The Voters Speak: The Ohio Judicial Election of 1910 and Progressive Era Jurisprudence

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The extent to which electoral politics has influenced the direction of American state courts has been a topic of interest to political scientists studying recent judicial elections, but historical scholarship on the subject has been quite limited.[1] Similarly, research into the relationship between law and democracy during the Progressive Era is just beginning.[2] Courts in the early twentieth century were bitterly criticized for using decades-old or even centuries-old precedents to strike down protective legislation, relying upon legal technicalities that delayed or thwarted justice, and deciding cases to the benefit of corporate interests at the expense of individuals, usually workers injured on the job. Yet Melvin Urofsky has noted that state courts in the Progressive Era were typically supportive of reforms and deferential to legislatures, particularly regarding laws protecting women and children.[3]

Given that most states in the union had some form of elective judiciary in the early twentieth century, historians must consider the political processes that produced the Progressive Era judiciary in order to understand the relationship between democracy and judicial decision-making. How did voters relate perceived problems with the judiciary to political action? Did voters seek to overturn unpopular judicial decisions at the ballot box when electing judges? Ohio is an excellent place to begin researching these questions, as it was both urban/industrial and rural, racially and ethnically mixed, and had active two- and even three-party campaigns during this period.[4] Moreover, between 1910 and 1916, Ohio's Supreme Court underwent a dramatic change in its political composition and its judicial philosophy. In 1910, Democrats broke a 27-year Republican monopoly of the court, and by 1916, the court consisted of four Democrats, two Republicans, and one Progressive. As well, the court in that period shifted from hostility to progressive and labor legislation to general support for such laws, a shift which met with approval from the progressive press, the Ohio legal community, and Ohio voters by 1916.[5]

The campaign for judicial offices in 1910 clearly demonstrates how the political contests that selected judges reflected concerns of Ohio voters

regarding law and justice in their state. Judicial contests were traditionally somewhat quiet affairs, with no one wanting to seem to be actively canvassing for positions. But in 1910, five important issues that had aroused Ohio citizens for several years figured demonstrably in the campaign and in the decision by voters to oust Republicans William B. Crew and Augustus N. Summers, and replace them with Democrats James G. Johnson and Maurice Donahue. These issues, including concern that judicial decisions were too sympathetic to corporate interests, denial of justice through overuse of obscure legal technicalities, overcrowded court dockets producing frustrating delays, control of judicial institutions by political bosses, and judicial conservatism that threatened progressive reforms, were topics of interest across Ohio and throughout the nation. Perhaps the most obvious source of frustration to Ohioans, combining nearly all of the above concerns, was the seemingly endless legal battle against Standard Oil.

Ohio's twenty-two-year campaign against the Standard Oil trust, interrupted often by political shifts within the Republican party, began in 1889 when Attorney General David Watson found Standard's trust agreement published in the appendix of a treatise on trusts.[6] Believing it to violate Ohio's common law anti-monopoly doctrine, as well as Standard's corporate charter, he challenged the arrangement in the Ohio Supreme Court, which agreed with the attorney general and ordered the trust's liquidation.[7] The 1892 decision provided no timetable for action, however, and Standard simply reorganized and delayed until Watson's successor, anti-monopoly ideologue and political opportunist Frank Monnett, sought to hold Standard in contempt in 1899. In the intervening years, however, three new and more conservative judges had been elected to the Ohio Supreme Court.[8] Without comment, the court divided 3-3 on the contempt citation, thus handing Standard a victory which practically prohibited enforcement of the original order.[9] Monnett's conservative successor had no interest in continuing the fight and halted all prosecutions in 1900.

A new trust-busting attorney general, Wade H. Ellis, renewed the legal fight against Standard in 1906, initiating actions to separate four of Standard's subsidiaries from the parent company, Standard Oil of New Jersey. But in 1909, a circuit court in Allen County determined that the petitions were incorrectly filed, as they did not include Standard Oil of New Jersey as a defendant. This delayed action once more, again just long enough for another attorney general who was more sympathetic to Standard's position to fill the post. He created several rather unconvincing obstacles to further prosecution until the United States Supreme Court dissolved Standard Oil in 1911.[10] Thus, by

1910, a case that had begun successfully with a unanimous Ohio Supreme Court decision to break up the company was unresolved after twenty-one years. To voters in Ohio, this entire episode was simply another example of corporate control of legal and political offices, the glacially slow pace of the Ohio legal system, and justice thwarted by obscure technicalities.

The Standard Oil cases were not the only examples of legal technicalities frustrating justice before the Ohio electorate in 1910. In fact, the issue received national attention early in 1910 when President Taft called "the administration of criminal law" across the nation "a disgrace to civilization."[11] Both *McClure's Magazine* and the *Ohio State Journal*, a Republican daily with increasingly progressive sympathies, picked up the story and published a list of recent notorious cases of criminal convictions overturned by state appellate courts. Typically, the technicality involved one or two incorrect words in an indictment, as when a man was freed after being charged with "intent to commit 'theft'" rather than "a felony."[12]

Within four months of The *Ohio State Journal's* editorial pronouncing these decisions "[d]isgraceful," Ohio had its own example to arouse citizens. One James Goodlove was set free by the Ohio Supreme Court after justices dismissed his 1908 murder conviction. The indictment had alleged Goodlove to be the murderer of Percy Stuckey, alias Frank McCormack, yet the victim's real name was Frank McCormack and the prosecution never presented proof that a man named Percy Stuckey ever existed. This error was fatal to the case, and both the trial and circuit court decisions were overturned, as was Goodlove's fifteen-year sentence at hard labor.[13] Outraged Wyandot County grand jurors who had originally drawn the indictment issued a condemnation of the legal system, and "earnestly recommend[ed]" local legislators do whatever is necessary "to prevent the escape of criminals on foolish technicalities in the interest of justice."[14] The *Ohio State Journal* agreed, and suggested that "courts would serve the ends of justice, and incidentally make a great hit with the common people, by remembering that facts and common sense are better guides than quibbles and hairsplitting. . . ."[15] The *Cleveland Plain Dealer* was more caustic, decrying this type of reasoning as "so monstrous that it would be ludicrous if the issue involved were not of such vital importance."[16]

Within three weeks of the *Goodlove* decision, residents of Toledo were in for another surprise when a Lucas County common pleas judge dismissed a speeding complaint against state Republican chairman Walter F. Brown. After consulting no fewer than five dictionaries and encyclope-

dias as to the meaning and etymology of the word "automobile," the judge determined that the "automobile," which Brown was charged with operating above fifteen miles per hour, was not the same as a "motorcycle or motor vehicle," the exact words used in the statute.[17]

Decisions such as these frustrated and angered Ohio voters, who did not see respect for the law in upholding technicalities in pleadings, but "distrust of the law." One reader of the *Ohio State Journal* linked the "contempt of the law" he believed inherent in such judgments to a general climate of lawlessness perceived to be at the root of a violent 1910 street railway strike in Columbus, and the lynching of a law enforcement officer by a Newark, Ohio mob less than a week after the *Goodlove* decision.[18] While the judges of the Ohio Supreme Court certainly did not consider themselves part of a "mob rule" culture, as did the writer, his argument that overuse of technicalities was the equivalent of a lynching in its lack of respect for law demonstrates the degree of hostility directed at the Ohio courts. An editorial in the *Ohio State Journal* succinctly phrased the problem, "the law is overthrown by technicality."[19]

Closely related to the issue of overly technical rulings were the clogged court dockets and notoriously long delays in bringing cases to trial. Cuyahoga County, for example, expected a total of 7,000 cases on its dockets in September, up 1,000 from the year before. Judges, perhaps overly optimistically, predicted the cases would be tried within a year.[20] The National Bar Association, the National Civic Federation, the Ohio State Bar Association, and the Ohio Chamber of Commerce all addressed the issue in 1910, but a bill to enact reforms eliminating lengthy appellate review of irrelevant points died in the Ohio legislature.[21] A letter to the editor of the *Cleveland Plain Dealer* reflected the personal side of court delays.[22] Writing during the early discussions on creating a workmen's compensation statute, a former railroad employee told of his three hospitalizations from injuries incurred on the job. The company paid for the first two, but fired him rather than pay for the third stay, withholding his final month's wages until he signed a statement verifying that he had resigned. He refused and took his case to trial, which was delayed for two years and two months and resulted in a directed verdict for the railroad and the requirement that he pay court costs.

Another important issue during the election of 1910 was control of state and municipal government by political bosses. The most influential, and perhaps notorious, of Ohio's political bosses was George B. Cox, who had

effectively controlled the political landscape of Cincinnati and Hamilton County since 1888.[23] Cox exerted tremendous influence within the state Republican party in 1910, reluctantly engineering the compromise that nominated Warren Harding for the governor's race and helping to construct a very conservative platform.[24] The extent of party boss control over the judiciary was of great concern to many reformers, especially considering past activities of Cox. In 1906, the Ohio Senate convened the Drake Committee to investigate corruption in Cincinnati. Besides uncovering widespread graft, including the county treasurer's pocketing thousands of dollars of interest on state bank deposits, the panel heard testimony from three judges whom Cox had attempted to cajole into reversing a lower court's decision against an engineering firm friendly to Cox.[25] Although a grand jury returned no indictments, the Drake Committee only disbanded after the Ohio Supreme Court declared its actions an unconstitutional arrogation of judicial authority.[26]

The *Toledo News-Bee* and other supporters of the independent judiciary movement railed against boss, party, and corporate control of the judicial selection process, which they believed to be at the foundation of all that was wrong with the courts. After the defeat in the spring of 1910 of a non-partisan judicial bill, resulting from a parliamentary trick by its foes, the *News-Bee* backed the quixotic campaign of Independent Johnson Thurston for circuit court judge in Lucas County.[27] The editors' contempt for everything they believed the boss-ridden judicial system stood for ran deeper than simply supporting one lone judicial candidate in a local race. One editorial in particular, entitled "Some Kind of Rottenness," summarized how the editor believed partisan bosses and corporate power had united to thwart justice:

"The men who work up the biggest indignation when some red-blooded human boldly criticizes rotten courts," fumed the *News-Bee*,

> are the men who expect their special privileges to be protected by rotten courts. Rotten business makes rotten politics. Rotten politics makes rotten laws, and needs rotten courts to enforce rotten laws and declare good law unconstitutional. . . . A man who has grown rich because rotten laws have been enacted by rotten congresses, legislatures or profound pocketbook reverence for rotten courts to enforce rotten laws and declare all this rottenness to be constitutional.[28]

Central to the "rottenness" the *News-Bee* editors deplored was the conservatism of the Ohio Supreme Court. Between 1895 and 1910, in addition to allowing Standard Oil to escape the dissolution order mentioned above, the Ohio court struck down an inheritance tax, a mechanic's lien law, and an eight-hour workday law.[29] While no such cases made headlines in 1910, an act of the legislature reminded voters of the harshness of the court's negligence doctrines. In April, the senate failed to override Governor Harmon's veto of a special bill awarding William Bell $8,500 damages for injuries suffered while working for the city of Cincinnati. After being "almost blown to pieces by explosives" that he was directed to use by a negligent supervisor, Bell won a $12,000 jury award from the city, but the court unanimously overturned the decision on the common law rule that since he was an employee of the city at the time of the accident, the city of Cincinnati was under no legal obligation to pay damages. The *Cincinnati Commercial Tribune* blasted the inhumanity of the court, governor, and legislature for letting this man suffer without recompense.[30] The court's conservatism also cast a shadow over an ambitious legislative agenda prepared by organized labor for the following year, including most notably the enactment of an eight-hour law for women employees and a workmen's compensation statute. Given the supreme court's consistent hostility to labor legislation, delegates to the Ohio Federation of Labor's annual convention in October had real fears their program would not survive court challenges.[31]

The election of 1910 was an impressive victory for the Democratic party across the nation as well as in Ohio, as Governor Judson Harmon soundly defeated Republican Warren Harding and the legislature came completely under control of Democrats. The two Democratic nominees for the Ohio Supreme Court, James G. Johnson and Maurice Donahue, defeated the Republican incumbents Augustus N. Summers and William B. Crew by pluralities of 34,132 and 27,016 respectively. While this was substantially less than the popular Democratic Governor Harmon's 100,377 vote re-election victory over Harding, it was greater than Democrat Timothy Hogan's 7,962 vote defeat of incumbent U. G. Denman for attorney general, even after Denman had delayed prosecutions of Standard Oil in 1909.[32]

None of the candidates for the Ohio Supreme Court campaigned actively for the office, as partisan pursuit of an office ideally seen as non-partisan would earn the condemnation of voters from both parties. The most active campaigner, Toledo Independent circuit court nominee Johnson Thurston, was severely criticized for his overt stumping for the post, and assured voters that he was campaigning for the idea of a judiciary free from partisan control, not

canvassing for votes.[33] Yet each of the major concerns raised about the courts, including decisions favoring corporations over individuals, the denial of justice through overly technical holdings and delays in court procedure, boss control of political parties and processes, and judicial conservatism, was reflected in the campaigns of candidates for both supreme court and circuit court judgeships.

One early development in the campaign was a convention challenge to incumbent Republicans Summers and Crew. The challenge came from Silas Hurin of Findlay who was boosted by his supporters for writing the dissent in the 1909 circuit court case that delayed prosecution of Standard Oil because of a faulty pleading. The *Ohio State Journal*, in reporting on the Republican convention, contended the decision ended the case on a technicality "after it really had been won."[34] Former state Senator Tom McConica, Hurin's sponsor at the convention, remarked to reporters about the "wide sentiment for new material on the supreme bench."[35] Although Hurin, as expected, lost the contest, he received strong support from urban delegations with substantial labor support.[36] Interestingly, the "progressive" challenge at the Republican convention in the Supreme Court race mirrored the progressive candidacy of James R. Garfield for the gubernatorial nomination, which was also defeated by Republican regulars.[37]

Concerns over technicalities and the slow pace of justice in Ohio did not become manifest in the races for the supreme bench, but were certainly an issue in lower court races, where most Ohioans actually encountered the sclerotic justice system. The candidacy of Republican Edmund Dillon for judge on the circuit court of the Second Judicial District illustrates how the issues were represented to voters, as well as how judges quietly campaigned in the press.[38] The Republican *Ohio State Journal*, a supporter of Dillon, ran a news story on October 25th reporting comments from the assignment commissioner of the Franklin County common pleas court. He noted that his courts were "now further up on the docket than [they] have been for 25 years."[39] Dillon was currently serving as common pleas judge in Franklin, and the article was likely designed to cast a favorable light on his candidacy. Five days later—one week before the election—the *Journal* ran two more stories with the same purpose. The first was an interview with a local attorney, likely a supporter of Dillon, lauding the Franklin county courts for their clear dockets in comparison to surrounding counties. On the same page was another story touting Dillon as a "strong asset" to the local Republican ticket.[40] This was certainly no coincidence, probably the result of a quiet arrangement between the party, the candidate, and the *Journal*.

The *Goodlove* case, in which the convicted murderer was freed after the Supreme Court determined the indictment failed to prove the identity of the victim, produced an angry response from one H. K. Thompson, and likely many others. He demanded that the "identity" of the judge who wrote the opinion "should be established beyond a question of a doubt. . . . Let his name be spelled in box car letters from Ironton to Ashtabula and from Steubenville to Union City, that we may be able to reward him fittingly when his name appears on the ballot again."[41] Judge Crew, defeated in November, wrote the opinion.

Concerns over control of government by partisan political bosses also appear in judicial campaigns. The *Cleveland Plain Dealer* supported the candidacies of two Democrats for circuit court based on both their "practically unanimous support [from] the lawyers of the city," and also that "[t]heir backing has invariably been non-partisan."[42] The Mayor of Wauseon, Ohio, announced his support for the Independent ticket, especially Judge Thurston, noting that "[r]ecent instances of the gross subserviency to…bosses by certain of our state courts, have compelled all honest and conscientious voters to sit up and take notice."[43] True to form, the *Toledo News-Bee* editorialized in support of an independent, non-partisan judiciary while excoriating Boss Cox's control over the Republican party, thus associating all Republican candidates, including Summers and Crew, with Cox's dark shadow.[44] Although the paper never contended the judges owed their jobs to Cox, they were nominated from his convention and attended partisan political rallies for fellow Republicans Warren Harding and Senator Charles Dick. "The state can afford to get along without Judges Summers and Crew," the editors concluded, "[a]nd it may do a whole lot of good to elect their Democratic opponents."[45] To cement their case, that same day the *News-Bee* publishers reminded voters of Cox's exploits with Hamilton County courts, publishing a page-one review of the Drake Committee investigation into Cox's judicial tampering, as well as similar, more recent accusations.[46]

As well, labor unions were active in support of the two Democratic candidates out of concern about more adverse rulings, particularly regarding the impending workmen's compensation legislation. In the 1908 campaign, the Brotherhood of Railway Trainmen, the Ohio Federation of Labor, and the Cleveland Federation of Labor claimed credit for reducing the plurality victory of the two Republican incumbents that year by nearly 35,000 votes.[47] In 1910, they launched a similar effort after studying the records of each judge for the supreme bench. Not surprisingly, they reported Judges Summers and Crew often overturned lower court decisions and sided with corporations,

adjudicated cases "on technical matters of law, . . . denied the right of trial by jury," and leaned toward protecting business enterprises in workplace negligence claims.[48] As for James G. Johnson, who had never been a judge but had served as an attorney for labor unions, he was lauded for helping unions secure copyright protection for their labels. Judge Donahue, while on the circuit court bench, had been "eminently fair both to corporation[s] and employes [sic.]."[49] The press release ended with an exhortation to union members to study the records and vote their true interests.

Finally, the Newark Trades and Labor Assembly was even more direct in its support for Judge Johnson. Johnson had granted an interview with George Grover, editor of the union's official organ, the *Newark Majority*, and he in turn "placed these papers to [Johnson's] best advantage . . .confident that they were a medium of much benefit."[50] Grover wrote Johnson to congratulate him on his victory, informing him that a "majority feels that you are amply qualified, that you will give the laboring man that which has been slighted him in the past."[51]

It is easy, perhaps, to claim that the victory of Judges Johnson and Donahue was simply the result of the Democratic landslide that swept Ohio and the nation in 1910. Certainly the political winds blew favorably for the two judges all across the state. Yet the frustration many Ohioans exhibited so cogently and powerfully regarding delays, technicalities overturning justice, conservatism, and the perception that bosses and corporations controlled the judiciary along with the legislative and executive branches was reflected at the polls. In an editorial entitled "Deciding Constitutional Questions," published nearly two months before the election, the *Ohio State Journal* captured the sentiment of Ohioans casting ballots in November's judicial elections. After chiding the United States Supreme Court for overstepping its authority in declaring laws unconstitutional, the *Journal* argued that "public sentiment" is at the root of not just legislative politics but judicial politics as well. "*Whether by Congress or court*," editors claimed, "it is public sentiment that decides. That the vox populi is the dernier resort seems to be the logic of the republic."[52]

NOTES

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1. The most complete discussion of the issue is in Philip L. Dubois, *From Ballot to Bench: Judicial Elections and the Quest for Accountability* (Austin: University of Texas Press, 1980). For Ohio, see Melinda Gann Hall, "Justices as Representatives: Elections and Judicial Politics in the American States," *American Politics Quarterly* 23 no. 4 (1995): 485-503, and Kathleen L. Barber, "Ohio Judicial Elections: Nonpartisan Premises with Partisan Results," *Ohio State Law Journal* 32 (1971): 762-89. The best historical work on the subject has been done by Kermit Hall, "Progressive Reform and the Decline of Democratic Accountability: The Popular Election of State Supreme Court Judges, 1850-1920," *American Bar Foundation Research Journal* (Spring 1984): 345-69; and "Dissent on the California Supreme Court, 1850-1920," *Social Science History* II (1987). Another important work is James Hunt, "Private Law and Public Policy: Negligence Law and Political Change in Nineteenth Century North Carolina," *North Carolina Law Review* 66 (1988): 421.

2. William G. Ross's excellent book, *A Muted Fury: Populists, Progressives, and Labor Unions Confront the Courts, 1890-1937* (Princeton: Princeton University Press, 1994) is the only book-length treatment of the issue.

3. Melvin I. Urofsky, "State Courts and Protective Legislation during the Progressive Era: A Reevaluation," *Journal of American History* 72 (June 1985): 63-92.

4. The most comprehensive study of Progressive Era Ohio is Hoyt Landon Warner, *Progressivism in Ohio, 1897-1917* (Columbus: Ohio State University Press, 1964).

5. The hostility to progressive and labor laws is detailed below. Negative national reaction to Ohio's court came primarily from *Collier's*. See "Technicalities," *Collier's*, 30 July 1910, 7; and "Waking Up" and "At Least Peculiar," *Collier's*, 22 Oct. 1910, 10. In 1916, the *Ohio Law Reporter*, which had supported incumbent Republican Judges Summers and Crew in 1910 referred to Democratic Supreme Court Judge James G. Johnson, elected in 1910, as "ideal." *Ohio Law Reporter* 14, no. 30 (23 Oct. 1916). The *Ohio State Journal*, a Republican paper with increasingly progressive sympathies, had reluctantly supported Summers and Crew in 1910 as part of the Republican ticket. They switched allegiance, however, in 1916, and backed Johnson and fellow Democrat Maurice Donahue, who had run successfully in 1910. See editorials in the *Ohio State Journal*, 25 Oct. 1910 and 15 Oct. 1916. In 1916, voters returned Johnson and Donahue to the bench with greater pluralities than in 1910. See *Statistical Report of the Secretary of State of Ohio* for 1910, 316-17, and for 1916, 257-58.

6. The following discussion of Standard Oil in Ohio's courts is taken primarily from Bruce Bringhurst's analysis in *Antitrust and the Oil Monopoly: The Standard Oil Cases, 1890-1911* (Westport, CT.: Greenwood Press, 1979), 10-39; also see Phillip D. Jordan, *Ohio Comes of Age*, vol. 5 of Wittke, Carl, ed., *The History of the State of Ohio*, (Columbus: Ohio Archaeological and Historical Society, 1943), 316-19; Warner, *Progressivism in Ohio*, 6-7.

7. *Ohio v. Standard Oil of Ohio*, 49 Ohio 137 (1892).

8. Bringhurst, *Antitrust and the Oil Monopoly*, 33-34.

9. The innocuous recitation of the decision may be found in ibid., 231 n. 99.

10. Bringhurst, *Antitrust and the Oil Monopoly*, 37-38. Standard was finally broken up by the U.S. Supreme Court in *Standard Oil Co. v. U.S.*, 221 U.S. 1 (1911).

11. William Howard Taft, "Reform in Law's Administration," *Ohio Law Bulletin* 54 (1910): 403.

12. Editorial, *Ohio State Journal*, 31 March 1910; Charles B. Brewer, "Some Follies in

Our Criminal Procedure," *McClure's Magazine* 34 (April 1910), 677-86.

13. *Goodlove v. The State of Ohio*, 82 Ohio 365; 92 N.E. 491 (1910).

14. *Ohio State Journal*, 1 July 1910.

15. Editorial, ibid., 2 July 1910.

16. Editorial, *Cleveland Plain Dealer*, 3 July 1910, editorial section.

17. *Walter F. Brown v. State of Ohio*, 20 Ohio Dec. 348 (1910). Also note the rather wry story in the *Cleveland Plain Dealer*, 15 July 1910. The national press picked up the story as well, especially *Collier's* (see note 5 above, referencing stories on both the *Goodlove* case and the Brown case).

18. Letter to the editor, *Ohio State Journal*, 26 July 1910. On the effect of the street railway strike on the election of 1910, see Warner, *Progressivism in Ohio* 305-6, 310 n. 23.

19. Editorial, *Ohio State Journal*, 18 Aug. 1910.

20. *Cleveland Plain Dealer*, 26 Aug. 1910.

21. On the National Bar Association and National Civic Federation, see the editorial, *Ohio State Journal*, 6 June 1910; on the Chamber of Commerce, see *Ohio State Journal*, 22 Oct. 1910. The Ohio State Bar Association's reform program is discussed in the *Ohio State Journal*, 7 July 1910.

22. Letter to the editor, *Cleveland Plain Dealer*, 10 June 1910.

23. See Frank Parker Stockbridge, "The Biggest Boss of Them All" *Hampton's Magazine* 26 (May 1911), 616-29, for a brief but scathing indictment of Cox's activities.

24. On Cox's role at the convention, see Warner, *Progressivism in Ohio*, 256-58.

25. Stockbridge, "The Biggest Boss of Them All," 626; and Warner, *Progressivism in Ohio*, 180-83.

26. *State ex. rel. The Robertson Realty Company v. Guilbert, Auditor of the State*, 75 Ohio 1; 78 N.E. 931 (1906).

27. On the defeat of the non-partisan judiciary bill, see Warner, *Progressivism in Ohio*, 236, and *Toledo News-Bee* coverage on 19 Apr. 1910. One of the numerous editorials in support of Judge Thurston is on page one of the *News-Bee* of 10 Aug. 1910.

28. *Toledo News-Bee*, 28 Sept. 1910.

29. *State v. Ferris*, 53 Ohio 314 (1895) [inheritance tax]; *Palmer v. Tingle*, 55 Ohio 423 (1896) [lien law]; *Cleveland v. Clement Bros. Construction*, 67 Ohio 197 (1902) [eight-hour law]. One outraged delegate to the 1912 constitutional convention brought a list of 33 cases he claimed overturned lower court verdicts to the benefit of corporations, primarily railroads, and the detriment of individuals. See *Proceedings and Debates of the Constitutional Convention of the State of Ohio,* (Columbus, OH: F. J. Heer Printing Co., 1913) 1092-93.

30. *Bell v. City of Cincinnati*, 80 Ohio 1; 88 N.E. 128 (1909). Coverage of the legislative and gubernatorial action is in the *Cincinnati Commercial Tribune*, 1 May 1910.

31. On the legislative agenda, see *Proceedings of the Twenty-Seventh Annual Conven-*

tion of the Ohio State Federation of Labor, 1910, resolutions no. 7, p. 27-28 and no. 37, p. 45-47. The clearest statement of the OFL's concerns regarding the courts may be found in *Proceedings of the Twenty-Fifth Annual Convention*, 1908, 34. For the history of the legislation leading up to the Ohio workmen's compensation statute, see Herbert Mengert, "The Ohio Workmen's Compensation Law," *Ohio Archaeological and Historical Quarterly* 30 (May 1921): 1-48, esp. 7-11.

32. *Annual Report of the Secretary of State of Ohio*, 1910.

33. *Toledo News Bee*, 18 Oct. 1910.

34. *Ohio State Journal*, 25 July 1910.

35. Ibid., 24 July 1910.

36. Ibid., 28 July 1910. The final tally was Hurin 505, Summers 749, and Crew 849.

37. Warner, *Progressivism in Ohio*, 254-56.

38. The Second Judicial Circuit included Champaign, Clark, Darke, Fayette, Franklin, Greene, Madison, Miami, Montgomery, Preble, and Shelby counties.

39. *Ohio State Journal*, 25 Oct. 1910.

40. Both stories are in ibid., 30 Oct. 1910.

41. Ibid., 2 July 1910.

42. *Cleveland Plain Dealer*, 19 Oct. 1910.

43. *Toledo News-Bee*, 28 Oct. 1910.

44. Ibid., 21 Oct. 1910.

45. Ibid.

46. Ibid.

47. Ibid., 17 Oct. 1910.

48. Ibid., 29 Oct. 1910.

49. Ibid.

50. Letter, George Grover to James G. Johnson, 10 Nov. 1910, Box 1, Folder 4, James G. Johnson Papers (MSS 150), Ohio State Historical Society, Columbus, OH.

51. Ibid.

52. Italics added, *Ohio State Journal*, 13 Sept. 1910.

American Progressives, like their counterparts in the Green Sections of Not-America, sought government solutions to social problems. Germany, which is somewhere over here, pioneered â€œsocial legislationâ€ with its minimum wage, unemployment insurance and old age pension laws, but the idea that government action could address the problems and insecurities that characterized the modern industrial world, also became prominent in the United States.Â Progressives limited immigrantsâ€™ participation in the political process through literacy tests and laws requiring people to register to vote. Voter registration was supposedly intended to limit fraud and the power of political machines. Stop me if any of this sounds familiar, but it actually just suppressed voting generally. jurisprudence regarding minority rights. In particular, it seems inappropriate. to judge the efficacy of judicial review by the one Supreme Court opinion. of the twentieth century to attract massive resistance from an entire region. of the United States.Â Part III addresses the Court's Progressive Era decisions protecting African-American civil rights. This period poses a challenge to Klarman's theory that Supreme Court decisions usually reflect the political and social climate of the times.Â potential black voters violated the Fifteenth Amendment; and Buchanan v. Warley4 held that a residential segregation ordinance unconstitutionally. deprived both whites and African Americans of property rights without due. process of law. Klarman claims that the peonage and grandfather clause cases were. Social Science. The Election of 1912. advertisement. APUSH Lecture 6B Ms. Kray Some slides taken from Susan Pojer ïƒ° ILGWU membership surged. ïƒ° NYC created a Bureau of Fire Prevention. ïƒ° New strict building codes were passed. ïƒ° Tougher fire inspection of sweatshops. ïƒ° Growing momentum of support for womenâ€™s suffrage. ïƒ° Not a coherent movement ï‚§ Mass response to various problems created by IR ï‚§ Issue driven: immigrants, womenâ€™s rights, prohibition, political machines ï‚§.Â power out of hands of political machines ïƒ° Australian â€œsecretâ€ ballot â€“ 1888: MA was first state; 1910: in all states ïƒ° Direct primaries â€“ 1903: introduced by Gov.Â The Origins of Progressivism. 177 Progressive Era. Download. advertisement.