislation. Frank F. Gentsch, a lawyer friend of Harmon in Cleveland, wrote that "... your strict adherence to your constitutional limitations and your refusal to take the old legislature into hand and aggressively force them to do things to which the party was pledged has ... brought a great deal of criticism upon you ... ."28

27 _The Journal of the Senate of the State of Ohio for the Seventy-Ninth General Assembly, CII (Columbus, 1911), 22._

28 _Frank F. Gentsch to Harmon, January 4, 1912, Harmon Papers, Cincinnati Historical Society._
Harmon was in a sense a strict constructionist in that he honestly did not believe that he had the constitutional rights to interfere with the legislature on legislative matters. William Hale, the journalist, asked Harmon if he felt any responsibility to administer a little discipline to the reactionary senators who were blocking legislation since the people had elected him on his ideas of legislation which were not being carried out. Harmon responded in his typical attitude:

Well, I do feel inclined to do that sometimes. Not as Governor, of course. Oh no, I don't feel that I have any right, as Governor, to impress on the legislature any views that I may have. But as head of the party, I have some right to insist that the platform pledges shall be followed. I may have to do something.29

In answer to those who believed Harmon should compel the legislature to enact certain legislation, Harmon gave this very realistic response, "You speak of compelling the General Assembly to adopt measures, and if you have a patent on that process I would like to have the use of it, even if I have to pay a royalty."30 Harmon preferred to work on the General Assembly through his legislative aids; but in 1911, after his patience had been thoroughly tried by a recalcitrant Senate, Harmon called for the Democratic


30Harmon to Henry Hunt, April 28, 1911, Harmon Papers, Ohio Historical Society.
caucus to listen to his dissatisfaction concerning the lack of legislative accomplishment. Harmon did not reverse any of his basic principles because he called the caucus as head of his party and not necessarily as Governor, and even then he did not use any highhanded pressure to coerce the reluctant senators to do as he wished.

While Harmon was reluctant to assert an aggressive leadership in the General Assembly, he exhibited much more leadership in other areas. He assumed the leadership in the drive to eliminate graft and corruption in state government. He was the one who pushed for the investigation which revealed the disclosures of a treasury deposit scandal and of legislative bribery. He also exhibited great firmness of leadership when he helped restore law and order in Newark after the lynching of Carl Etherington, and he assumed leadership in ending the disastrous Columbus streetcar strike. The Ohio State Journal said after Harmon's death that Columbus owed him a particular debt of gratitude for ending that strike. The Journal said that Harmon called Mayor George Marshall into his office and talked to him like a Dutch uncle about the mayor's duty to preserve peace; and when it became clear that conditions were beyond the control of the local authorities, the Governor called out the troops and restored order. The Journal concluded by stating, "Governor Harmon was a great Democrat. He was a
Jeffersonian. He believed in local self government. But he believed first of all in the supremacy of constituted authority, in the preservation and restoration of orderly government at any cost."31 Harmon always maintained his basic constitutional principle that the executive should not interfere with the legislature, but it is safe to say that he modified his view some when it became apparent that some executive pressure was needed to ensure the enactment of his party's pledges.

Harmon's essential conservatism was a weakness to some, namely the progressive element, but to others his conservatism was a great strength. The progressives believed that Harmon should have realized that a progressive wave was sweeping the country and that he should have supported proposals for more popular government. Harmon would have had an excellent opportunity of gaining the 1912 presidential nomination if he would have compromised his principles and supported the Ohio progressives in their movement to make the initiative and referendum part of Ohio's legislative machinery. Harmon's message before the Ohio Constitutional Convention attacking the initiative and referendum cost him his best opportunity to gain the 1912 presidential nomination. The Governor believed that a political innovation which changed the constitutional

31Ohio State Journal, February 25, 1927.
process to the magnitude of the initiative and referendum should be done only after considerable observation of the success of the measures in other states and in Ohio's municipalities. Harmon was not convinced that the initiative and referendum would be a positive improvement over the legislative process which had been tested by time; and until the time when he could be convinced that the innovation was an improvement, he refused to support the measures for popular government on a state-wide basis. Harmon could have had nearly the unanimous support of Ohio's delegation to Baltimore if he would have compromised his views, but he placed his personal convictions above political expediency as he refused to barter away a lifetime of convictions on governmental fundamentals. 32

Harmon was often criticized for his apparent favoritism in his political appointments and his refusal to consult with Republican leaders not only on appointments, but on matters of pending legislation as well. Harmon relied almost exclusively on his Democratic friends for advice on appointments and proposed legislation. Harmon's critics believed that his legislative programs would have been enacted with much less delay if he had consulted with

32 Nichols, The Ohio Archaeological and Historical Society Quarterly, XLI, 149.
the Republican leaders of the General Assembly and listened to their views on proposed legislation. Of course, this is pure speculation since in the American political system it is the nature of the opposition party to combat most of the administration's proposals. Harmon did have more success with his 1911 legislative program after he conferred with some of the Republican members of the legislature, but this Republican cooperation probably resulted more from the revelation of the legislative bribery scandals than from Harmon's conferring with the Republicans.

It is true that Harmon would not fire a competent Republican from office in order to replace him with a Democrat, nor would he appoint a Democrat if a Republican were better qualified, but like most politicians he would always appoint a member of his party if all other qualifications were equal. Undoubtedly one of the main reasons why Harmon fell from favor with certain Democratic leaders was because of his political appointments. It was not so much that he offended his Democratic colleagues when he refused to discharge competent Republicans as it was that he relied almost exclusively on the advice of a few friends whom he considered completely trustworthy in making political choices.

Harmon probably made a serious error when he would

\textsuperscript{33} Hale, The World's Work, XXII, 14449.
only infrequently ask the advice of the progressive wing of the party about appointments or proposed legislation. Harmon's official correspondence revealed that he relied almost exclusively for advice on the conservative wing of the party, men such as Charles Salen of Cleveland, John McMahon and Edward Hanley of Dayton, Hiram Weld Peck of Cincinnati, Edward H. Moore of Youngstown, James Ross of Columbus, and John A. O'Dwyer of Toledo. Harmon conferred with Newton D. Baker on municipal measures, but there was practically no correspondence at all with Herbert Bigelow and Daniel Kiefer, two of the leading Democratic progressives. Why Harmon did not consult more with these men is open to question, although knowing Harmon's political convictions one would be led to the conclusion that he considered the political innovations for which these men stood to be dangerous to the time-tested and proven principles of American democracy.

Another of the reasons, and this may have been the major one, why Harmon encountered so much opposition within his own party was that he became engaged in a power struggle to control the Democratic party political machinery. Harmon never forgave William Finley and Harvey Garber for forcing on him a campaign manager whom he did not want in the 1908 campaign. Harmon was a strong-willed man, and he

34 Warner, Progressivism in Ohio, p. 226.
wanted to be able to do the things which he wanted to do without having to depend on the approval of someone else. As soon as he became governor, Harmon began to place his supporters in key positions in order to gain control of the party machinery. Edward Hanley became State Chairman and Hugh Nichols managed Harmon's 1910 campaign. Harmon conferred with Garber as little as possible concerning appointments, and Garber did not forget this. As a result of this growing enmity between the two men, Garber used all of the influence that he had as a national committeeman to ruin Harmon's chances for the 1912 presidential nomination. Garber joined forces with William Jennings Bryan, Newton Baker, and the other progressives to thwart Harmon's bid for the presidency not so much because Garber was a progressive, but rather because he wanted to destroy Harmon's leadership of the Ohio Democrats. Garber and the progressives were willing to support Harmon as long as Harmon could bring the Democrats to power in Ohio, but this group believed that the Democrats needed a progressive in 1912. Thus Harmon's usefulness had passed, and they decided to work against his nomination.35

Harmon certainly did not effect every thing that everybody would like to have seen accomplished, but his

---

record of achievements gave him lasting fame as one of the best Ohio Governors. Economy in government was seemingly Harmon's ruling passion, and in this regard he accomplished much. Harmon revealed this attitude in a letter to a personal friend when he wrote, "I have always believed ... that the only way to insure business economy is to limit the amount of money that may be taken from the people, even if it pinches now and then in some place." Harmon meant that "pinch in some places" should be aimed at government officials who were inefficient, wasteful, and wanted to spend needlessly the taxpayers' money.

Harmon's close friend, campaign manager, and lieutenant governor, Hugh L. Nichols believed that Harmon had four truly great accomplishments as governor, which would rank Harmon with any Governor of Ohio. Three of the four accomplishments were in the area of economy in government. Nichols believed that the first great accomplishment was the adoption of legislation making it compulsory that all public funds awaiting appropriation and disbursement be deposited by competitive bidding in banks to earn interest for the political subdivisions of the State.

---

36 Harmon to A. H. Waggoner, February 1, 1911, Harmon Papers, Ohio Historical Society.

37 See Nichols, The Ohio Archaeological and Historical Society, XLI, 143-147.
The second great accomplishment according to Nichols was the establishment of the one per cent maximum tax rate which limited the total tax rate to be assessed in any community. One of the greatest disappointments in Harmon's life after retirement from public service was the lack of interest of taxpayers and officials in maintaining the principle of the one per cent bill. Harmon deplored the increasing bonded indebtedness of some of the local subdivisions, and he believed this could have been prevented if they had maintained a greater degree of economy.

Nichols believed the third great Harmon accomplishment was the workmen's compensation legislation which provided compensation for injured employees and their dependents. This is the only one of the four accomplishments which the reformers would have considered progressive at all. The last great measure was the Central Board Bill which provided for a central control of the charitable and penal institutions of the State. It would be difficult to argue that these successes were not the most important accomplishments of Harmon's gubernatorial career, but at least one other accomplishment should be mentioned and that was Harmon's success in exposing fraud and clearing up the management of state affairs and elevating the general tone of Ohio government to the point where the voters could respect their politicians. Harmon restored to the people a
confidence that government could be trusted to play the more vigorous role demanded by the radical humanitarian reformers. Without question these were five accomplishments which pointed to positive achievements.

Throughout his entire life Judson Harmon revealed himself as an honest, forthright, well-meaning, and sincere man. Harmon achieved for himself in his public career an admirable name which most men would be honored to claim. As a judge, William Howard Taft had said of Harmon, "He was a most admirable judge, broadminded, able and learned in law, and these qualities distinguished him as a leader of the bar and in his practice after he left the bench." As United States Attorney General Harmon won renown for preparing and prosecuting three important antitrust suits which marked the beginning of a line of decisions which gave promise that the Sherman Antitrust Act could be made more effective.

As Governor of Ohio, Judson Harmon gave to the people an administration which was interested in the old concepts of efficient and honest government, which considered that "a public office is a public trust." Although

Governor Harmon was not one of the progressive, reform leaders, he did maintain, in a limited way, the momentum for reform which was begun by Tom L. Johnson and was culminated in the 1912 Ohio Constitution Convention and the ensuing James M. Cox administration.

Thomas E. Powell delivered a most fitting tribute to Judson Harmon's public career when he said:

While the action of the Baltimore Convention has become history, and another man was selected as the Democratic Standard Bearer, these facts are set down in justice to Governor Harmon, to show his strength, his record and his availability as a presidential candidate. No better exposition of the Governor as a man and an executive can be presented than his availability for the highest office in the nation and the recognition of that availability all over the United States.⁴⁰

BIBLIOGRAPHY

I. COLLECTIONS OF LETTERS AND MANUSCRIPTS

Baker, Newton D.  Cleveland City Hall.

Bigelow, Herbert S.  Cincinnati Historical Society.


Cleveland, Grover.  Library of Congress.

Colquit, William N.  Duke University Library.

Dickinson, Jacob M.  Tennessee State Library.

Garford, Arthur L.  Ohio Historical Society.

Harding, Warren G.  Ohio Historical Society.

Harmon, Judson.  Cincinnati Historical Society.

Harmon, Judson.  Governor's Papers and twelve letters, 1871-1926, Ohio Historical Society.


Pomerene, Attlee.  Kent State University Library.


II. NEWSPAPERS

Cincinnati Commercial Tribune.

Cincinnati Daily Gazette.
Cincinnati Daily Star.
Cincinnati Enquirer.
Cleveland Leader.
Cleveland Plain Dealer.
Columbus Dispatch.
Dayton Daily News.
Lima Times Democrat.
Marion Daily Star.
Newark Advocate.
New York Daily Tribune.
New York Herald.
Ohio State Journal.
St. Louis Daily Globe-Democrat.
Toledo Blade.
Toledo News-Bee.
Washington Star.
Youngstown Vindicator.
Zanesville Daily Courier.

III. GOVERNMENT DOCUMENTS, PRINTED CORRESPONDENCE, AND OTHER PRIMARY MATERIAL.


Department of Justice General Letters Sent, 1895-1897. National Archives.


Department of Justice Year File, 1895-1897. National Archives.


IV. PRINTED CORRESPONDENCE AND OTHER PRIMARY MATERIAL.

A Story of the Progress in Ohio During Governor Judson Harmon's Administration. Columbus: Democratic Executive Committee, 1912.


V. BIOGRAPHIES, AUTOBIOGRAPHIES, AND MEMOIRS.


Olson, James C. J. Sterling Morton. Lincoln, Nebraska: University of Nebraska Press, 1942.


VI. GENERAL WORKS AND MONOGRAPHS.


VII. PERIODICAL ARTICLES.


Cox, James M. "Governor Judson Harmon," *The Independent*, LXXI (November 2, 1911), 954-959.


Galbreath, Charles. "Vote on the Ohio Constitution," The Independent, LXXXIII (September 14, 1912), 1407-1409.

Gist, Genevieve B. "Progressive Reform in a Rural Community: The Adams County Vote-Fraud Case," The Mississippi Valley Historical Review, XLVIII (June 6, 1961), 60-78.

Green, George W. "Mr. Cleveland's Second Administra- tion," The Forum, XXI (July, 1896), 540.


Hearst Magazine. XXI (May, 1912), 2204-2216.


"Judson Harmon--His Record and His Views," The Outlook, C (January 27, 1912), 175-183.


Lockhart, Oliver C. "Taxation in Ohio," The American Economic Review, II (September, 1912), 729-730.


Nichols, H. L. "Judson Harmon," *The Ohio Archaeological and Historical Quarterly*, XLI (April, 1932), 137-150.

"Ohio's Rebuilt Constitution," *The Literary Digest*, XLV (September 12, 1912), 405-406.


Ridgway, Erman J. "Weighing the Candidates." *Everybody's*, XXVI (May, 1912), 592.

Rodabaugh, James H. "The Reform Movement in Ohio at the Turn of the Century," *The Ohio Archaeological and Historical Quarterly*, LIV (January, 1945), 46-78.


*The American Review of Reviews*, XXIX (June, 1904), 654.

*The American Review of Reviews*, XXXI (March, 1905), 274.

*The American Review of Reviews*, XXXVIII (December, 1908), 652-651.

*The American Review of Reviews*, XLII (September, 1910), 298-299.


*The Chautauquan*, LXII (March, 1911), 10-11.


*The Nation*, XIC (August 4, 1910), 92.

"The Ohio Legislators," *The Outlook*, XCVIII (May 13, 1911), 45.

*The Outlook*, LXXXVII (November 2, 1907), 500-507.

*The Outlook*, LCVI (October 8, 1910), 295-296.


*The World To-Day*, XIX (September, 1910), 938-939.


VIII. UNPUBLISHED MATERIAL.


